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TIGER CUB STRIKES BACK: MEMOIRS OF AN EX-CHILD PRODIGY ABOUT LEGAL EDUCATION AND PARENTING¹

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ABSTRACT

I am a Chinese American who at 14 enrolled at Princeton and at 17 began my applied mathematics Ph.D. at Harvard. I was a first-year law student at the University of Chicago before transferring to Stanford, preferring the latter's pedagogical culture. This Article offers a complementary account to Amy Chua's parenting memoir. The Article discusses how mainstream legal education and tiger parenting are similar and how they can be improved by fostering life-long learning about character strengths, emotions, and ethics. I also recount how a senior professor at the University of Pennsylvania law school claimed to have gamed the U.S. News & World Report law school rankings.

“And honestly it can't be fun to always be the chosen one.”³

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¹ Thanks to Elissa S. Guralnick, Nancy Levit, Scott Moss, Leonard L. Riskin, and K, my eldest niece, for helpful comments, discussions, questions, and suggestions. Thanks also to Amy Chua for introducing the phrase tiger mom into popular usage and Paul Ohm for suggesting this Article's main title. Finally, gratitude to my tiger mom for pushing me to excel and my grandma for teaching me much about at what, how to, to where, and why to excel.

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³ MADONNA, *Masterpiece*, on MDNA (Interscope Records 2012).

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I. INTRODUCTION

This is not your typical law review article. It is also not like any of the articles that I have published in law reviews and peer-referred economics or law journals.⁴ This Article is atypical in style and subject matter. The style is that of a memoir involving personal stories. The subject matter is that of a cautionary tale about (legal) education and (tiger) parenting.

This Article is also partially a response⁵—through the vehicle of reflections—to Amy Chua’s celebrated and controversial book about how she raised two daughters to excel scholastically and musically.⁶ Professor Chua was a featured luncheon plenary speaker⁷ of the 2011 the National Asian Pacific American Bar Association (NAPABA) convention.⁸

⁴ Peter H. Huang, *Tenure and Tenure Track-Faculty*, UNIVERSITY OF COLORADO, <http://lawweb.colorado.edu/profiles/profile.jsp?id=456> (last visited July 18, 2012). (providing a list of publications and hyperlinks to downloading most of them).

⁵ See also Peter H. Huang, *From Tiger Mom to Panda Parent*, 17 ASIAN PAC. AM. L.J. (forthcoming 2012) (providing another brief response to Amy Chua’s book).

⁶ AMY CHUA, *BATTLE HYMN OF THE TIGER MOTHER* (2011); AMY CHAU WEBSITE <http://amychua.com/> (describing and explaining her book). See also Amy Chua, *Why Chinese Mothers Are Superior?*, WALL ST. J., Jan. 8, 2011 (including provocative excerpts from her book), available at <http://online.wsj.com/article/SB10001424052748704111504576059713528698754.html>.

⁷ *Annual Convention*, NAPABA, <http://convention.napaba.org/> (last visited July 18, 2012).

⁸ NAPABA is the national association of Asian Pacific American (APA) attorneys, judges, law professors, and law students.

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The 2011 NAPABA convention also included a panel titled *Realities of Life in the Jungle for the Tiger Club*.⁹ The program described those realities as surprisingly grim.¹⁰

Thanks to Tiger Mothers who teach us to work hard and be smart and disciplined, APA associates are over 50% of the minority associates roaming the halls of Wall Street's most prestigious law firms. But when it comes to making partner, why is the APA lawyer consistently voted "Least Likely to Succeed?" In a world of good old boys and sharp-elbow corporate politics, is there anything inherent in the traditional focus of Asian families, including playing by the rules and over-rigorously "checking the boxes" (best grades, music, sports), that's inconsistent with the secret recipe for sustained success in your career? This session will explore the myths and realities of the smart, hard-working, respectful, humble, unassertive, shy, and reserved APA lawyer.

I have first-hand experience with these myths and realities.

The most recent empirical analyses of the National Association for Law Placement, Inc. (NALP)[®] Directory of Legal Employers,¹¹ the annual compendium of legal employer data, finds that Asians make up almost half of all minority associates nationally and in the largest law firms (where the term minority includes lawyers identified as African American, Asian, Hispanic, Native American, Native Hawaiian/Pacific Islander, and multi-racial).¹² From a total of 56,599 law firm partners in 2011, 6.56% were minorities, 2.04% were minority women, 2.36% were Asian, with 0.82% Asian women, 1.71% African American, with 0.58% African-American women, and 1.92% Hispanic, with 0.48% Hispanic women. The very few Native American, Native Hawaiian, and multi-racial partners were not reported separately.¹³ Although there are slightly more law firm partners who are Asian than either African American or Hispanic, Asian partners are most prevalent at smaller and the largest firms, while African American and Hispanic law firm partners increase with law firm size.¹⁴

A member of the board of directors for the national grassroots organization Building A Better Legal Profession,¹⁵ and Stanford University law professor Michele Dauber pointed out that the gap between Asian associates and Asian partners is "the largest gap of any minority group.... An example is Clifford

⁹ *Convention Schedule*, NAPABA, <http://convention.napaba.org/full-schedule/> (last visited July 18, 2012).

¹⁰ *Convention Program*, NAPABA, p. 39, <http://napaba.org/uploads/napaba/11ConventionProgramBook.pdf> (last visited July 18, 2012) (CLE Breakout Sessions III, 301).

¹¹ NALP DIRECTORY OF LEGAL EMPLOYERS, www.nalpdirectory.com (last visited July 18, 2012) (providing individual firm listings upon which the above aggregate analyses are based).

¹² *Women and Minorities in Law Firms – By Race and Ethnicity*, NALP BULLETIN Jan. 2012, http://www.nalp.org/women_minorities_jan2012, tbl. 2.

¹³ *Id.*, tbl. 1.

¹⁴ *Id.*, tbl. 1, 3.

¹⁵ BETTER LEGAL PROFESSION, <http://betterlegalprofession.org/mission.php> (last visited July 18, 2012).

Chance in New York, with 26.8% Asian associates but only 2% Asian partners.”¹⁶

Columbia law professor Tim Wu observed that Caucasians “have this instinct that is really important: to give off the impression that they’re only going to do the really important work. You’re a quarterback. It’s a kind of arrogance that Asians are not trained to have.”¹⁷ He noted “this automatic assumption in any legal environment that Asians will have a particular talent for bitter labor. ... There was this weird self-selection where the Asians would migrate towards the most brutal part of the labor.”¹⁸

Outside the law firm context, demographic data reveal a similar dearth of Asians in leadership roles in corporate America¹⁹ and higher education.²⁰ Such a “bamboo ceiling” may result from overt racism or unconscious bias.²¹ A national, non-profit organization, Leadership Education for Asian Pacifics, Inc. (LEAP) formed in 1982 with the “mission of achieving full participation and equality for Asian and Pacific Islanders (APIs) through leadership, empowerment, and policy.”²² LEAP has offered over 2,500 classes, programs, and workshops to over 125,000 individuals from community organizations, Fortune 1000 companies, government agencies, and universities in the belief that APIs can maintain their unique cultural identities and values while learning to develop new, effective, and vital leadership skills.

Clearly there are costs as well as benefits to growing up as a tiger cub. This Article discusses some of these costs and benefits by reflecting upon the desirability and motivational consequences of having a tiger mom such as Professor Chua or my own immigrant mother, who is a New York University medical school biochemistry professor. This Article also points out many similarities between mainstream modern American legal education and tiger parenting, including their common hierarchical, top-down learning environments, which entail authority, compliance, extrinsic incentives, fear, memorization, obedience, paternalism, precedent, and respect for one’s elders. The educational methodologies and philosophies of tiger parenting and the prevailing orthodoxy of United

¹⁶ David Lat, *New Data on Law Firm Diversity*, ABOVE THE LAW, May 20, 2011, <http://abovethelaw.com/2011/05/new-data-on-law-firm-diversity/> (providing the quotation). See also Clifford Chance, BETTER LEGAL PROFESSION, <http://betterlegalprofession.org/CliffordChance> (last visited July 18, 2012) (providing the data).

¹⁷ Wesley Yang, *Paper Tigers: What Happens to All the Asian-American Overachievers when the Test-Taking Ends*, NEW YORK (May 8, 2011), <http://nymag.com/news/features/asian-americans-2011-5/>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Jonathan Zimmerman, *Asian-Americans, the New Jews on Campus*, CHRON. HIGHER EDUC. (Apr. 29, 2012), <http://chronicle.com/article/Asian-Americans-the-New-Jews/131729/> (commenting about Asian-Americans being only one percent of the presidents of American higher education institutions).

²¹ JANE HYUN, BREAKING THE BAMBOO CEILING (2006) (suggesting how traditional Asian values clash with Western corporate culture).

²² *Growing Leaders*, LEAP, http://www.leap.org/about_main.html (last visited July 18, 2012) (describing the history, mission, and philosophy of LEAP).

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States legal instruction, especially the substantive content of the standard first-year law school curriculum, explicitly and implicitly privilege a type of information processing that emphasizes analyzing over feeling.²³ The well-known Socratic method of legal instruction often places a premium on and leads to students answering a professor's questions aggressively, quickly, and superficially instead of mindfully, slowly, and thoughtfully.

To be clear and for the record, tiger parenting and the prevailing orthodoxy of legal education in the United States do train people to reason analytically, make legalistic arguments, and respect authority. In addition, tiger parenting and the prevalent style of American legal instruction at best neglect and at worst interfere with learning about emotional intelligence,²⁴ extra-legal forms of conflict resolution, and questioning of authority. Tiger parenting²⁵ and the predominant form of American non-clinical legal education²⁶ also share a risk of promoting extrinsic motivations to learn, such as class rank, course grades, future job prospects, social status, and starting salaries, while crowding out intrinsic motivations to learn, such as curiosity, identity, interest, joy, and seeking meaning.

This Article advocates that tiger parents and legal educators help individuals develop and nourish an intrinsic love of and passion for learning.²⁷ People should come to appreciate that learning is not only informative, but can also be transformative and empowering. In other words, parents and educators can and

²³ Cognitive psychology differentiates between two systems of information processing. System one is affective, associative, automatic, fast, habitual, heuristic-based, holistic, intuitive, and unconscious; while system two reasoning is analytical, cognitive, conscious, controlled, deliberative, effortful, logical, rule-based, and slow. *See generally* DANIEL KAHNEMAN, *THINKING, FAST AND SLOW* (2011) (detailing differences between these two systems of thinking).

²⁴ Colin James, *Seeing Things As We Are: Emotional Intelligence and Clinical Legal Education*, 6 INT'L J. CLINICAL LEGAL EDUC. 123 (2005) (explaining how clinical legal education can help improve emotional intelligence).

²⁵ Mark R. Lepper & David Greene, *Undermining Children's Intrinsic Interest with Extrinsic Reward: A Test of the "Overjustification" Hypothesis*, 28 J. PERSONALITY & SOC. PSYCHOL. 129 (1973) (providing a supporting field experiment). *See generally* THE HIDDEN COSTS OF REWARD: NEW PERSPECTIVES ON THE PSYCHOLOGY OF HUMAN MOTIVATION (Mark R. Lepper & David Greene eds., 1978) (describing how, when, and why extrinsic incentives can be strong enough to undermine intrinsic motivation). *See also* Edward L. Deci & Richard M. Ryan, *The "What" and "Why" of Goal Pursuits: Human Needs and the Self-Determination of Behavior*, 11 PSYCHOL. INQUIRY 227 (2000) (differentiating between autonomous and controlled forms of motivation).

²⁶ *See, e.g.*, Gerald F. Hess, *Heads and Hearts: The Teaching and Learning Environment in Law School*, 52 J. LEGAL EDUC. 75, 78 (2002) (explaining how class rank and grades as external rewards to success in law school and practice exacerbate fear, stress, and loss of self-esteem); Kennon M. Sheldon & Lawrence S. Krieger, *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory*, 33 PERSONALITY & SOC. PSYCHOL. BULL. 883, 884, 893 (2007) (finding displacement in law school of intrinsic motivation by extrinsic motivation correlates with less happiness and satisfaction and more depression and distress).

²⁷ Ben Dean, *Learning about Learning*, AUTHENTIC HAPPINESS, (2004), <http://www.authentichappiness.sas.upenn.edu/newsletter.aspx?id=71> (defining love of learning, explaining its benefits, and how to develop and nourish it).

should make learning not only less depressing and stressful,²⁸ but also more engaging and fun!²⁹

Race to Nowhere, a recent documentary, is part of a movement among some parents, educators, and policy makers to rethink how America's high-school educational system can and should help young kids be more engaged, happy, healthy, inspired, and resilient.³⁰ Madeline Levine, a psychologist featured in the film *Race to Nowhere*, documents that a lot of affluent parents are inadvertently raising their kids to become adolescents who feel anxious, angry, depressed, empty, and lost.³¹ Dominic Randolph, headmaster of Riverdale Country School, believes that education and parenting should strive to foster happy, meaningful, and productive lives.³² I vividly remember when I was in seventh grade at Horace Mann School,³³ that I had been very excited and happy to have received 3 A+ and 2 A grades on a trimester report card until my mom asked me why I had failed to receive 5 A+ grades. She reminded me how expensive Horace Mann was.³⁴ My flippant response was that grades and tuition were not correlated because other parents also paid the same tuition and some of their kids received a total of zero A+ grades. She was not amused.

