

The 1L Performance: What law students can learn from musicians.

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What is the difference between a recital and an oral argument? In my experience, the answer is very little. During my career as a concert pianist, I was always nervous before going on stage in every piano recital. I focused enough in that moment to remain calm at the start of the recital and begin my piece. However, about thirty seconds into each performance, I experienced what I refer to as the “adrenaline dump.” Suddenly, my calm mindset was gone and replaced with a noticeable physical response to being nervous. My sweaty, nervous hands felt large and clumsy. My heart raced, and I felt cold and shaky under the hot stage lights. The worst part inevitably came when the nerves distracted me from the music to the point that I forgot what came next in the piece. Eventually, though, I would find a way to carry on, shaken to my core every time.

My first year of law school caused similar reactions at times. Cold calls gave me sweaty palms, a rapid heart rate, and that familiar urge to run away. During my time as a music student, it was easy for me to excel in the classroom and during my piano lessons. Even though recitals were often a challenge, I had plenty of performance experience and learned how to handle the anxiety. I have played the piano since the age of seven and had years of performance experience to rely upon before beginning my undergraduate studies. My degree consisted of performance as well as lecture-based classes. The coursework required a creative approach, both on stage and off. Research papers were open to interpretation, often in the same way a piece of music is. Music theory courses included a composition element where students were tasked with writing and performing their own pieces with the class, and music history courses sparked creative discussions about what story the composer wanted to tell through their music.

The transition between the two fields was not an easy one. For one, the curriculum came as a bit of a shock for me. Coming from a field that strongly encourages a creative approach to coursework, I was initially put off by the rigid legal rules required in many 1L courses. I had to learn to read a new legal language, and the amount of reading required for each class stunned me at first. Additionally, the writing style I was accustomed to as an undergraduate was not useful to me as a law student and learning to write a law school exam or paper was difficult. Additionally, the citation system was also completely different than any format I had used and required a new approach. What I found to be the most challenging, however, was the fact that I had never had to work so hard at school in my life. Academics had always come easily to me and had had never been difficult for me to regularly get high grades on assignments and exams. Law school required a different approach, with longer and more focused study time. I found that this increased my anxiety at times, and trial and error were required of me in order to start to feel comfortable in class and on assignments and exams.

However, as the 1L year went on, I noticed that despite these academic challenges and nervous feelings, I was always able to remain calm and provide an answer both in class and on exams and assignments. It was after the traditional 1L oral argument that I realized something: I know what happens to me when I get nervous in front of an audience, and I know how to remain calm. Despite the complex content I presented in my oral argument, I was not worried about losing my train of thought, being unable to answer a question from one of the judges, or even that perhaps I had not prepared well enough for the presentation. My experience as a musician taught me how to prepare for a recital and complete a performance even when faced with difficulties.

The purpose of this paper is to highlight the similarities between the experiences of music students who suffer from music performance anxiety, and law students who experience a similar kind of anxiety, particularly during 1L year. By doing so, we can provide law students with a toolkit derived from coping mechanisms for music performance anxiety to successfully navigate performance anxiety in law school. Applying music education techniques for dealing with performance anxiety in law school could provide students with the skills necessary to take a more active role in battling their anxieties, both in and out of the classroom. Fostering an environment in which students feel comfortable performing in front of others, would help students build their confidence, self-esteem, and harbor a sense of belonging in the law school community. This paper will address what music performance anxiety is, how negative mindsets are pervasive in both law school and music school that contribute to such anxiety, how students experience performance anxiety in the classroom and on the stage, coping strategies that musicians use to combat their music performance anxiety, and how these strategies may be applied in law school.

I. What is music performance anxiety?

Performance anxiety can present itself in a variety of ways. According to the DSM-V, “performance anxiety is a specific expression of social anxiety disorder (social phobia).... Performance anxiety is conceptualized as ‘a marked fear or anxiety about one or more social situations in which the individual is exposed to possible scrutiny by others.’”¹ Music performance is just one of the circumstances in which performance anxiety can arise. Music performance anxiety, also referred to as MPA, “is a serious condition [for many] which deeply affects their careers. As these performers prepare, they can become overwhelmed by feelings of

¹ Michele Biasutti & Eleanora Concina, *The Role of Coping Strategy and Experience in Predicting Music Performance Anxiety*, 18(2) *MUSICAE SCIENTIAE* 189, 190 (2014).

impending doom which, in turn, adversely affect their ability to take the stage. When they do perform, they might experience tension, apprehension, even panic.”² A performer might lose their ability to sing, produce a shaky sound on their wind or string instrument, or, in my case, forget what comes next in a memorized piece of music.