Parents and (law) professors can and should reframe learning as an activity that can produce flow³⁵ and play.³⁶ In summing up how and why Supreme Court Justice Elena Kagan was able as the dean of Harvard Law School to change its culture from one of student alienation to "a happy and engaged community fo-

²⁸ Richard Sheehy & John J. Horan, *Effects of Stress Inoculation Training for 1st-Year Law Students*, 11 INT'L J. STRESS MGMT. 41 (2004) (developing and reporting on a study which taught 22 first-year law students a four session program about stress, coping skills, and their application in practice).

²⁹ See generally NANCY LEVIT & DOUGLAS O. LINDER, *THE HAPPY LAWYER: MAKING A GOOD LIFE IN THE LAW* (2010) (applying research about happiness to suggest how to improve legal education and practice). See also Peter H. Huang & Rick Swedloff, *Authentic Happiness and Meaning at Law Firms*, 58 SYRACUSE L. REV. 335 (2008) (applying positive psychology to suggest how law firms and law schools can improve lawyer and law student well-being); Todd David Peterson & Elizabeth Waters Peterson, *Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology*, 9 YALE J. HEALTH POL'Y L. & ETHICS 357, 395-418 (2009) (applying positive psychology to suggest how law schools can improve student well-being).

³⁰ *RACE TO NOWHERE* (2010), <http://www.racetonowhere.com/> (providing links to clips, trailers, advocacy tools, and updates).

³¹ MADELINE LEVINE, *THE PRICE OF PRIVILEGE: HOW PARENTAL PRESSURE AND MATERIAL ADVANTAGE ARE CREATING A GENERATION OF DISCONNECTED AND UNHAPPY KIDS* (2008).

³² Paul Tough, *The Character Test*, N.Y. TIMES, Sept. 18, 2011, §6 (Magazine), at MM38.

³³ HORACE MANN SCHOOL, <http://www.horacemann.org/> (last visited July 18, 2012).

³⁴ *Tuition, Costs and Financial Aid*, HORACE MANN SCHOOL <http://www.horacemann.org/page.cfm?p=261> (last visited July 18, 2012).

³⁵ See generally MIHALY CSIKSZENTMIHALYI, *FLOW: THE PSYCHOLOGY OF OPTIMAL EXPERIENCE* (1991) (describing how people can create meaning in their lives via full intention and focus and in so doing sustain an ongoing sense of fulfillment and state of satisfaction).

³⁶ STUART BROWN WITH CHRISTOPHER VAUGHAN, *PLAY: HOW IT SHAPES THE BRAIN, OPENS THE IMAGINATION, AND INVIGORATES THE SOUL* (2009) (explaining how play helps brain development and promotes empathy, fairness, and justice).

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cused on student learning,” a legal scholar described Harvard Law School as “a richer and happier community” that for “a legal academic, now feels like an academic version of Disneyland, fun and playful with many different types of entertainment.”³⁷

When parents say that they want their kids to be happy, they also have quite specific ideas about what it means for their kids to be happy.³⁸ In the eyes of my tiger mom, her sons would be happy when they became doctors or scientists who earned graduate degrees from Harvard.

Parents are not agnostic over the sources of happiness for their kids. As Federal Reserve Vice Chair macroeconomist Janet Yellen pointed out in a conference: “we care about more than just whether people are happy; we’d like to understand why they are happy.”³⁹ At that same conference, a former Chair of the Council of Economic Advisors,⁴⁰ the author of a best-selling introduction to economics textbook,⁴¹ and macroeconomist Gregory Mankiw, recounted this anecdote:

Like many parents, I try to impress upon my children that there is a vast difference between happiness and satisfaction, that a good life is more important than a happy one. This conversation usually takes place when I am trying to explain to my young son that it is time to turn off his Game Boy, and that I am telling him to do this not as a punishment but for his own good. Somehow, he never seems convinced.⁴²

A normative analysis of parenting requires the adoption of benchmarks. Professor Martin Seligman, who founded positive psychology,⁴³ recently proposed that flourishing entails these five items: Positive emotion, Engagement, positive Relationships, Meaning, and Accomplishment (Seligman coined the

³⁷ Kevin K. Washburn, *Elena Kagan and the Miracle at Harvard*, 61 J. LEGAL EDUC. 67, 74-69, 75 (2011).

³⁸ See generally CHRISTINE CARTER, RAISING HAPPINESS: 10 SIMPLE STEPS FOR MORE JOYFUL KIDS AND HAPPIER PARENTS ix-x (2010). See also Christine Carter, *Raising Happiness: Science for Joyful Kids and Happier Parents*, GREATER GOOD: THE SCIENCE OF A MEANINGFUL LIFE, http://greatergood.berkeley.edu/raising_happiness/ (last visited July 18, 2012) (blog offering parenting advice based mostly upon positive psychology); THE RAISING HAPPINESS CLASS, <http://raisinghappiness.com/theClass.php/> (last visited July 18, 2012) (describing online parenting class focusing on bringing more joy into kids’ lives).

³⁹ Janet L. Yellen, *Implications of Behavioral Economics for Monetary Policy*, in POLICYMAKING INSIGHTS FROM BEHAVIORAL ECONOMICS 379, 389 (Christopher L. Foote et al., eds., 2009), available at <http://www.bos.frb.org/economic/conf/BehavioralPolicy2007/chapter7b.pdf>.

⁴⁰ Council of Economic Advisers, *Former Members of the Council*, THE WHITE HOUSE, <http://www.whitehouse.gov/administration/eop/cea/about/Former-Members> (last visited July 18, 2012).

⁴¹ GREGORY MANKIW, PRINCIPLES OF ECONOMICS (5th ed., 2012).

⁴² N. Gregory Mankiw, *Comments on “Happiness, Contentment, and Other Emotions for Central Bank Policymakers” by Rafael Di Tella and Robert MacCulloch*, in Foote et al., *supra* note 39, at 363, 364.

⁴³ MARTIN E. P. SELIGMAN, AUTHENTIC HAPPINESS: USING THE NEW POSITIVE PSYCHOLOGY TO REALIZE YOUR POTENTIAL FOR LASTING FULFILLMENT 208-46 (2002).

acronym and mnemonic of PERMA).⁴⁴ PERMA provides five normative criteria by which to evaluate parenting and (legal) education. Thus, we can ask whether, and if so how much, flourishing according to the normative yardsticks in PERMA results from different kinds of parenting⁴⁵ and (legal) education.⁴⁶

A key reason why some children and also adults flourish is their practice of wise judgment and decision-making (JDM). Conversely, those who choose poorly suffer the consequences of poor JDM.⁴⁷ Examples of JDM include assessing evidence critically, estimating probabilities, evaluating risks, hypothesis testing, planning for (possibly unforeseen) contingencies, and updating probability beliefs. In other words, “[t]he science of decision making is what the field of *judgment and decision making* studies.”⁴⁸ JDM entails behaviors that most people would classify as characteristic of “good thinking” and rationality.⁴⁹ JDM skills are related to, although different from, the kinds of cognitive intelligence⁵⁰ that

⁴⁴ See generally MARTIN E. P. SELIGMAN, *FLOURISH: A VISIONARY NEW UNDERSTANDING OF HAPPINESS AND WELL-BEING* (2011) (offering a revision of positive psychology). See also John Tierney, *A New Gauge to See What's Beyond Happiness*, N.Y. TIMES (May 17, 2011) at D2, available at <http://www.nytimes.com/2011/05/17/science/17tierney.html> (reporting on Seligman's book).

⁴⁵ See generally PROMOTING CHILDREN'S WELL-BEING IN THE PRIMARY YEARS (Andrew Burrell & Jeni Riley eds., 2005) (explaining how to help children have positive experiences that help emotional, intellectual, social, and spiritual development); ERICA FRYDENBERG, JAN DEANS, & K O'BRIEN, *DEVELOPING EVERYDAY COPING SKILLS IN THE EARLY YEARS PROACTIVE STRATEGIES FOR SUPPORTING SOCIAL AND EMOTIONAL DEVELOPMENT* (2012) (helping parents and practitioners develop coping skills of children aged 3-8 via arts, creative play, and language-based strategies); ERICA FRYDENBERG, *THINK POSITIVELY! A COURSE FOR DEVELOPING COPING SKILLS IN ADOLESCENTS* (2009) (explaining how to prevent depression and stress by a positive approach to promoting health and well-being that enhances coping skills); IAN MORRIS, *TEACHING HAPPINESS AND WELL-BEING IN SCHOOLS: LEARNING HOW TO RIDE ELEPHANTS* (2009) (introducing positive psychology in secondary schools); NEL NODDINGS, *HAPPINESS AND EDUCATION* (2003) (analyzing implications of happiness being an educational objective); JIM TAYLOR, *POSITIVE PUSHING: HOW TO RAISE A SUCCESSFUL AND HAPPY CHILD* (2009) (describing how to create and foster emotional maturity).

⁴⁶ Prue Vines, *Working Towards the Resilient Lawyer: Early Law School Strategies*, University of New South Wales Law Research Paper No. 2011-30, 4-5 (July 2, 2011) (discussing how Seligman's PERMA framework is applicable to foster resilience in first-year law students). See generally WILLIAM M. SULLIVAN ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (2007) (concluding that legal education should offer more training in ethics and social responsibility to help aspiring lawyers develop professional competence and identity).

⁴⁷ SamuelRay92, *Nazi Uber Aging- Indiana Jones*, YOUTUBE (March. 30, 2008), <http://www.youtube.com/watch?v=-DGFuHC75aY>.

⁴⁸ Kathleen D. Vohs & Mary Frances Luce, *Judgment and Decision Making*, in *ADVANCED SOCIAL PSYCHOLOGY: THE STATE OF THE SCIENCE* 733, 733 (Roy F. Baumeister & Eli J. Finkel, eds. 2010).

⁴⁹ See generally KEITH E. STANOVICH, *DECISION MAKING AND RATIONALITY IN THE REAL WORLD* (2009) (explaining how concept of rationality is understood in cognitive science in terms of good JDM).

⁵⁰ See generally HOWARD GARDNER, *MULTIPLE INTELLIGENCES: NEW HORIZONS IN THEORY AND PRACTICE* (2006) (proposing these seven types of intelligence: bodily-kinesthetic, intrapersonal, interpersonal, linguistic, logical-mathematical, musical, and spatial).

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intelligence quotient tests and their proxies, such as the Scholastic Aptitude Test and the Law School Admissions Test, measure.⁵¹ The Decision Education Foundation is a non-profit organization that strives to empower youth with effective JDM.⁵²

This Article rests upon three central assumptions. First, JDM is an essential component of being successful at life⁵³ and lawyering;⁵⁴ and so teaching effective JDM is a key part of successful parenting⁵⁵ and successful (legal) education.⁵⁶ In recognition of JDM's importance to attorneys, Harvard Law School recently introduced a mandatory real-world problem-solving workshop that first-year students take in a three-week winter quarter session.⁵⁷ This uniquely structured class requires collaboration to produce written analysis, advice, and memos to clients about complex fact patterns and open-ended problems. Students must confront such questions as these: What categories of problems do lawyers solve? How do lawyers solve these problems? What cognitive paradigms and practical judgments do lawyers use in making decisions and solving problems? North-

⁵¹ See generally KEITH E. STANOVICH, *WHAT INTELLIGENCE TESTS MISS: THE PSYCHOLOGY OF RATIONAL THOUGHT* (2009) (arguing that rational thought is as important as intelligence and should be valued as much as what intelligence tests currently measure); KEITH E. STANOVICH, *RATIONALITY & THE REFLECTIVE MIND* (2011) (presenting empirical evidence that tendencies to make cognitive errors are not highly related to intelligence).

⁵² See generally DECISION EDUCATION FOUNDATION, <http://www.decisioneducation.org/> (providing course materials to help train educators and youth counselors about how to improve adolescents' JDM).

⁵³ Jonathan Baron, Katherine Laskey, & Rex V. Brown, *Going through the Goop: An Introduction to Decision Making*, U PA. (1989) <http://www.sas.upenn.edu/~baron/papers.htm/dmtext.htm> (providing a short primer about how to make better decisions).

⁵⁴ See generally PAUL BREST & LINDA HAMILTON KRIEGER, *PROBLEM SOLVING, DECISION MAKING, AND PROFESSIONAL JUDGMENT: A GUIDE FOR LAWYERS AND POLICYMAKERS* (2010) (offering a systematic guide).

⁵⁵ See generally TIMOTHY D. WILSON, *RE-DIRECT: THE SURPRISING NEW SCIENCE OF PSYCHOLOGICAL CHANGE* 75-111 (2011) (explaining how to become a better parent by improving a child's JDM).

⁵⁶ Janet Reno, *Lawyers as Problem Solvers: Keynote Address to the AALS*, 49 J. LEGAL EDUC. 5 (1999) (advocating fostering of problem-solving skills in law students). See generally WARD FARNSWORTH, *THE LEGAL ANALYST: A TOOLKIT FOR THINKING ABOUT THE LAW* (2010) (collecting a number of JDM tools for thinking about legal problems); SULLIVAN, ET AL., *supra* note 46 (suggesting legal educational reforms). See also Joshua Gans, *Tiger Mom Management*, HBR BLOG NETWORK, (Jan. 21, 2011), [http://blogs.hbr.org/cs/2011/01/tiger_mother_management.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+harvardbusiness/cs+\(Conversation+Starter+on+HBR.org\)](http://blogs.hbr.org/cs/2011/01/tiger_mother_management.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+harvardbusiness/cs+(Conversation+Starter+on+HBR.org)) (blogging about management styles based upon and informed by parenting styles).

⁵⁷ Elaine McArdle, *An Innovative New Course Teaches Students to Solve Problems Right from the Start*, HARVARD LAW SCHOOL, (Feb. 23, 2010) http://www.law.harvard.edu/news/spotlight/classroom/problem_solving.html (reporting on this class); *Problem Solving Workshop*, HARVARD LAW SCHOOL, <http://www.law.harvard.edu/academics/registrar/winter-term/problem-solving-workshop.html> (describing course) (last modified Dec. 21, 2009).

western Law School offers a similar course for first-year and Master of Laws students titled *The Lawyer as Problem-Solver*.⁵⁸

Second, central to JDM is the development and practice of skills related to emotions⁵⁹ and emotional intelligence.⁶⁰ A number of business trade books and business school courses focus on how managers can improve their emotional intelligence and, in so doing, become more effective organizational leaders.⁶¹ MIT Sloan School finance professor Andrew Lo recently proposed a cognitive neuroscience-informed conception of rationality that emphasizes the important role that emotions play in JDM and that differs vastly from a neoclassical economic vision of unemotional rationality.⁶² Law school clinical and negotiation casebooks and courses often discuss the importance of recognizing and responding appropriately to emotions in attorneys, clients, judges, juries, and other legal actors.⁶³ Yet much of current American legal non-clinical education teaches students that lawyering is just about logical analysis and not about feelings.⁶⁴ Some noteworthy exceptions include these pedagogically innovative courses: *Skills of Exceptional Lawyers - Social Intelligence and The Human Dimension*, which Jeffrey Newman and Leslie Chin co-teach at the Boalt law school; *Well-Being and the Practice of Law*, which Daniel S. Bowling teaches at Duke law school; and *Emotional Intelligence in Law*, which Richard C. Reuben teaches at the University of Missouri law school.

Third, education concerning and life-long practice of cultivating one's character strengths, ethics, and professionalism are crucial to achieving happi-

⁵⁸ *Lawyer as a Problem Solver*, NORTHWESTERN LAW, <http://www.law.northwestern.edu/problemsolver/>.

⁵⁹ See generally PAUL SLOVIC, *THE FEELING OF RISK* (2010) (collecting research about risk as feelings). See also PAUL SLOVIC, *THE PERCEPTION OF RISK* (2010) (collecting research examining experts' versus public's perceptions of risk).

⁶⁰ See generally DANIEL GOLEMAN, *EMOTIONAL INTELLIGENCE: WHY IT CAN MATTER MORE THAN IQ* (1997) (arguing emotional intelligence is best predictor of human success). See also DANIEL GOLEMAN, *WORKING WITH EMOTIONAL INTELLIGENCE* (2000) (applying emotional intelligence to workplace).

⁶¹ See, e.g., DAVID R. CARUSO & PETER SALOVEY, *THE EMOTIONALLY INTELLIGENT MANAGER: HOW TO DEVELOP AND USE THE FOUR KEY EMOTIONAL SKILLS OF LEADERSHIP* (2004).

⁶² Andrew W. Lo, *Fear, Greed, and Financial Crises: A Cognitive Neuroscience Perspective*, in *HANDBOOK ON SYSTEMIC RISK* (J. P. Fouque & J. Langsam eds., forthcoming 2012).

⁶³ See, e.g., Melissa L. Nelken, Andrea Kupfer Schneider, & Jamil Mahuad, *If I'd Wanted to Teach About Feelings, I Wouldn't Have Become a Law Professor*, in *VENTURING BEYOND THE CLASSROOM 357* (Christopher Honeyman, James Coben, & Giuseppe De Palo eds., 2010) (presenting tools for teaching law students about importance of emotions in negotiation); Mario Patera & Ulrike Gamm, *Emotions – A Blind Spot in Negotiation Training*, in *VENTURING BEYOND THE CLASSROOM 335* (Christopher Honeyman, James Coben, & Giuseppe De Palo eds., 2010) (same).

⁶⁴ Melissa L. Nelken, *Negotiation and Psychoanalysis: If I'd Wanted to Learn about Feelings, I Wouldn't Have Gone to Law School*, 46 J. LEGAL EDUC. 421, 422 (1996). See generally RANDALL KISER, *HOW LEADING LAWYERS THINK: EXPERT INSIGHTS INTO JUDGMENT AND ADVOCACY 75-85* (2011) (discussing how important emotional intelligence is to legal practice).

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ness and satisfaction in school,⁶⁵ work,⁶⁶ and life.⁶⁷ Empirical and experimental studies provide support for the assumption that being happy and satisfied with your life is correlated with ethical and professional JDM, which in turn is correlated with attorneys being effective.⁶⁸ A recent study about lawyer effectiveness identified 26 distinct factors underlying career success, many of which involve good JDM.⁶⁹

Most American law schools require that students in their second or third year take a course titled Legal Ethics and Professionalism (or some permutation or proper subset of those words). The reason that law schools have such a requirement is the fact that many of the principals in the infamous 1972 Watergate scandal were lawyers. Over a dozen lawyers were convicted of criminal offenses and most of these lawyers were also disbarred or suspended from legal practice. In 1973, the response of the American Bar Association (ABA) was to enact a new requirement for training in legal ethics and professional responsibility, which covers the Model Rules of Professional Conduct (MRPC) and what is sometimes known as the “law of lawyering.”⁷⁰ This is the history behind why law schools require all students take such a course to graduate.

As for how this is done, at most law schools, this required course is neither inspiring to, nor popular among students. A traditional way to teach this course is to march through cases about dishonest, impaired, incompetent, or negligent attorneys making poor decisions professionally and often personally. It seems that a more productive and uplifting approach is to analyze how ethical and profes-

⁶⁵ See, e.g., Jin Li, *U.S. and Chinese Cultural Beliefs About Learning*, 95 J. EDUC. PSYCHOL. 258 (2003) (finding Chinese conceptions of learning emphasized achievement standards of breadth and depth of knowledge, contributions to society, and unity of knowing and morality); Laura Parks & Russell P. Guay, *Can Personal Values Predict Performance? Evidence in an Academic Setting*, 61 APPLIED PSYCHOL.: AN INT’L REV. 149 (2012) (finding achievement values correlate with performance in college courses even after controlling for personality traits of conscientiousness, emotional stability, and extraversion).

⁶⁶ See e.g., JOHN R. FLYNN, *ASIAN AMERICANS: ACHIEVEMENT BEYOND I.Q.* (1991) (concluding that due to diligence and hard work, East Asian immigrants’ kids grow up to become elite professionals at higher rates than American peers who score higher on IQ tests).

⁶⁷ See generally CHARACTER PSYCHOLOGY AND CHARACTER EDUCATION (Daniel K. Lapsley & F. Clark Power eds., 2005) (advocating that moral education of character must draw upon empirical research about development, identity, personality, and selfhood).

⁶⁸ See, e.g., Robert J. B. Goudie et al., *Happiness as a Driver of Risk-Avoiding Behavior*, CESifo Working Paper No. 3451 (May 2011) (finding that happy people value life, act to preserve it, and so wear seat belts more often); and Neil Hamilton & Verna Monson, *The Positive Empirical Relationship of Professionalism to Effectiveness in the Practice of Law*, 24 GEO. J. LEGAL ETHICS 137 (2011) (examining how professionalism is related to effectiveness by reviewing empirical social sciences and professions literatures).

⁶⁹ Marjorie M. Schultz & Sheldon Zedeck, *Identification, Development, and Validation of Predictors for Successful Lawyering, Final Report to LSAC*, BERKLEY LAW SCHOOL (Sept. 2008), <http://www.law.berkeley.edu/files/LSACREPORTfinal-12.pdf>.

⁷⁰ The ABA Accreditation Standards requires a law school to provide each student with “substantial instruction in:... (5) the history, goals, structure, values, rules and responsibilities of the legal profession and its members.” ABA Accreditation Standard 302(a)(5); see also Interpretation 302-9 (requiring “instruction in matters such as the law of lawyering and the Model Rules of Professional Conduct of the American Bar Association”).

sional JDM is related to sustainable lawyer effectiveness and satisfaction. Ethical and unethical JDM entail short-run and long-term costs and benefits, personally and professionally. Taking inappropriate risks, especially seriously future-foreclosing risks, is unwise JDM. Ethical JDM is related to professional success due to reputation and word of mouth among clients, judges, and other attorneys.

Admission to practice in the bar of all but four U.S. jurisdictions requires a passing score (the definition of which varies across jurisdictions) on the Multistate Professional Responsibility Examination (MPRE)⁷¹ that covers the MPRC and the ABA's Model Code of Judicial Conduct. It is worth remembering that the MPRE intends "to measure the examinee's knowledge and understanding of established standards related to a lawyer's professional conduct; the MPRE is not a test to determine an individual's personal ethical values."⁷²

Many students take a legal ethics and professionalism course in the semester that they take the MPRE. The required legal ethics and professional responsibility course is not intended to prepare students to pass the MPRE. Most students prepare for the MPRE by taking commercial review courses. Unfortunately many law students view the MPRE as testing esoteric black letter law they memorize for the MPRE and then forget. Some law schools,⁷³ faculty,⁷⁴ and books⁷⁵

⁷¹ NATIONAL CONFERENCE OF BAR EXAMINERS, <http://www.ncbex.org/multistate-tests/mpre/>. The four American jurisdictions that do not require applicants pass the MPRE are Maryland, Puerto Rico, Washington, and Wisconsin.

⁷² *Description of MPRE*, NATIONAL CONFERENCE OF BAR EXAMINERS, <http://www.ncbex.org/multistate-tests/mpre/mpre-faqs/description0/>.

⁷³ Carrie Hempel & Carroll Seron, *An Innovative Approach to Legal Education*, in THE PARADOX OF PROFESSIONALISM: LAWYERS AND THE POSSIBILITY OF JUSTICE 187-88 (Scott L. Cummings ed., 2011) (describing the first-year two-semester University of California, Irvine legal profession course); Ann Southworth & Catherine L. Fisk, *Our Institutional Commitment to Teach about the Legal Profession*, 1 U. C. IRVINE L. REV. 73 (2011) (detailing the premises, goals, content, successes, and challenges of the legal profession course at the University of California, Irvine).

⁷⁴ Joshua E. Perry, *Thinking Like a Professional*, 58 J. LEGAL EDUC. 159 (2008) (emphasizing importance of self-awareness, self-reflection, and integrating personal and professional development in law school); Michael Robertson, *Challenges in the Design of Legal Ethics Learning Systems: An Educational Perspective*, 8 LEGAL ETHICS 222, 226-29 (2005) (advocating legal educators go beyond usual rules approach to professional responsibility and even the skills approach, instead utilizing an identity and judgment approach); THE ETHICS PROJECT IN LEGAL EDUCATION (Michael Robertson et al. eds., 2011) (analyzing methods to foster engagement of law students with moral dimensions of legal practice); Alexander Scherr & Hillary Farber, *Popular Culture as a Lens on Legal Professionalism*, 55 S. C. L. REV. 351 (2003) (explaining how popular cultural images of attorneys from cartoons, film, novels, and television offer unique opportunities for teaching about professionalism); Carole Silver, Amy Garver, & Lindsay Watkins, *Unpacking the Apprenticeship of Professional Identity and Purpose: Insights from the Law School Survey of Student Engagement*, 17 J. LEGAL WRITING INST. 377 (2011) (advocating that law schools can and should let professionalism be an overarching and unifying structure for law school experiences).

⁷⁵ See generally AMEE R. MCKIM, MAXIMIZE LAWYER POTENTIAL: PROFESSIONALISM AND BUSINESS ETIQUETTE FOR LAW STUDENTS AND LAWYERS (2009) (explaining importance of professionalism skills to success in law schools and legal careers); MICHAEL C. ROSS, ETHICS AND INTEGRITY IN LAW & BUSINESS: AVOIDING "CLUB FED" (2011) (offering a professional

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are rethinking this course as providing unique opportunities to engage students in critical self-reflection upon and thinking about ethical and professionalism challenges (such as balancing life and work) that lawyers face in their careers.

This Article assumes the above hypotheses in discussing how growing up as a tiger cub entailed certain ongoing personal benefits and costs. The benefits included academic achievement, external measures of success, learning to work hard, be persistent, and be resilient, and have a reputation for possessing these characteristics. The costs included being overly deferential to authority, underappreciating non-scholastic strengths, undervaluing emotional intelligence and social skills, and perpetuating the model minority stereotype.⁷⁶

This Article presents a number of anecdotes. As a kid, I loved to watch cartoons and other shows after elementary school, and routinely did homework during commercials. My grandma, who made from-scratch delicious Chinese dim sum after school snacks (such as pan-fried mini-dragon buns,⁷⁷ pot stickers, scallion pancake, and spring rolls) for me, used to say repeatedly that no television show could ever be as exciting and interesting as someone's own real life. This Article recounts my own life experiences and some lessons that I learned from them and memories of them. As with memories in general, these particular memories are incomplete and selective because they have their own stories to tell.⁷⁸

You may draw other morals than the ones that I drew from the same anecdote. This is why I sometimes caution law students in a doctrinal class about how easy it can be to draw inappropriate lessons from reading only highly edited (appellate) judicial opinions in their casebooks by recounting the following anecdote. When one of my nephews, D, was approximately 1½ years old, his mother was pregnant with his younger brother R. She decided, rather than explaining the birds and the bees to D, to instead read D a story about a pregnant rabbit. D, who is precocious, quite reasonably inferred that his mother was expecting to give birth to a bunny! In a similar anecdote, when K, one of my three nieces, was around 2 years old, K's mother was pregnant with her younger brother S. Upon being shown a sonogram of S and being also told that it was a baby, K who is precocious, quite reasonably exclaimed: "That not a baby, that an octopus!"