Because MPA is a social anxiety disorder, it appears when someone “is exposed to public performance situations, [where] musicians fear negative appraisal, and they often overestimate the negative consequences of social situations.”³ Further, MPA “is the experience of persisting, distressful apprehension about and/or actual impairment of performance skills in a public context, to a degree unwarranted given the individual’s musical aptitude, training, and level of preparation.”⁴ Many musicians suffer from performance anxiety despite years of successful recital experience to draw from. A performer may expect the worst (whatever that may be for them) each time they have to perform, and yet, the “worst” never occurs. The expectation may prevent them from being comfortable during the performance and enjoying the experience. However, “similar to social phobia, sufferers of MPA have high anxiety levels and high degrees of impairment. However, uncharacteristic of social phobia sufferers, individuals with MPA tend to have high personal expectations which remain committed to their performance despite their fears.”⁵ This commitment to their craft is admirable, and a similar level of dedication is clear among law students.

MPA may impact a musician’s quality of life as well as their career and specific performances.⁶ Musicians that suffer from MPA may also display symptoms of depression or

² Crystal Sieger, *Music Performance Anxiety in Instrumental Music Students: A Multiple Case Study of Teacher Perspectives*, 42 CONTRIBUTIONS TO MUSIC EDUC. 35, 36 (2017).

³ Biasutti & Concina, *supra* note 1.

⁴ Seiger, *supra* note 2.

⁵ *Id.*

⁶ Ana Beatriz Burin, Flavia L. Osorio, *Music Performance Anxiety: A Critical Review of Etiological Aspects, Perceived Causes, Coping Strategies, and Treatment*, 44(5) *Arcj. Clinical Psychiatry*. 127, 128 (2017).

anxiety, which can negatively impact their quality of life and sway their professional development.⁷ MPA “can be triggered by conscious and rational preoccupations as well as by unconscious stimuli of previous anxiety experiences producing uncomfortable somatic sensations. These stimuli can be called ‘triggers’ and may include previous aversive experiences, which in turn can underlie the development of negative cognitions and dysfunctional thinking.”⁸ Prior negative performances may influence future experiences and allow MPA to take over a student’s experience in music school. MPA goes beyond the mere feeling of “stage fright.” MPA refers to feelings of nervousness and anxiety experienced by musicians in a variety of contexts, not only on the stage.⁹ A musician may experience these feelings for days leading up to a performance, if not longer.¹⁰

II. Negative mindsets are pervasive in both law school and music school and may hinder a student’s performance.

Students struggle with negative thoughts in many different programs, but particularly at the graduate level. Law students and music students experience many of the same emotions and struggles in terms of how they view their performance in their respective programs. Law students may practice what is known as defensive pessimism. This is “a strategy in which anxious individuals set ‘unrealistically low expectations’ (relative to their past performance) and reflect extensively on potential pitfalls to prepare for upcoming events.”¹¹ This approach conditions the student to expect poor results despite a positive track record. This way, a positive result is a pleasant surprise rather than an expectation, and the student feels somewhat protected from or

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Casey LaDuke & Emily Zimmerman, *Every Silver Lining Has a Cloud: Defensive Pessimism in Legal Education*, 66 CATH. L. REV. 823, 824 (2017).

prepared for disappointment should it occur. Law students may see an “intuitive appeal to the idea of a positive connection between defensive pessimism and academic performance...[it] involves anticipating problems that could arise with an upcoming performance (and taking steps to avoid those problems from happening).”¹² Students may adopt this mindset during the examination period. They may tell themselves (or others) that they are going to fail an exam, or that they have no idea what they are doing in a class, or that they are surprised when they get a good grade despite the hours of studying they dedicated to the material. Admittedly, I am guilty of subscribing to this approach, which does not put me at ease during exams or in the classroom. Despite my history of passing every law school exam I have taken I often feel pleasantly surprised when I receive a positive result or grade at the end of the semester. I employed this approach at times as a music student as well, which only made me more nervous for performances.