The rest of this Article is organized as follows. Part I offers some childhood background and family context about growing up a tiger cub. Part II presents vignettes about being a first-year law student at the University of Chicago who

responsibility text that is more focused, fun, and interesting than traditional texts); VICTORIA VULETICH & NELSON P. MILLER, *THE LAW, PRINCIPLES, AND PRACTICE OF LEGAL ETHICS* (2011) (connecting personal morality to rules of professional responsibility to help law students become healthier and more satisfied lawyers who find deeper meaning in their practice and provide greater service to their clients and communities).

⁷⁶ Nathaniel A. Victoria, *A+ Does Not Mean All Asians: The Model Minority Myth and Implications for Higher Education*, 28 VT. CONNECTION 80 (2007).

⁷⁷ Also known as xia lon(g) bao.

⁷⁸ Peter H. Huang, *Experiences versus Memories: Should Law & Policy Care More About Your First Love or Your Memories of It?*, August 2011 (on file with author).

transferred to be a second- and third-year law student at Stanford University.⁷⁹ Part III provides a number of first-hand accounts from the perspective of interviewing for⁸⁰ and teaching at various law schools.⁸¹ A conclusion summarizes this Article's main thesis, which is that current mainstream American legal education and tiger parenting share much in common that can and should be improved upon to foster the happiness of law students and children.

II. GROWING UP AS A TIGER CUB

I believe that professor and tiger mom Amy Chua would see my life as exemplifying successful tiger parenting. I am an American-born Chinese, who at age 14 enrolled as a freshman at Princeton University and 3 years later at age 17, after being a University Scholar⁸² graduated Phi Beta Kappa with an A.B. in mathematics. I also earned a Ph.D. in applied mathematics from Harvard University and a J.D. from Stanford University, after having been a first-year law student at the University of Chicago. My Ph.D. thesis advisor was 1972 economics Nobel Laureate and mathematical economic theorist Kenneth Arrow.⁸³ After serving as an economist in the Division of Consumer Protection in the Bureau of Economics of the Federal Trade Commission, I taught in economics departments from coast to coast, including at Stanford University, the University of California Berkeley, and the University of California Los Angeles; in the finance department of the A.B. Freeman business school at Tulane University; and in law schools at Yale University, University of Chicago, University of Pennsylvania, University of Virginia, University of Minnesota, and University of Southern California. I co-authored a book about law and popular culture,⁸⁴ while a member of the Institute for Advanced Study School of Social Science,⁸⁵ during its psycholo-

⁷⁹ See also ALFREDO MIRANDE, *THE STANFORD LAW CHRONICLES: DOIN' TIME ON THE FARM* (2005) (providing a memoir about being a Hispanic student at Stanford Law School).

⁸⁰ Michael J. Higdon, *A Place in the Academy: Law Faculty Hiring and Socioeconomic Bias*, UNIVERSITY OF TENNESSEE LEGAL STUDIES RESEARCH PAPER NO. 176 (Feb. 21, 2012), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2007934 (arguing that law school faculty appointment committees should emphasize academic pedigree less than most do currently in order to achieve socioeconomically diverse faculties). See also BRANNON DENNING, MARCIA MCCORMICK, & JEFF LIPSHAW, *BECOMING A LAW PROFESSOR: A CANDIDATE'S GUIDE* (2010) (offering a soup-to-nuts guide for aspiring legal academics).

⁸¹ See generally Axel Leijonhufvud, *Life among the Econ*, 11 *WESTERN ECON. J.* 327 (1973) (providing a related satirical account of the culture and sociology of academic economists).

⁸² *University Scholar Program FAQs*, PRINCETON UNIVERSITY, http://www.princeton.edu/odoc/special_academic_programs/university_scholar_progra/ (last updated July 22, 2011).

⁸³ *The Sveriges Riksbank Prize in Economic Sciences in Memory of Alfred Nobel 1972*, NOBELPRIZE.ORG, (May 10, 2012), http://nobelprize.org/nobel_prizes/economics/laureates/1972/.

⁸⁴ DAVID RAY PAPKE ET AL., *LAW & POPULAR CULTURE: TEXT, NOTES, & QUESTIONS* (2007).

⁸⁵ INSTITUTE FOR ADVANCED STUDY, SCHOOL OF SOCIAL SCIENCE, <http://www.sss.ias.edu/> (last visited July 18, 2012).

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gy and economics thematic focus academic year.⁸⁶ I am currently the inaugural DeMuth Chair of Business Law at the University of Colorado School of Law,⁸⁷ after holding the inaugural Kohn Chair at Temple University law school.

I might be considered a poster child for exactly what a tiger mom hopes their child to grow up to become as an adult: a chaired professor who was also a math genius. Except for the fact that I am not and never was a genius. I was an Asian American former whiz kid. I purposely choose the phrase whiz kid, meaning a person who is unusually smart or successful, particularly at some young age, and not the word genius, defined to be someone with an IQ above 180.⁸⁸ This is because when I was around five years old, my mother took me to Hunter College Elementary School⁸⁹ so that I could take an IQ test, and my resulting score was not that of a genius. My dad who has a Ph.D. in metallurgy from Berkeley was quite fond of reminding me that my not being a genius had been conclusively and empirically demonstrated by quantitative data based upon a standardized test. Because in China some people are of the view that a baby is a year old upon birth and then everyone ages one year on Chinese new year, my dad also liked to joke that I therefore started Princeton actually at age 16 in Chinese years as opposed to age 14 in American years. My 92 or 93 year-old dad also took pride in his Ph.D. thesis having more pages than mine!

Because my tiger mom and more laissez-faire dad both worked, my “po po” or “waipo,” which is Mandarin for grandmother on one’s mother’s side, played the central role in educating me. She taught me a diverse portfolio of ideas and teachings from Buddhism, Confucianism, and Taoism. In particular, waipo stressed the importance of life-long learning and self-cultivation of virtues. Of course waipo desired that I be a successful person in whatever endeavors I chose for myself. More importantly, she taught me how to have persistence and resilience in the face of inevitable setbacks. Most importantly, she wished for me that I would become a good human being leading a meaningful life that benefited others. I strongly believe that my life would have been different and for the worse had waipo not come to America in 1960 to essentially care for and raise me. She offered a welcome balance to and counterweight for my tiger mom’s parenting. She also provided a safe haven and space for me to question and push back against my tiger mom’s parenting. Finally, waipo became a life-long role model of how to live with grace under pressure and to find humor and joy every day.

⁸⁶ *Thematic Foci 1973 - Present*, INSTITUTE FOR ADVANCED STUDY, SCHOOL OF SOCIAL SCIENCE, <http://www.sss.ias.edu/activities/past-themes> (last visited July 18, 2012).

⁸⁷ UNIVERSITY OF COLORADO, *supra* note 4.

⁸⁸ *See generally* LETA STETTER HOLLINGSWORTH, CHILDREN ABOVE 180 IQ (STANFORD-BINET): ORIGIN AND DEVELOPMENT (1942, reprint ed., 1975) (being a definitive and classic set of detailed case studies of twelve children having IQ above 180).

⁸⁹ *See generally* HUNTER COLLEGE ELEMENTARY SCHOOL, <http://hces.hunter.cuny.edu/> (last visited July 18, 2012) (providing information about admissions process) and *Admissions Process and Testing*, HUNTER COLLEGE ELEMENTARY SCHOOL, <http://hces.hunter.cuny.edu/?m1=1&m2=1> (last visited July 18, 2012) (providing details about admissions procedure and testing).

I was struck by how much Professor Chua's defiantly self-incriminating, humorous, and tongue-in-cheek memoir became an often misunderstood popular cultural phenomenon and public lightning rod provoking much attention,⁹⁰ backlash,⁹¹ blogging,⁹² controversy,⁹³ criticism,⁹⁴ defense,⁹⁵ discussion,⁹⁶ rebuttal,⁹⁷

⁹⁰ See, e.g., Kate Zernike, *Retreat of the 'Tiger Mother'*, N.Y. TIMES, Jan. 14, 2011

(reporting that Amy Chua's Wall Street Journal article that contained excerpts of her book excerpt provoked over 5,000 comments posted in response to it on the Wall Street Journal's website), available at <http://www.nytimes.com/2011/01/16/fashion/16Cultural.html>.

⁹¹ See, e.g., Melinda Liu, *The 'Chinese Mom' Backlash*, NEWSWEEK, Jan. 18, 2011 (pointing out Chinese mothers in China no longer bring up their kids the way Amy Chua raised hers, but instead are imitating American parents), at <http://www.newsweek.com/2011/01/18/the-chinese-mom-backlash.html>.

⁹² See, e.g., Christine Hurt, *Thanks to Battle Hymn of the Tiger Mother Book Club Participants!*, THE CONGLOMERATE (Feb 22,

2011), <http://www.theconglomerate.org/2011/02/thanks-to-battle-hymn-of-the-tiger-mother-book-club-participants.html> (providing hyperlinks for 15 posts by law professor moms about Amy Chua's book).

⁹³ See, e.g., Lac Su, *'Tiger Mothers' Leave Lifelong Scars*, CNN OPINION (Jan. 20, 2011) (blogging about his experiences of being raised by a tiger dad), <http://www.cnn.com/2011/OPINION/01/20/lac.su.tiger.mother.scars/index.html>. See also LAC SU, I LOVE YOU ARE FOR WHITE PEOPLE (2009) (same).

⁹⁴ David Brooks, *Amy Chua Is a Wimp*, N.Y. TIMES, Jan. 18, 2011, at A25, available at http://www.nytimes.com/2011/01/18/opinion/18brooks.html?_r=1&ref=davidbrooks (arguing that Chua is "coddling her children. She's protecting them from the most intellectually demanding activities because she doesn't understand what's cognitively difficult and what isn't" and "[m]anaging status rivalries, negotiating group dynamics, understanding social norms, navigating the distinction between self and group — these and other social tests impose cognitive demands that blow away any intense tutoring session or a class at Yale.")

⁹⁵ See, e.g., Sophia Chua-Rubinfeld, *Why I Love My Strict Chinese Mom*, NEW YORK POST, Jan. 17, 2011, available at http://www.nypost.com/p/entertainment/why_love_my_strict_chinese_mom_uUvfmLcA5eteY0u2KXt7hM (offering Amy Chua's eldest daughter's public defense of her mother).

⁹⁶ See, e.g., Joshua Gans, *The Sadness Around A Tiger Child*, GAME THEORIST: MUSINGS ON ECONOMICS AND CHILD REARING (June 17, 2011, 9:43AM) (blog posting about some negative externalities of tiger parenting), <http://gametheorist.blogspot.com/2011/06/sadness-around-tiger-child.html>; Joshua Gans, *Are You a Tiger Parent?*, GAME THEORIST: MUSINGS ON ECONOMICS AND CHILD REARING (Jan. 22, 2011, 11:29AM) (blogging poll question), <http://gametheorist.blogspot.com/2011/01/are-you-tiger-parent.html>; Joshua Gans, *Are You a Tiger Parent? Results*, GAME THEORIST: MUSINGS ON ECONOMICS AND CHILD REARING (Jan. 30, 2011, 3:14PM) (blogging results of poll), <http://gametheorist.blogspot.com/2011/01/are-you-tiger-parent-results.html>. See also Rajeev Darolla & Bruce Wydick, *The Economics of Parenting, Self-esteem, and Academic Performance: Theory and a Test*, 78 ECONOMICA 215 (2011) (developing and testing a theory about how signals that an altruistic parent sends to a child can affect that child's self-esteem, effort, and long-term performance if that parent has better information concerning that child's ability than that child does). See generally JOSHUA GANS, PARENTONOMICS: AN ECONOMIST DAD LOOKS AT PARENTING (2009) (explaining insights based upon economics and incentives applied to parenting).

⁹⁷ See, e.g., Samantha Leese, *A 'Tiger Mother' Rebuttal from across the Ocean*, CNN GO (Jan. 21, 2011) (blogging a rebuttal by a Hong Kong journalist), <http://www.cnn.go.com/hong-kong/life/samantha-leese-138468>.

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and vindication⁹⁸ concerning her and related parenting methods,⁹⁹ philosophies,¹⁰⁰ practices,¹⁰¹ and styles.¹⁰² Upon first hearing of and learning about her book, I remember saying aloud that such a book could only be written by someone who is a Chinese individual born in the United States and who had been influenced by the American spirit of autonomy and independence. A Chinese person born in China would never write a book that discloses from the viewpoint of a traditional Chinese person too much about Chinese parenting and in a manner that is critical and questioning of authority, precedent, and tradition.