Law students may also exhibit a negative mindset via a fixed mindset, which may be an obstacle to achieving a positive law school experience. As defined by Carol Dweck, resiliency may be key to a successful and positive law school experience.¹³ She defines resilience as “[g]ood outcomes in spite of serious threats to adaptation or development.”¹⁴ Dweck goes on to explain that:

[A]ny behavioral, attributional, or emotional response to an academic or social challenge that is positive and beneficial for development (such as seeking new strategies, putting forth greater effort, or solving conflicts peacefully) [is considered resilient]... Any response to a challenge that is negative or not beneficial for development (such as helplessness, giving up, cheating, or aggressive retaliation) [is considered] not resilient.¹⁵

¹² *Id.* at 825.

¹³ Sarah David, Lane Hanson & Sue Shapcott, *Contributed Article: The Jury is In: Law Schools Foster Students' Fixed Mindsets*, 42 *LAW & PSYCH. REV.* 1, 2 (2018).

¹⁴ *Id.* at 2.

¹⁵ *Id.* at 2.

Students with fixed mindsets “are motivated by a need to demonstrate their intelligence. This manifests in avoiding challenges and displaying defensive behavior.”¹⁶ Students may view their intelligence as unchangeable in law school and may avoid tasks that they do not consider easy and may reject feedback from others.¹⁷ They may also “attribute failures to the stupidity of others and will even stoop to cheating to protect their image of intelligence. Collectively, students with a fixed mindset demonstrate an array of helpless behavior when the going gets tough and become difficult students to teach.”¹⁸ These law students may avoid asking professors for help, interpret feedback as a criticism of their intelligence, feel threatened by the success of others, and feel less motivated to work to improve their performance.¹⁹ The difficulty of the course material in law school may also come as a shock to students with a fixed mindset who have never struggled academically before, as they may have had “little reason to question their intelligence [before starting law school.]”²⁰

Further, students participating in a fixed-mindset study were encouraged to apply by providing information about their intelligence and abilities (e.g. SAT score, IQ, or grades).²¹ The study found that “if such findings transfer to law school, then a fixed-minded law school culture will not only encourage students to adapt their behavior in ways congruent with the environment, but it will affect their subsequent value-judgment of other people. Therefore, the fixed-mindset culture is likely to be perpetuated.”²² Such an approach to law school may even continue into the workplace, where a fixed-mindset culture may be referred to as a “culture of

¹⁶ *Id.* at 8-9.

¹⁷ *Id.* at 8-9

¹⁸ *Id.* at 9.

¹⁹ *Id.* at 11.

²⁰ *Id.*

²¹ *Id.* at 13

²² *Id.*

genius,” thus encouraging applicants to carry on with a fixed-mindset approach to employment.²³ Adopting or continuing to have a fixed mindset during law school may negatively impact the student and inhibit their performance.

Law students’ negative mindsets may be further exacerbated by chronic, elevated anxiety.²⁴ Research shows that “law students are not inherently more anxious people than members of the general public. Rather, the research squarely points to law school as the cause of law student anxiety.”²⁵ As noted by Abigail Patthoff in her article regarding the impact of fear-based narratives on law students, “professors...are witness to [the] ‘undoing of our students’ collective energy, enthusiasm, and engagement after only a few months in law school.’ And this anxiety, rather than diminishing as students adjust to their new educational and professional environment, has been demonstrated to actually increase in each year of law school...[and] have been found to extend into the first years of practice.”²⁶ Law students may also experience depression at a significantly higher rate than not only the general population, but other graduate students in general.²⁷ Such research suggests that it is law school in general that can cause an increase in anxiety and depression, and thus, contribute to a student’s negative mindset and hamper their performance.

Music students may struggle with negative mindsets as well. Like law students, “anxiety and depression are very salient to the lives of music majors.”²⁸ Some music majors, like music education majors, incur responsibilities specific to practicum experiences in schools, like student

²³ *Id.*

²⁴ Abigail Patthoff, *This is Your Brain on Law School: The Impact of Fear-Based Narratives on Law Students*, 2015 Utah L. Rev. 391, 412 (2015).

²⁵ *Id.* at 412.

²⁶ *Id.* at 412.

²⁷ *Id.* at 412.

²⁸ Wesley Lewis, Frank McCaskill, Philip D. Payne, *Looking Within: An Investigation of Music Education Majors and Mental Health*, Vol. 29(3) Journal of Music Teacher Education, 51, 52 (2020).

teaching or teaching music lessons privately.²⁹ Such demanding experiences “may result in feelings of isolation, a lack of time for music practice, and an overall sense of being overwhelmed by competing demands.”³⁰ Personally, I often felt overwhelmed by these competing demands. As a piano performance major at a state university, I had weekly private piano lessons, vocal minor lessons, ensembles to rehearse with, collaborative work with other students for their own solo recitals, private piano students of my own, as well as major-specific and general education courses. There were times that I felt that I had no time to practice my instrument and would dread lessons with my professor on these weeks because I felt unprepared. This workload increased my anxiety at times, and sometimes produced a result in performances that I was not pleased with, which fed back into the negative mindset.

Music students may also go through their schooling with a fixed mindset, much like law students. Specific to classical music training, “the evaluations and expectations of being a classical musician can reinforce a fixed mindset. Learning music quickly and performing it without mistakes is every classical musician’s end goal—whether a musician has a fixed or growth mindset.”³¹ Musicians may feel an intense pressure to produce a “good” performance each and every time they take the stage. This pressure starts early for many classical musicians, with phrases like “practice does not make perfect. *Perfect* practice makes perfect,”³² preached to them from a young age. Such rhetoric may discourage the student from making mistakes, even when they are practicing.³³

III. Performance anxiety as experienced by law and music students.

²⁹ *Id.* at 52.

³⁰ *Id.* at 52.

³¹ Kristen J. Gray, *An Application of Fixed vs. Growth Mindset to Music Education* (2021) (Ph.D. dissertation, The University of North Carolina at Greensboro) (ProQuest).

³² *Id.* at 6-7.

³³ *Id.* at 7.

Law students may experience performance anxiety primarily from a place of fear. Researchers note that “fear commands attention. It rises from the primitive parts of our brains to shout ‘run for your life!’ even when the threat takes the shape of a professor asking a pointed question about the rule of perpetuities rather than the shape of a hungry bear.”³⁴ Students may experience this feeling when a professor uses a “fear appeal,” which is a “message designed to frighten the listener into adopting a particular behavior.”³⁵ The professor may demand that students take their class more seriously, continue questioning a student who does not know the answer in order to encourage them to read the material more carefully. Cold calling students may be enough for some to experience fear in the classroom.

A professor may also use a cautionary tale to produce a certain result from their students, causing an increased level of performance anxiety. Cautionary tales help professors get students to understand the material being taught, teach professionalism and ethics, enhance the professor’s credibility, and encourage the students to engage in the classroom beyond the use of the Socratic method.³⁶ While this approach may be persuasive, it may also produce an unwanted or unhelpful response from students. Social scientists note that while “the relationship between fear and persuasion [is] recognized...there is a point at which scare tactics actually have the perverse effect of discouraging listeners to adopt recommended behaviors.”³⁷ These cautionary tales often include an attorney at the center of the story, which is the person the law student is meant to identify with.³⁸ Because the student can see themselves in the cautionary tale, fear is instilled, and they may be less likely to participate and more likely to doubt their abilities.

³⁴ Pathoff at 392.

³⁵ *Id.* at 393.

³⁶ *Id.* at 399-401.

³⁷ *Id.* at 393

³⁸ *Id.* at 402.

When a cautionary tale or other fear appeal results in a fear response, a student will engage in fear control.³⁹ Common methods of coping with the anxiety brought on from these tactics include “denial, message avoidance, and reactance.”⁴⁰ Fear appeals can produce low test performance as well as a higher level of anxiety among law students. A study conducted among elementary school students illustrated that students exposed to a high-level fear appeals in the week leading up to a math test scored significantly lower than a group of students exposed to a low level of fear appeals.⁴¹ Law students that suffer from performance anxiety on exams may also relate “significantly to bar exam failure in both first- and second-time takers.”⁴² Performance anxiety on may also inhibit the student’s ability to absorb the material before an exam.⁴³ I have personally experienced such a result in law school when I received a low grade on an exam that I was particularly anxious about. I noticed the signs of performance anxiety during the exam, which made it much harder to focus and produce the result I wanted.