Professor Chua said: “I didn’t expect this level of intensity. The book, of course, it’s not a how-to guide, it’s really about my own journey and transformation as a mother.”¹⁰³ Two first-generation Korean-American sisters, one a physician and clinical assistant professor in the department of otolaryngology – head and neck surgery at the University of Pennsylvania, and the other a lawyer and immigration specialist at the Children’s Hospital of Pennsylvania co-authored a how-to guide on raising high achieving kids.¹⁰⁴ They propose that parents can and should instill their children with a desire, love, and passion for learning and education.¹⁰⁵ In the language of character strengths and virtues that positive psychologists Martin Seligman and Christopher Peterson developed,¹⁰⁶

⁹⁸ Eyder Peralta, *Vindication? Tiger Mom's Daughter Accepted To Harvard And Yale*, NPR (Apr. 5, 2011, 1.00PM), <http://www.npr.org/blogs/thetwo-way/2011/04/05/135144956/vindication-tiger-moms-daughter-accepted-to-harvard-and-yale>.

⁹⁹ See, e.g., Charles Q. Choi, *Does Science Support the Punitive Parenting of “Tiger Mothering”?*, SCI. AM. (Jan. 18, 2011),

<http://www.scientificamerican.com/article.cfm?id=tiger-mother-punitive-parenting>.

¹⁰⁰ See, e.g., Charles Q. Choi, *Tame Your Inner Tiger: Controlling Parents tend to Have Children who are Academically Above Average but Depressed*, SCI. AM. (Apr. 15, 2011), <http://www.scientificamerican.com/article.cfm?id=tame-your-inner-tiger>.

¹⁰¹ Gaia Bernstein & Zvi Triger, *Over-Parenting*, 44 U.C. DAVIS L. REV. 1221 (2011) (cautioning that intensive parenting can become over-parenting).

¹⁰² See, e.g., Ruth Chao, *Beyond Parental Control and Authoritarian Parenting Style: Understanding Chinese Parenting Through the Cultural Notion of Training*, 65 CHILD DEV. 1111 (1994). See also Laurence Steinberg, *Parenting Style Index*, <http://www.temple.edu/psychology/lds/docs/PARENTING%20STYLE%20INDEX.pdf> (last visited July 18, 2012).

¹⁰³ Juju Chang, Anna Wild, & Taylor Behrendt, *‘Tiger Mom’ Didn’t ‘Expect This Level of Intensity,’* ABC NIGHTLINE (ABC television broadcast Jan. 26, 2011), <http://abcnews.go.com/US/tiger-mom-amy-chua-controversial-book-parenting-guide/story?id=12767305>.

¹⁰⁴ DR. SOO KIM ABBOUD & JANE KIM, *TOP OF THE CLASS: HOW ASIAN PARENTS RAISE HIGH ACHIEVERS – AND HOW YOU CAN TOO* (2006). See also *TOP OF THE CLASS*, <http://www.topoftheclassonline.com/> (last visited July 18, 2012). Thanks to Kathy Stanchi for remembering that her former law student Jane Kim told Kathy about Jane’s book.

¹⁰⁵ *Id.*, at 5-23 (providing details about how and why to do so). See also JOSEPH S. RENZULLI, *LIGHT UP YOUR CHILD’S MIND: FINDING A UNIQUE PATHWAY TO HAPPINESS AND SUCCESS* (2009) (presenting a practical step-by-step program to foster a life-long passion for learning).

¹⁰⁶ MARTIN E.P. SELIGMAN & CHRISTOPHER PETERSON, *CHARACTER STRENGTHS AND VIRTUES: A HANDBOOK AND CLASSIFICATION* (2004).

it is important for parents to cultivate, foster, and pass on an appreciation of, values that emphasize, curiosity and love of learning.¹⁰⁷

An American journalist, who is a former *Wall Street Journal* foreign affairs reporter, recently wrote another parenting guide book that described how many French children are far better behaved, exhibit greater self-control, and have more patience than American children, all the while being just as boisterous, creative, and curious as American kids.¹⁰⁸ Her book has revived much of the public attention, fervor, and controversy that Professor Chua's book provoked a year earlier.¹⁰⁹ This pair of best-selling books has also raised inevitable comparisons between French parenting and tiger parenting.¹¹⁰ Another journalist compared parenting practices from six cultures in her book.¹¹¹

¹⁰⁷ *Id.*, at 125-41 (analyzing curiosity) and 161-79 (focusing on love of learning).

¹⁰⁸ See generally PAMELA DRUCKERMAN, BRINGING UP BÉBÉ: ONE AMERICAN MOTHER DISCOVERS THE WISDOM OF FRENCH PARENTING (2012) (providing a series of anecdotes illustrating differences in some American and French parenting styles and techniques). See also Pamela Druckerman, *Why French Parents Are Superior*, WALL ST. J. (Feb. 4, 2012) (arguing that some French parents can without all of the anxiety of modern American parents raise happy, well-behaved kids by saying no authoritatively, teaching manners and patience, and entrusting their kids with lots of autonomy, freedom, and time by themselves), available at http://online.wsj.com/article/SB10001424052970204740904577196931457473816.html?mod=googlenews_wsj.

¹⁰⁹ Susannah Meadows, *Raising the Perfect Child, with Time for Smoke Breaks*, N.Y. TIMES, Feb. 8, 2012, at C1 (reviewing the book negatively); Bonnie Rochman, *Bringing Up Bébé: Are French Parents Really Superior?*, TIME HEALTHLAND (Feb. 8, 2012) (critiquing the book and interviewing the author), available at

<http://healthland.time.com/2012/02/08/53112/?iid=hl-main-lede?xid=gonewsedit>; Gary Rosen, *Why the French Make Better Parents*, WALL STREET JOURNAL ONLINE (Feb. 3, 2012, 8:00PM), http://online.wsj.com/video/why-the-french-make-better-parents/050F4A55-A27A-4A82-A9FF-6698D07EC08F.html?mod=igoogle_wsj_gadgv1 (offering a video interview with Pamela Druckerman about lessons that she drew from French parents).

¹¹⁰ Piper Weiss, *Are French Women the New Tiger Mothers?*, SHINE (Feb. 7, 2011) (pointing out how French parenting can benefit parents with more free time and happiness while it can burden children with the increased likelihood of a major depressive episode, high obesity rates, a vicious cycle of intergenerational corporal punishment, and the world's lowest breast-feeding rate), available at <http://shine.yahoo.com/parenting/french-women-tiger-mothers-203400595.html>. See also Joshua Gans, *Rooster Parenting?*, GAME THEORIST: MUSINGS ON ECONOMICS AND CHILD REARING (Feb. 6, 2012, 9:29AM) (blogging about "national characteristics translated into stereotyped parenting style game"), <http://gametheorist.blogspot.com/>.

¹¹¹ See generally MEI-LING HOPGOOD, HOW ESKIMOS KEEP THEIR BABIES WARM: AND OTHER ADVENTURES IN PARENTING (FROM ARGENTINA TO TANZANIA AND EVERYWHERE IN BETWEEN) (2012) (offering anecdotes concerning parenting customs from six countries). See also AlgonquinBooksTV, *How Eskimos Keep Their Babies Warm by Mei-Ling Hopgood* (Aug. 9, 2011), <http://www.youtube.com/watch?v=3H03O5YQ5dc>; Brigid Schulte, *What's So Bad About American Parents, Anyway?* WASH. POST, Mar. 2, 2012 (discussing the book and related issues).

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Professor Chua believes that,¹¹² “she ‘got caught in this amazing perfect storm,’ which is partially fueled by every parent’s aspiration for and concern over being a good parent in addition to many Americans’ growing concerns about China’s continuing economic and technological ascent.”¹¹³ Some prestigious colleges with race-blind admissions have twice the percentage of Asians at Ivy League colleges. For example, Cal Tech, a private university with race-blind admissions, is about one-third Asian. The University of California-Berkeley is forbidden by state law to consider race in admissions and is more than 40 percent Asian, which is double that before the law passed. As a reference point, 13 percent of California residents have Asian heritage.¹¹⁴

There is a history of anger and fear by some Americans towards Asians. A notable tragic case is that of the Chinese American automotive engineer Vincent Chin being mistaken for being Japanese and therefore killed by repeated blows to his head with a baseball bat at the hands of two unemployed Caucasian automobile workers in Detroit on June 19, 1982.¹¹⁵ A more recent example is that of Alexandra Wallace, a junior political science major at U.C.L.A., who posted on YouTube a three minute anti-Asian rant,¹¹⁶ which went viral and generated national media coverage.¹¹⁷

Another incident that received national media coverage occurred when former Pennsylvania governor Ed Rendell appeared on a sports radio station 97.5 interview show in which he criticized the National Football League (NFL) for its decision at noon before any snow had yet accumulated to postpone for two days a Philadelphia Eagle’s home game versus the Minnesota Vikings one Sunday evening.¹¹⁸ The NFL cited public safety concerns due to a Nor’easter winter

¹¹² Tavis Smiley Staff, *Amy Chua Clears Up “Tiger Mother” Misconceptions*, TAVIS SMILEY STAFF BLOG (Feb. 10, 2011), (blogging about Amy Chua’s appearance on the PBS program Tavis Smiley), <http://www.pbs.org/wnet/tavissmiley/voices/2011/02/amy-chua-clears-up-tiger-mother-misconceptions.html>.

¹¹³ CITIZENS AGAINST GOVERNMENT WASTE, <http://swineline.org/media/> (providing link to a national advertisement by Citizens Against Government Waste depicting a Chinese professor in 2030 AD Beijing, China speaking in Mandarin to a class of Chinese students analyzing the demise of these great nations: the Greek empire, the Roman empire, the British empire, and the United States of America, utilizing English subtitles); CAGWMedia, *Chinese Professor* (Oct. 20, 2010) YOUTUBE, <http://www.youtube.com/watch?v=OTSQozWP-rM> (showing the video spot itself).

¹¹⁴ Jesse Washington, *Some Asians’ College Strategy: Don’t Check ‘Asian’*, YAHOO NEWS, Dec. 3, 2011, available at <http://news.yahoo.com/asians-college-strategy-dont-check-asian-174442977.html> (reporting on this).

¹¹⁵ See, e.g., VINCENT WHO (Asian Pacific Americans for Progress 2009) (providing a documentary about Vincent Chin’s murder and asking how far Asian Americans have come since then and how far they still have to go; *Who Killed Vincent Chin?* (PBS, 1987) (recounting in a documentary the brutal murder of Vincent Chin and the miscarriage of justice that followed).

¹¹⁶ Creasian444, *Asians in the Library* (March 13, 2011), YOUTUBE, http://www.youtube.com/watch?v=x0JKb_CnIqc.

¹¹⁷ Ian Lovett, *U.C.L.A. Student’s Video Rant Against Asians Fuels Firestorm*, N.Y. TIMES, Mar. 16, 2011, at A21 (reporting on this).

¹¹⁸ The Fanatic in Philadelphia (Dec. 27, 2010).

storm that ultimately dumped a foot of snow on Philadelphia, even though only less than five inches of snow fell before the scheduled kickoff time of 8:20 p.m.:

My biggest beef is that this is part of what's happened in this country. We've become a nation of wusses. The Chinese are kicking our butt in everything. If this was in China do you think the Chinese would have called off the game? People would have been marching down to the stadium, they would have walked and they would have been doing calculus on the way down.¹¹⁹

Even the mostly positive media coverage of the unexpected success of then New York Knicks basketball player Jeremy Lin included actions reflecting ignorance about Asian Americans,¹²⁰ a few racial slurs,¹²¹ and some racist Asian stereotypes.¹²² An episode of NBC's *Saturday Night Live* satirized the racist aspects of the mostly feel-good "Linsanity" craze.¹²³

Some Americans are anxious about our economy's ability to compete in an increasingly global and technologically sophisticated marketplace. A related concern is that of China overtaking the United States in the science, technology, engineering, and mathematics (STEM) fields. The STEM education coalition supports STEM education programs of the National Science Foundation, the U.S. Department of Education, and other federal agencies.¹²⁴ On the most recent (2009) Programme for International Student Assessment (PISA), a respected international examination of mathematics, reading, and science,¹²⁵ 15 year-olds

¹¹⁹ *Id.* See also THOMAS L. FRIEDMAN & MICHAEL MANDELBAUM, THAT USED TO BE US: HOW AMERICA FELL BEHIND IN THE WORLD IT INVENTED AND HOW WE CAN COME BACK 5-6 (2011) (discussing Rendell's angry comments as being yet another example of the doubts that have become now widespread among many Americans over the future prospects of the United States as compared to China); Adam Lazarus, *Ed Rendell Video: Hear Governor's Comments About Eagles-Viking Postponement*, BLEACHER REPORT (Dec. 28, 2010), <http://bleacherreport.com/articles/555740-ed-rendell-video-hear-governors-comments-about-eagles-vikings-postponement> (reporting on this and providing audio of Rendell's comments).

¹²⁰ Stuart Leung, *Jeremy Lin Forces National Discussion on Asian Americans*, ASIAN WEEK, Mar. 5, 2012, (detailing such actions by individuals and corporations).

¹²¹ Articleman, *Nixing Racism: Jeremy Lin Gives Us A Teaching Moment, Along with Great Balling*, DAG BLOG (Feb. 19, 2012, 6:24PM), <http://dagblog.com/sports/nixing-racism-jeremy-lin-gives-us-teaching-moment-along-lots-great-balling-13106>.

¹²² Michael McCarthy, *Asian Stereotypes Appearing in Coverage of Knicks' Jeremy Lin*, USA TODAY (Feb. 16, 2012, 4:35PM), <http://www.usatoday.com/sports/basketball/nba/story/2012-02-16/Asian-stereotypes-appearing-in-coverage-of-Knicks-Jeremy-Lin/53120426/1>.

¹²³ *Saturday Night Live: Linsanity Postgame Cold Open* (NBC television broadcast, Feb. 18, 2012), <http://www.nbc.com/saturday-night-live/video/linsanity-postgame-cold-open/1386272>. See also Michael McCarthy, *Video: Watch SNL Spoof Racist Jeremy Lin Stereotypes*, USA TODAY (Feb. 19, 2012), <http://content.usatoday.com/communities/gameon/post/2012/02/video-watch-snl-spoof-racists-jeremy-lin-stereotypes-in-media-new-york-knicks-dallas-mavericks-nbc-saturday-night-live/1#.TOHdxJj5-fS> (reporting on this).

¹²⁴ STEM EDUCATION COALITION, <http://www.stemedcoalition.org/>.

¹²⁵ *Can Deeper Learning Improve American Competitiveness?*, HEWLETT FOUNDATION NEWSLETTER, March/April 2011, <http://www.hewlett.org/newsroom/newsletter/can-deeper-learning-improve-american-competitiveness> (last visited July 18, 2012) (discussing the

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from Shanghai, China earned the highest scores among 65 countries and school systems. It was the first time mainland Chinese students had ever taken PISA, the purpose of which is to measure whether students not only know basic facts, but also can apply such factual knowledge to solve problems in real-world situations.¹²⁶ A pair of economists recently concluded that relatively small improvements in the cognitive skills of a country's population have massive impacts upon their future well-being.¹²⁷ These researchers calculated that under plausible assumptions if U.S. educational policy reforms could increase the average PISA scores of students by only 25 points (on a scale in which 500 is always the international average) that alone would raise America's gross domestic product by \$45 trillion over the lifespan of children born when those reforms began in 2010.¹²⁸

Psychologists Richard Nisbett¹²⁹ and Heidi Grant Halvorson¹³⁰ have separately explained the consistent achievement gap between American and Asian students in mathematics and science primarily in terms of Asian and Asian American students being more persistent and harder working in the face of initial academic setbacks. Asian and Asian-American students persist at and work harder on their studies when they do not initially excel academically because of systematic cultural differences in the beliefs of American versus Asian parents, children, and educators over whether natural ability or effort respectively primarily accounts for (academic) success and failure.¹³¹ Psychologist Carol Dweck

PISA). See also "Foundations": *A Q&A with Christopher Shearer, Education Program Officer*, HEWLETT FOUNDATION NEWSLETTER, March/April 2011, <http://www.hewlett.org/newsroom/newsletter/foundations-qa-christopher-shearer> (last visited July 18, 2012) (explaining the importance of students achieving "mastery of core academic content, critical thinking and problem solving, collaboration, communication, and learning to learn").

¹²⁶ *Id.*

¹²⁷ Eric A. Hanushek & Ludger Woessmann, *The High Cost of Low Educational Performance: The Long-Run Impact of Improving PISA Outcomes*, ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (2010), <http://www.oecd.org/dataoecd/11/28/44417824.pdf>. (utilizing economic modeling to analyze how cognitive skills, as measured by PISA and other international data, are related to economic growth). See also Eric A. Hanushek & Ludger Woessmann, *Education and Economic Growth*, in *ECONOMICS OF EDUCATION* 60 (Dominic J. Brewer & Patrick J. McEwan eds., 2010) (reviewing the role of education in promoting economic growth to conclude there is robust empirical data finding the cognitive skills of a nation's labor force instead of the mere school attainment of that population are strongly related to long-run economic growth).

¹²⁸ Hanushek & Woessmann, *supra* note 127, at 20-24.

¹²⁹ RICHARD E. NISBETT, *INTELLIGENCE AND HOW TO GET IT: WHY SCHOOLS AND CULTURES COUNT* 158-59 (2010) (offering this explanation).

¹³⁰ HEIDI GRANT HALVORSON, *SUCCEED: HOW WE CAN REACH OUR GOALS* 210, 214-15 (2010) (presenting this explanation).

¹³¹ Robert D. Hess, Chih-Mei Chang, & Teresa M. McDevitt, *Cultural Variations in Family Beliefs About Children's Performance in Mathematics: Comparisons Among People's Republic of China, Chinese-American, and Caucasian-American Families*, 79 J. EDUCATIONAL PSYCHOL. 179 (1987) (providing details of research study). See also Ruth K. Chao, *Chinese and European American Mothers' Beliefs about the Role of Parenting in Children's School*

explains why parents and teachers should praise hard work and persistent effort instead of the intellectual abilities and innate talents of children and students.¹³² Psychologist Roy Baumeister and journalist John Tierney explain how an emphasis on the importance of delayed gratification and self-control by Asian and Asian-American culture, parents, and schools accounts for why Asian-Americans comprise just 4% of the American population, yet are 25% of the students at such elite universities as Columbia, Cornell, and Stanford; are more likely than any other ethnic group to earn a college degree; and receive salaries that are 25% above the United States norm.¹³³

A. *Not Embarrassing Silicon-Based Life Forms*

My grandma was born in China 1898, and passed away in 2003 at the age of 104. She left Taiwan to come to Pittsburgh, Pennsylvania when she was 60 years old to take care of me. We had a daily routine in which I would set the table before dinner, which grandma cooked from scratch, after which I would clear the table, and hand wash the dishes before placing them into the dishwasher. After that, grandma and I watched together on Manhattan cable television serialized soap operas broadcast in Mandarin every night. These shows usually took place in ancient China and detailed how good mythological humans and talking animals, similar to those in such movies as *Kung Fu Panda*¹³⁴ and *Kung Fu Panda 2*,¹³⁵ triumphed over evil villains and warlords by virtue of creative military stratagems, defensive martial arts, and sheer cunning.

My grandma would often also watch American television programs with me despite her neither speaking nor understanding much English. She did this because my mother would let me watch TV if grandma was also watching, even if sometimes grandma fell asleep. One show that we routinely watched was *Star Trek*,¹³⁶ the classic original series. During its first season, when I was eight years old, we saw an episode,¹³⁷ featuring the Horta, an intelligent silicon-based species that was indigenous to a planet called Janus VI. I was fascinated by the idea that life forms could exist based upon elements other than carbon and so asked mom about whether this was possible. Always willing to encourage curiosity and

Success, 27 J. CROSS-CULT. PSYCHOL. 403 (1996) (finding that Chinese mothers reported (1) placing a great value on education, (2) feeling necessity to provide high investment and sacrifice, (3) a more direct intervention approach to learning and schooling of their kids, and (4) belief that parents can have a significant role in success of their kids at school). *But see*, Li, *supra* note 65, at 260 tbl. 1, 266 (2003) (providing some incomplete empirical support for American emphasis upon ability and Asian emphasis on effort).

¹³² See generally CAROL DWECK, MINDSET: THE NEW PSYCHOLOGY OF SUCCESS (2006) (providing this explanation based upon developmental and educational psychological research).

¹³³ ROY F. BAUMEISTER & JOHN TIERNEY, WILLPOWER: REDISCOVERING THE GREATEST HUMAN STRENGTH 193-97 (2011).

¹³⁴ KUNG FU PANDA (DreamWorks Animation 2008).

¹³⁵ KUNG FU PANDA 2 (DreamWorks Animation 2011).

¹³⁶ STAR TREK: THE ORIGINAL SERIES: SEASON ONE (REMASTERED EDITION 1966).

¹³⁷ *Star Trek: The Devil in the Dark* (NBC television broadcast, March 9, 1967).

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learning by her # 1 son, she used the opportunity to discuss the questions of what defines life and what is the periodic table of elements.¹³⁸

That weekend my parents took our whole family food shopping at a local supermarket. As we passed by the breakfast cereal aisle, I wanted to buy a sugary cereal because it contained a surprise toy inside the box. Because the particular toy in question was not educational my mother said no. After all, I had received mathematics flash cards from aunt and uncle # 4 as a present for my sixth birthday. (In Chinese, it is customary to number your aunts and uncles by their birth order and there are different words for one's mother's sister and one's mother's brother's wife.) I had very happily and proudly taken those flash cards to school for classroom show-and-tell in first grade at P.S. (Public School) 183. Not surprisingly (but only so in hindsight), later that day I was the subject of much teasing and target practice during dodge ball at playground recess. In exchange, though, I learned a very important life-long lesson, namely that it is okay to be interested in and like things other people may not be as excited about as I am, and that people might make fun of you for your interests, but that is also okay.

That lesson is one, which I tried and hopefully succeeded in conveying to my then 8-year-old niece, K, when she explained that she did not volunteer to do an optional project for her school's science fair because science fair is not cool and is only for weirdoes. She concurred that Uncle Peter is not a weirdo, but expressed surprise when Uncle Peter told her that he always did science fair projects when he was a kid. Then we spoke a little bit about how it was fun to ponder and learn about why Alka-Seltzer Plus orange zest cold formula effervescent tablets fizz, volcanoes erupt with lava, boats do not sink until they take on water, and submarines can go under the ocean and surface again.¹³⁹ After our brief chat, K reluctantly admitted that science might actually be cool, is kind of like magic or playing, is not weird, and could be even useful to study. Another time, she was awed by the approximately ten-foot geysers due to nucleation caused by dropping a roll of Mentos into a two liter plastic bottle of Diet Coke.¹⁴⁰ Finally, when K was 9 years old, she discovered and wanted to repeatedly play the board game of life, enjoying taking on the role of the banker. Her enthusiasm for excelling at the board game of life offered natural opportunities for us to chat about banking,¹⁴¹ business and money,¹⁴² career choices,¹⁴³ decision-making,¹⁴⁴ deposit

¹³⁸ See also Tom Lehrer, *The Chemistry Elements Song*, YOUTUBE (Oct 12, 2007), <http://www.youtube.com/watch?v=DYW50F42ss8&feature=related>, (providing a fun way to learn the periodic table of elements).

¹³⁹ See generally WALTER LEWIN, FOR THE LOVE OF PHYSICS: FROM THE END OF THE RAINBOW TO THE EDGE OF TIME - A JOURNEY THROUGH THE WONDERS OF PHYSICS (2011) (providing an awe-inspiring, enthusiastic, impassioned, joyful, lively, and wondrous survey of physics).

¹⁴⁰ *The Science of Coke and Mentos*, EEPY BIRD, <http://www.eepybird.com/featured-video/science-of-coke-mentos/> (last visited July 18, 2012).

¹⁴¹ Mary Poppins (1964), *Mary Poppins on British Bank Stability*, YOUTUBE (Oct. 28, 2008) <http://www.youtube.com/watch?v=C6DGs3qjRwQ>, (singing about bank runs and stability).

¹⁴² THE SECRET MILLIONAIRE'S CLUB, <http://www.smckids.com/> (featuring the voice of Warren Buffet).

insurance,¹⁴⁵ markets,¹⁴⁶ and money.¹⁴⁷ K's fascination with doing better at the board game of life provided apt teaching moments to encourage her curiosity and interests about economics,¹⁴⁸ investing,¹⁴⁹ and mathematics.¹⁵⁰ K also loved to play the Deal or No Deal arcade game and because she was curious how Uncle Peter could predict how much the banker would offer after each round of play, we naturally discussed chance,¹⁵¹ probability,¹⁵² creative problem solving,¹⁵³ and how to solve problems involving numbers.¹⁵⁴ Finally, whenever K did not get something that she wanted from her parents, we also talked about how she would some day in the future be able to get whatever she wanted for herself and the importance of developing self-discipline or the ability to delay gratification.¹⁵⁵

¹⁴³ See generally RICHARD SCARRY, *WHAT DO PEOPLE DO ALL DAY?* (abridged ed., 1968) (showing children via entertaining stories and picture drawings the kinds of ways that people can spend their days in various jobs, careers, and professions).

¹⁴⁴ See e.g., Yemeni Lahuh, *Game Theory Exercises for Children* INGATHERED (Feb 6, 2010), <http://ingathered.com/2010/02/06/game-theory-exercises-for-children/> (describing four games kids can enjoy playing and learning how to make better decisions).

¹⁴⁵ *The Educational Source for Students, Teachers, and Parents*, FEDERAL DEPOSIT INSURANCE CORPORATION LEARNING BANK <http://www.fdic.gov/about/learn/learning/index.html>, (last updated April 20, 2004).

¹⁴⁶ MINYANLAND, <http://www.minyanland.com/> (last visited July 18, 2012).

¹⁴⁷ *History in Your Pocket*, THE UNITED STATES MINT, <http://www.usmint.gov/kids/>.

¹⁴⁸ See generally GRADY KLEIN & YORAM BAUMAN, *THE CARTOON INTRODUCTION TO ECONOMICS: VOLUME ONE: MICROECONOMICS* (2010) (introducing fundamental concepts and ideas of microeconomics in an engaging and fun manner). See also STAND UP ECONOMIST, <http://www.standupeconomist.com/videos/> (last visited July 18, 2012) (providing humorous videos of stand-up comedy routines about economics); ECONOMIST WITH MODELS <http://www.economistsdoitwithmodels.com/microeconomics-101/> (last visited July 18, 2012) (providing a series of short instructional videos by Jodie Beggs that cover the principles of microeconomics).