Music students may be similarly inhibited by performance anxiety. As previously stated, MPA is not merely reserved for the stage, but may begin long before performance begins. Symptoms of MPA may present as cognitive, psychological, or physiological arousal.⁴⁴ Musicians may experience a variety of physical reactions including increased heart rate, palpitations, shortness of breath, sweating, and more.⁴⁵ Cognitive and emotional symptoms may be present as well and may include difficulty concentrating on the performance the student is giving, problems with memory, poor interpretation of the music, among other things.⁴⁶

³⁹ *Id.* at 409.

⁴⁰ *Id.*

⁴¹ *Id.* at 415.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Biasutti & Concina, *supra* note 1.

⁴⁵ Burin & Osorio *supra* note 6.

⁴⁶ *Id.* at 129.

Emotionally, one may experience feelings of panic or dread, and be more likely to repeat this cycle in future performances.

To illustrate such an experience further, I conducted an interview with professional cellist and fellow Pitt Law 2L, Robert Kaufman. Mr. Kaufman has degrees in cello performance from Duquesne University, Peabody Institute of The Johns Hopkins University, and Carnegie Mellon University. Most of his performance experience has centered around orchestral and chamber ensembles, but he has also performed in numerous solo recitals, masterclasses, and auditions over the years. In addition to being a law student, Mr. Kaufman has continued to teach private students and perform with the Pittsburgh Ballet, Wheeling Symphony Orchestra, Annapolis Symphony Orchestra, Youngstown Symphony Orchestra, and the Red Line String Quartet.

Mr. Kaufman described having experienced MPA primarily as a young performer in high school and during the beginning of his undergraduate degree. For him, the physical manifestations of MPA included shaky hands during performances. Primarily, though, MPA presented itself mainly in the form of wondering what the audience would think of his performance. Often, music professors and other professional musicians were in the audience and he wanted to perform well to make a good impression. At times, this was distracting, and he had to learn to cope with MPA to continue on during a performance.

I also conducted an interview regarding MPA with my piano professor from West Chester University of Pennsylvania, Dr. Igor Resnianski. Dr. Resnianski holds degrees in music from Novosibirsk Music College, Texas Christian University, and Temple University. He has navigated MPA throughout his career as a performer. Like many people, MPA was most prevalent when he was young. He described the symptoms of MPA at their worst after he returned from two years of mandatory service in the Russian army. Dr. Resnianski had no access

to a piano while he was in the army and had to reacquaint himself both with the instrument and with performing. He described losing his comfort on the stage while he was gone.

Dr. Resnianski noted, as is common with those who deal with MPA, nervousness would often begin weeks before a performance. He described having shaky hands and legs while he performed that were distracting. Because he had to memorize his piano music, he relied entirely on what he refers to as “motor memory” in a performance, rather than “conscious memory.” Dr. Resnianski defines motor memory as memorizing a piece of music based on how it feels, without any additional safeguards. This way, when he would encounter memory issues during a performance, he might not remember what came next, or would have to struggle to recover.

Dr. Resnianski also noted that he does see some of his students (myself included) struggle with MPA or, at the very least, nervousness before and during a performance. However, in his opinion, a performance is a success when students who are nervous do not allow themselves to panic. For those who struggle a bit more with music performance anxiety, he adjusts his approach to help them get the most they can out of their performances and feel confident.

IV. Coping strategies for dealing with music performance anxiety may be applied to experiences in law school.

A musical background and experience coping with MPA may be an asset to law students, and coping strategies may be applied in order to create a more positive and productive law school experience where students thrive despite the pressure of performing for others. In terms of navigating MPA, positive coping strategies “involve changes in cognitive and behavior efforts so that the affected individual can control internal/external demands.”⁴⁷

⁴⁷ Burin & Osorio *supra* note 6.

Mr. Kaufman described the similarities between law school and music school that he has noticed, including that both are programs that require constant work and practice, whether that is on your instrument or with your notes and casebooks. Music school demanded that he take a long-term approach to learning each piece to prepare for semester performance exams, also known as juries. Juries are similar to law school finals in that the student applies everything they have learned throughout the semester to one graded performance. Mr. Kaufman noticed this similarity, and studies throughout the semester as if he is preparing for a jury performance. He noted that the analytical nature of classical music helps him learn law school material. While learning a piece of music, he studies the score in detail first before adding in any creative aspects to his performance. He does the same in law school by taking this detail, analytical approach first, and later can view a case or class discussion more creatively.

For a student with MPA like myself, Dr. Resnianski applies a series of detailed and specific tools for navigating the various roadblocks it presents. Overcoming MPA during a performance begins, according to Dr. Resnianski, with being extremely well-prepared starting from the beginning of learning a piece. To best learn a piece of music in order to avoid the pitfalls of MPA, he instructs the student to split the piece into “small motivic groups.” These consist of no more than four measures labeled by Roman numeral. Within the small motivic groups, Dr. Resnianski and the student do a thorough analysis, both visually and musically to create a “visual frame.” This visual frame provides the student with a series of cue points to physically look to throughout the performance. Should they encounter a memory issue, they can either refer back to the previous motivic group labeled by a Roman numeral, or forward to the next and carry on. This method eventually became second nature to me, and I would create my visual framework on my sheet music before I even began to practice.

In order to solidify the visual cue points in my brain, Dr. Resnianski encouraged me to practice each small motivic group on its own before connecting it with the next one. This often meant I would practice one small section for hours before moving on. This was sometimes a tedious process, but it allowed me to know the piece very well and build my confidence because I felt secure in what I had learned. This method of creating a series of visual cue points can be applied in law school. In an oral argument, for example, the presentation can be planned by annotating a series of speaking notes. This way should the student lose their place in the oral argument, they can refer to the visual cues and continue the argument. These visual cues may be placed on a note sheet, slides, or other medium easily accessible to the student. Dr. Resnianski emphasizes the importance of remembering the major theme of a piece or presentation, as well. In a performance, this overarching theme is found within the musical line, and students can rely on it in order to find their way back when an issue arises during a performance. In a law school presentation, the student could rely on a few short words about the point or theme of the presentation to the visual framework and refer to it if they begin to experience performance anxiety issues. This would allow the student to collect themselves and continue on in the presentation.

Dr. Resnianski also stresses the importance of staying focused before and during performances in order to combat music performance anxiety. This involves minimizing distractions before the recital by staying away from the performance hall until it is time to perform, taking time to center your thoughts with deep breathing, meditation, or positive affirmations, and practicing the piece lightly in order to keep it fresh in your mind. During the performance itself, the student should do their best not to think about anything other than the music they are playing. This is sometimes difficult, and takes practice, but with time, the student

can learn to ignore internal and external distractions. This approach is applicable to law students as well. Before an exam, for example, law students may find being around other students to be stressful and could benefit from staying out of the law building or testing area until the exam time to reduce distractions that can come from their classmates. Law students may also choose to center their thoughts by speaking positively to themselves, meditation, or other methods to calm the nerves. This approach can be taken into practice as well, to approach lawyering from a mindful standpoint.

Another method employed in music school to help students cope with MPA is providing them with many opportunities to perform in front of an audience. This includes during lessons, weekly studio hours (where students perform for their peers in front of their professor), masterclasses, and recitals. Because these happen so frequently, music students become used to the feelings MPA creates. However, in law school, there are few opportunities to practice being nervous in front of an audience. Dr. Resnianski suggests that law school professors provide students with a similar sort of studio hour opportunity where they can practice cold calls, oral arguments, and presenting in front of others. This could include setting aside time to work with students in small groups to give them opportunities to speak in front of other that they would not normally have in a large lecture-based class. Time and resources are limited, though, so law students could also practice cold calls and presentations for each other and provide feedback to one another.

V. Conclusion

The experiences of law students and music students are quite similar in many ways. The two fields require the student to produce high quality work under extremely stressful circumstances, which is made harder for those who suffer from anxiety related to their performance. However,

coping strategies for handling music performance anxiety are applicable in law school and may provide law students with tools they can use to both improve their performance in class and during presentations as well as build their confidence. Creating a visual framework that the student can rely on during stressful moments in the classroom, working to eliminate internal and external distractions, and practicing performing for others may build the law student's confidence and help them achieve a positive law school experience.