¹⁴⁹ See e.g., DAVID GARDNER, TOM GARDNER, & SELENA MARANJIAN, *THE MOTELY FOOL INVESTMENT GUIDE FOR TEENS: 8 STEPS TO HAVING MORE MONEY THAN YOUR PARENTS EVER DREAMED OF* (2002) (explaining how to achieve personal financial independence); GAIL KARLITZ & DEBBIE HONIG, *GROWING MONEY: A COMPLETE INVESTING GUIDE FOR KIDS* (2010) (teaching about banks, bonds, money, reading financial pages, and stocks).

¹⁵⁰ See e.g., THINK FUN, <http://www.thinkfun.com/mathdice> (last visited July 18, 2012) (building and improving mathematical skills in exciting and fun play).

¹⁵¹ JEAN CUSHMAN, *DO YOU WANNA BET?: YOUR CHANCE TO FIND OUT ABOUT PROBABILITY* (2007).

¹⁵² EDWARD EINHORN, *A VERY IMPROBABLE STORY: A MATH ADVENTURE* (2008).

¹⁵³ BOB EBERLE & BOB STANISH, *CPS FOR KIDS: A RESOURCE BOOK FOR TEACHING CREATIVE PROBLEM-SOLVING TO CHILDREN* (1996).

¹⁵⁴ JOHNNY BALL, *GO FIGURE!: A TOTALLY COOL BOOK ABOUT NUMBERS* (2005) (explaining ideas about numbers and mathematics in an engaging and fun manner, including the well-known Monty Hall problem).

¹⁵⁵ See, e.g., Joachim de Posada *Says Don't Eat the Marshmallow Yet*, TED TALK (Feb. 2009), http://www.ted.com/talks/joachim_de_posada_says_don_t_eat_the_marshmallow_yet.html. See also Walter Mischel, Yuichi Shoda, & Monica L. Rodriguez, *Delay of Gratification in Children* 244(4907) *SCI.*, 933 (1989) (finding in a longitudinal study that 4-year-old kids who were able to delay gratification longer in certain laboratory settings grew up to become more

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I usually accompanied my grandma to shop for fresh fruits, non-Chinese vegetables, and other groceries. She would buy me candy, potato chips, soda pop, and sugary breakfast cereals, even though she always got up early to cook me a traditional Chinese breakfast of hand made dim sum or wonton noodle soup. She used to joke that I would grow up to marry an heir to a family-owned potato chip business because I loved potato chips so very much. I momentarily forgot that my mother did not approve of junk food, so grandma had to hide the junk food that she bought for me in both of her bedroom closets and under her bed. With my mother, I did what many 8 year-olds in that situation would also have done: I whined in a desperate and futile attempt to get my way and then initiated a sit down in the middle of the cereal aisle. My mother was not amused.

She let her non-amusement be known. In fact, she not only did not buy that box of sugary breakfast cereal with the non-educational surprise toy, but also took the opportunity to let me know that such inappropriate behavior was unacceptable. She told me that I had not only embarrassed myself, but also her, my entire immediate family, all Chinese people, all Asian people, all humans, and in fact all carbon-based life forms. I managed to not embarrass silicon-based life forms only because they are not carbon-based like me. To most Asians, losing face is an unfortunate outcome to be avoided if at all possible. Fear of embarrassment is a great motivator for not engaging in behavior that even slightly risks public humiliation.¹⁵⁶ Telling me that I was embarrassing not just my family, but also the Chinese race and countless assorted carbon-based life forms was a motivating practice that mom often used.

My reaction to such a motivational technique in this particular case was to not voluntarily accompany her on any future (grocery) shopping trips. In general, my sense was that at least for me personally, negative-emotion motivators are not as effective as positive-emotion motivators.¹⁵⁷ More generally, behavioral economists George Loewenstein and Ted O'Donoghue point out that there is a potentially high cost of relying upon negative emotions to motivate behavior:

cognitively and socially competent adolescents, who coped better with frustration and stress in addition to performed better scholastically); Walter Mischel, Yuichi Shoda, & Philip K. Peake, *The Nature of Adolescent Competencies Predicted by Preschool Delay of Gratification*, 54 J. PERSONALITY & SOC. PSYCHOL. 687 (1988) (same). See also John Ameriks, Andrew Caplin, John Leahy, & Tom Tyler, *Measuring Self-Control Problems*, 97 AM. ECON. REV. 966 (2007) (developing a survey instrument for measuring self-control problems).

¹⁵⁶ See generally Peter H. Huang & Christopher J. Anderson, *A Psychology of Emotional Legal Decision Making: Revulsion and Saving Face in Legal Theory and Practice*, Review Essay of MARTHA NUSSBAUM, *HIDING FROM HUMANITY: DISGUST, SHAME, AND THE LAW* (2004), 90 MINN. L. REV. 1045, 1060-67 (2006) (analyzing roles that losing and maintaining "face" can and should play in law).

¹⁵⁷ See generally Elizabeth Thompson Gershoff, *Corporal Punishment by Parents and Associated Child Behaviors and Experiences: A Meta-Analytic and Theoretical Review*, 128 PSYCHOL. BUL. 539 (2002) (reporting that parental corporal punishment was associated with more immediate compliance and aggression and less moral internalization and mental health). See also Daniel Verdier & Byungwon Woo, *Why Rewards Are Better Than Sanctions*, 23 ECON. & POL. 200, 231 (2011) (proving mathematically in a particular extensive form game-theoretic model that under no circumstances should a sanctioner prefer sanction threats to reward promises).

namely, the shame felt when and if self-control attempts fail, as they invariably often do.¹⁵⁸ Experiencing such negative emotions as shame after failing to achieve some desired behavior is an example of what economists refer to as a deadweight loss.¹⁵⁹ Law professor Clark Freshman in conjunction with psychologists Adele Hayes and Greg Feldman found empirically that for a sample of law students,¹⁶⁰ more of certain positive emotions and emotional habits predicted: (1) success at negotiation, in terms of both greater individual gains and joint gains; (2) success in terms of law school class rank and course grades; (3) success in terms of emotional health, in terms of both fewer symptoms of depression and anxiety, and more mental wellness. They also found that negative emotions and emotional habits had the opposite associated correlations.

My childhood, like that of my two brothers, P2 and P3, and undoubtedly many other people, frequently had unhappy periods. Unhappiness is often the result of perfectionist expectations.¹⁶¹ I remember one time my mom called to say that P3 wanted to attend 10th grade at Horace Mann School,¹⁶² unlike P2 and me who both attended college after completing 9th grade. She feared that P3 had learning issues because she had given birth to P3 when she was six years older than when she gave birth to me. She also was not happy about P3 being constantly on the phone with girls once Horace Mann School had become co-educational. I reassured her that P3 would turn out fine and become socially better-adjusted than I was. I attended 8th grade mixers as a wallflower in the Horace Mann School basketball gymnasium instead of speaking to any 8th grade girls from the neighboring Riverdale Country School,¹⁶³ or the Brearley School, to which my mother wanted to send me to before she was informed that it was an all-girls school.¹⁶⁴ Both P3 and P2 today are the happy fathers of daughters A1 and A2.

Memories of negative emotions help explain my life-long fascination with how to foster such positive emotions as contentment, happiness, hope, and optimism.¹⁶⁵ Professor Martin Seligman, who pioneered the field of positive psy-

¹⁵⁸ See generally George Loewenstein & Ted O'Donoghue, "We Can Do This the Easy Way or the Hard Way": Negative Emotions, Self-Regulation, and the Law, 73 U. CHI. L. REV 183 (2006) (pointing out drawbacks to utilizing negative emotions to self-regulate behavior).

¹⁵⁹ *Id.*, at 190 n. 10, 201, 205 fig. 3, 206 fig. 4.

¹⁶⁰ Clark Freshman, Adele Hayes, & Greg Feldman, When "Not Too Bad" May Not Be Good Enough: A Theoretical And Empirical Exploration of Efficient Emotion and Law Student Success at Grades, Negotiation, and Mental Health (Apr. 9, 2011) (unpublished manuscript) (on file with author).

¹⁶¹ See generally TAL BEN-SHARAR, BEING HAPPY" YOU DON'T HAVE TO BE PERFECT TO LEAD A RICHER, HAPPIER LIFE (2010) (explaining how to let go of unrealistic expectations in order to be happy).

¹⁶² HORACE MANN SCHOOL, *supra* note 33.

¹⁶³ RIVERDALE, <http://www.riverdale.edu/podium/default.aspx?t=22772> (last visited July 18, 2012).

¹⁶⁴ THE BREARLEY SCHOOL, <http://www.brearley.org/> (last visited July 18, 2012).

¹⁶⁵ See generally JONATHAN HAIDT, THE HAPPINESS HYPOTHESIS: FINDING MODERN TRUTH IN ANCIENT WISDOM (2006) (offering insights about emotions, happiness, and meaning). See also HAPPINESS HYPOTHESIS, <http://www.happinesshypothesis.com/>, (last visited July 18, 2012) (same).

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chology,¹⁶⁶ advocates that people generally and children particularly are better off if they cultivate, develop, and use their character strengths as opposed to instead working on their weaknesses.¹⁶⁷ In the last chapter entitled “The Politics and Economics of Well-Being,¹⁶⁸ of Seligman’s book about flourishing,¹⁶⁹ he proposed that policymakers evaluate policies via a common metric of well-being in terms of its five components PERMA.¹⁷⁰ Such recent proposals to measure aggregate happiness echo ideas that Senator Robert Kennedy advocated in his inaugural campaign speech on March 18, 1968 at the University of Kansas, challenging the prevailing orthodoxy of how governments measure well-being.¹⁷¹ Seligman has also proposed that business schools offer “positive business” courses to expand what MBAs and corporate America care about from just earning money and making profits to fostering individual and social flourishing.¹⁷² I am a member of a faculty,¹⁷³ who will be teaching an executive master’s program in positive leadership and strategy.¹⁷⁴ Chip Conley, the founder of Joie de Vivre, eloquently argues that we should choose to measure what we value and not just value whatever we happen to measure.¹⁷⁵

B. King Lear’s Question: How Much Do You Love Me?

I can still vividly remember sitting alone in a single dormitory room and crying after my parents dropped me off to become a 14-year old freshman at Princeton University. My folks had written a letter to the dean of students in the spring or summer of 1973 requesting that I not be assigned like other freshman to live in a multi-room suite with other students because my parents were afraid of and concerned about my being exposed to drugs, rock and roll, and sex. The two most prominent items in this tiny room off Nassau Street were: 1) a twin bed with sheets and pillowcases that displayed such Peanuts characters as Charlie Brown and Lucy on them and 2) a metal bookcase which contained the assigned and all of the recommended textbooks for my courses: honors advanced multi-

¹⁶⁶ Popprincess06, *Positive Psychology movie* : =), YOUTUBE (Apr. 20, 2011) http://www.youtube.com/watch?v=X2Dd_gjTp8I., (providing a brief introduction to studying positive affect in the context and history of studying negative affect).

¹⁶⁷ SELIGMAN, *supra* note 43, at 208-46.

¹⁶⁸ *Id.* at 221-41.

¹⁶⁹ SELIGMAN, *supra* note 44.

¹⁷⁰ *Id.* at 239-41.

¹⁷¹ *Robert F. Kennedy challenging GDP*, YOUTUBE (Sept. 11, 08)

<http://www.youtube.com/watch?v=77IdKFqXbUY> (providing audio from that speech augmented by photographs related to ideas of speech).

¹⁷² SELIGMAN, *supra* note 44, at 231.

¹⁷³ *Faculty*, IE UNIVERSITY, <http://exmpls.ie.edu/faculty.php> (last visited July 18, 2012) (listing representative faculty).

¹⁷⁴ IE UNIVERSITY, <http://exmpls.ie.edu/> (last visited July 18, 2012) (describing the program).

¹⁷⁵ Chip Conley, *Measuring What Matters*, TED TALK (Feb. 2010),

http://www.ted.com/talks/lang/eng/chip_conley_measuring_what_makes_life_worthwhile.html;

variable calculus, intermediate German, principles of macroeconomics, and Shakespeare I.

During a visit home to my parents on the upper east side of Manhattan one autumn weekend, my mother inquired about how my classes were going. So, I dutifully reported on each course. Upon hearing that I was reading *King Lear*,¹⁷⁶ she asked for more details. I told her about how in the first scene of the play, King Lear asks each of his daughters how much she loves her parents. My mother apparently believed that this was such a good question that she then asked me how much I loved my parents. I replied by asking her what is love.¹⁷⁷ She proceeded to define love in terms of the following hypothetical fact pattern and related question.

Suppose that on a snowy winter day, on First Avenue in Manhattan, a New York City Metropolitan Transportation Authority M15 transit bus were to suddenly have its brakes fail, run a red light, and careen towards her. Suppose also that she had her back turned to the runaway bus. Suppose finally that because of severe blizzard conditions and the fact that she had wrapped around her ears heavy earmuffs and a thick scarf, she could not hear any verbal warnings to get out of the way. Would I love her enough to be willing to rush out onto First Avenue to push her out of the way of that oncoming bus to save her life... and in so doing be killed by the bus myself?¹⁷⁸ I felt that this was a difficult question to answer truthfully. I knew the answer that my mother hoped to hear was yes, but also found the question to be intriguing and paradoxical because it required making a choice between a pair of tragic decisions.¹⁷⁹

To stall for more time, I countered by asking my mother what she would do if the situation were reversed. She answered that was an easy question and that she would not hesitate to give up her life to save her # 1 son's life. I then responded that because she had revealed that she preferred to give up her life to save mine, in order to respectfully honor her wishes, I would not sacrifice my life to save hers. She was not amused by my literal and logical response. She asked if I'd answer differently if the question had been about my wife or children instead of her. I answered of course I'd sacrifice myself to save my kids or wife, to which my mother responded angrily to my then 14-year old, childless and unmarried self, "So, you admit that love your wife and offspring more than you love your mother!"

King Lear's question brings up issues of how to account for, analyze, compare, and evaluate JDM in general but more particularly those that arise in life and death situations. JDM scholars Jon Baron and John Hershey documented an

¹⁷⁶ WILLIAM SHAKESPEARE, *KING LEAR* (1605).

¹⁷⁷ HADDAWAY, What is Love (1993), http://www.youtube.com/watch?v=k_U6mWu1XQA.

¹⁷⁸ See also BRUNO MARS, *Grenade, on DOO-WOPS & HOOLIGANS* (2010), available at <http://www.youtube.com/watch?v=SR6iYWJxHqs>.

¹⁷⁹ See generally GUIDO CALABRESI & PHILIP BOBBIT, *TRAGIC CHOICES* (1978) (examining tensions in tragic choices); Mary Luce Francis, *Decision Making as Coping*, 24 HEALTH PSYCHOL. S23 (2005) (reviewing emotional trade-off difficulties in decision making).

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outcome bias in how people evaluate other's decision-making.¹⁸⁰ Even the process by which to evaluate outcomes resulting from decisions is not always obvious. In many situations, there are such natural metrics as money or the final score of sporting contests to judge results. But even for such outcomes as winning or losing sporting contests, there can be other statistics of interests: margins of victory or loss, individually stellar plays, individual or team records broken or set, and injuries. Usually there are multiple dimensions that decision-makers and others care about in assessing the results of choices. For example, I choose the routes to commute between home and office based upon such variables as the average speed, time, traffic congestion, pleasantness of scenery, and likelihood of road construction work.

King Lear's question also raises what some legal scholars and philosophers call the issue of commensurability. Some people worry that practicing commensurability is hazardous because it inevitably leads to conceptualizing everything as being commensurable with everything else and money in particular via cost-benefit analysis.¹⁸¹ Such universal commensurability concerns these people because they believe that some tradeoffs are or should be taboo. For example, suppose that a stranger offers you a million dollars cash in exchange for your child. You naturally refuse because you love your child. Suppose that when you refuse, that stranger then offers you two million cash. You of course refuse again. Suppose that stranger next offers you three million cash. This can, if the stranger has unlimited funds and if you stick to your principles, continue forever as you never agree to any cash amount offered by that stranger because you simply view money as just not being commensurable with your child. Other similar visceral examples include choices in such films as *Sophie's Choice*¹⁸² and *An Indecent Proposal*,¹⁸³ a scene of which is particularly ironic in its treatment of bargaining, commensurability, and lawyer ethics.¹⁸⁴

C. Texas Tofu and Top Gun Data

I was a visiting assistant professor in the economics department of the University of Iowa during the eighth and final year of being a graduate student in applied mathematics at Harvard. My mom once asked why it took me so long to earn a Ph.D. when in three years, she earned her Ph.D. in biophysics and gave birth to two children? I responded that I am unable to give birth. She did not find this reply amusing.

¹⁸⁰ See generally Jonathan Baron & John C. Hershey, *Outcome Bias in Decision Evaluation*, 54 J. PERSONALITY & SOC. PSYCHOL. (1988) (presenting details about outcome bias in evaluations about others' financial or medical decision-making).

¹⁸¹ See, e.g., JEROME KAGAN, *THE THREE CULTURES: NATURAL SCIENCES, SOCIAL SCIENCES, AND THE HUMANITIES IN THE 21ST CENTURY* 197-200 (2009) (analyzing such dangers). But see generally Peter H. Huang, *Dangers of Monetary Commensurability: A Psychological Game Model of Contagion*, 146 U. PA. L. REV. 1701 (1998) (demonstrating possibility of less than universal commensurability).

¹⁸² *SOPHIE'S CHOICE* (Universal Pictures 1982).

¹⁸³ *INDECENT PROPOSAL* (Paramount Pictures 1993).

¹⁸⁴ *Indecent Proposal: Never Negotiate Without Your Lawyer*, YOUTUBE (Oct. 9, 2011) <http://www.youtube.com/watch?v=wJCqOhdzatA>.

In reality, the reason for my not earning a Ph.D. until the ripe old age of 25 was that I went through adolescence during graduate school. In particular, at age 20, I followed my principal dissertation advisor Kenneth Arrow when he moved from Harvard University to Stanford University. Because I have very low tolerance for cold weather, after having endured three picturesque but frosty New England winters, I warmly welcomed a move from chilly Cambridge, Massachusetts to mild and pleasant (though still at night often brisk and even cool) Palo Alto, California.

During the next couple of academic years, I learned to ride a bike, drive a car, date undergraduate females, and play volleyball (for several hours every afternoon mostly on asphalt courts but sometimes on grass). One of the Stanford undergraduates with whom I played volleyball every afternoon and evening in the spring of 1980 was a starting middle blocker on the Stanford University (“Cardinal”) women’s volleyball team. She invited those of us who regularly played volleyball with her to go see her play varsity volleyball during the autumn 1980. From 1980 to 1982, I attended every home and away match of Stanford University’s women’s volleyball team, which played in the Nor-Cal conference before playing in the Pacific-10 conference. Particularly fun and memorable were two of these trips: the first over a Thanksgiving weekend to Hawaii and the other a trip to Stockton, California, for the NCAA Final Four national championships in December 1982.¹⁸⁵ I came to be a visiting assistant professor in the economics department of the College of Business of the University of Iowa during 1983-84 only because a friend who had been a graduate student in economics at Stanford, John Solow,¹⁸⁶ asked me to play on his co-ed and six-man recreational league volleyball teams. In addition to playing volleyball, I would also teach undergraduate courses in two fields of applied microeconomics: industrial organization, which is about antitrust and imperfectly competitive markets, and public finance, which deals with the microeconomics of expenditures and taxation by the government or public sector.

Each year the American Economics Association holds the Allied Social Science Association annual meeting¹⁸⁷ in late December and/or early January that doubles as both a research conference and “meat” or “meet” market where most economics departments, a few economics type departments in business schools or public policy schools, and many federal government agencies conduct half hour job interviews of students in their final year of graduate school.

I had only a visiting appointment in the economics department at the University of Iowa, so attended that academic year’s job market conference and had been invited to interviews by several economics departments and government agencies. Near the conclusion of an interview with members of an economics department of a university in Texas, a Japanese American professor of mathe-

¹⁸⁵ STANFORD UNIVERSITY WOMEN’S VOLLEYBALL ARCHIVES, <http://www.gostanford.com/sports/w-volley/archive/stan-w-volley-archive.html> (last visited July 18, 2012).

¹⁸⁶ *John L. Solow, University of Iowa*, TIPPIE COLLEGE OF BUSINESS, <http://tippie.uiowa.edu/people/profile/profile.aspx?id=195039> (last visited July 18, 2012).

¹⁸⁷ AMERICAN ECONOMIC ASSOCIATION, ALLIED SOCIAL SCIENCES ASSOCIATION ANNUAL MEETING, http://www.aeaweb.org/Annual_Meeting/ (last visited July 18, 2012).

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mational economics asked for any questions about his employer. Really having none, but having been raised to be courteous, I decided to make a polite inquiry about whether he enjoyed living in Texas. He went into professor mode and launched into a lecture that lasted several minutes about being pleasantly surprised that his wife could buy and cook so many different kinds of tofu in Texas, including silken (also known as soft) and regular (also known as Chinese) styles, and both types in soft, medium, firm, and extra firm consistencies. He seemed to genuinely believe that I would be similarly happy to learn about being able to purchase so many varieties of tofu in Texas. His colleagues looked at him in apparent disbelief. His well-intentioned sharing of information that he cared about, information in which most other people had no interest, illustrates the dangers of any person assuming that other people have the same or similar preferences as that person.

The importance of differences in tastes being able to lead to mutually improving and therefore voluntary free trade is emphasized by this anecdote that Joel Waldfogel (currently Frederick R. Kappel Professor of Applied Economics at the Carlson School of Management at the University of Minnesota and formerly Joel S. Ehrenkrantz Family Professor in the business and public policy department at the Wharton School) once related over dinner. He asked his kids and their friends to rank order their candy from Halloween trick-or-treating and had them engage in mutually beneficial trading due to differing tastes over various brands of candy. His kids did not find their dad's request unusual. But, some of their friends expressed concern and unhappiness about having to do math prior to being able to eat candy!¹⁸⁸

Another example of an existing employee assuming that a potential employee already has the same preferences, tastes, or values occurred when I interviewed to join the Center for Naval Analyses (CNA),¹⁸⁹ a defense think tank, similar to the one for which the character Charlotte "Charlie" Blackwood (that Kelly McGillis portrayed) worked at in the movie *Top Gun*.¹⁹⁰ Being able to creatively use applied mathematics to solve real-world problems was personally appealing and I already had visions of working in San Diego participating in the CNA's field program and playing beach (sand) volleyball.¹⁹¹ But during the callback interview at CNA's headquarters in Arlington, Virginia, a CNA research staff member described how excited he was to be able to use real-world data in operations research analysis. Curious to share his excitement, I asked what sort of empirical data? He answered rather nonchalantly, "Casualty figures and death tolls from the Falklands conflict." His brutally honest answer convinced me to find another source of employment. In hindsight, his answer was a very good matching or screening mechanism to identify potential employees who

¹⁸⁸ Joel Waldfogel, *The Deadweight Loss of Christmas*, 83 AM. ECON. REV. 1328, 1331-33 (1993) (estimating deadweight loss from holiday gift-giving is ten percent to a third of gift value). See generally JOEL WALDFOGEL, SCROOGENOMICS: WHY YOU SHOULDN'T BUY PRESENTS FOR THE HOLIDAYS (2009) (arguing holiday gift-giving is economically inefficient and proposing alternatives).

¹⁸⁹ CENTER FOR NAVAL ANALYSIS, <http://www.cna.org/> (last visited July 18, 2012).

¹⁹⁰ TOP GUN (Paramount Pictures 1986).

¹⁹¹ CNA FIELD PROGRAM, <http://www.cna.org/centers/operations-evaluation/field>.

have no qualms about dealing with not just hypothetical, but actual human death or injury statistics on a regular basis.

III. LAW SCHOOL MUSICAL

When my niece K was 6 years old, she asked, “what is your job, Uncle Peter anyways?” Upon being told that Uncle Peter teaches in a law school, K asked, “what is law school anyway?” Upon being told some people attend law school after they go to college, K asked, “what is college?” Upon being told some people attend college after they go to high school, K exclaimed in shock “you mean there is something after high school musical,¹⁹² high school musical 2,¹⁹³ and high school musical 3!”¹⁹⁴

Yes, K, there is law school musical!¹⁹⁵ I am a high school dropout who never finished high school because at age 14, I left Horace Mann School,¹⁹⁶ after the 9th grade before taking a credit of health education, which is a New York state high school graduation requirement.¹⁹⁷ Law school classmates who finished high school uniformly say that law school and high school are quite similar in terms of the ubiquitous anxiety, cliques, dating, drinking, gossiping, gunners, herding, lockers, and loners. This Part of the Article recounts experiences from being a first-year law student at the University of Chicago and thereafter a second- and third-year law student at Stanford University. What these diverse memories have in common is they exemplify very different views of what constitutes appropriate or effective legal education and pedagogy.

A. *Think of a Shorter and More Correct Answer*

Elsewhere,¹⁹⁸ I have already discussed examples of the immodest culture and singular mindset of most faculty members of the University of Chicago (U of C) law school (and economics department). Professors who taught required first-year law classes at the U of C during the academic year 1994-95 practiced

¹⁹² HIGH SCHOOL MUSICAL (Disney Channel Original Movie 2006).

¹⁹³ HIGH SCHOOL MUSICAL 2 (Disney Channel Original Movie 2007).

¹⁹⁴ HIGH SCHOOL MUSICAL 3: SENIOR YEAR (Walt Disney Pictures 2008).

¹⁹⁵ GLAMOROUS LAW SCHOOL: THE MUSICAL,

<https://sites.google.com/site/glamorouslawschool/>; Claire Delahome, *Law School is Totally Glamorous -- at least in this CU Musical*, Apr. 12, 2012,

<http://blogs.westword.com/showandtell/2012/04/law-school-the-musical.php>; STEPHANIE

WEST ALLEN, VIDEOS OF GLAMOROUS LAW SCHOOL: THE MUSICAL,

<http://westallen.typepad.com/idealawg/2012/04/videos-of-glamorous-law-school.html> (last visited July 18, 2012).

¹⁹⁶ Horace Mann School, *supra* note 32.

¹⁹⁷ NEW YORK CITY DEPARTMENT OF EDUCATION HIGH SCHOOL GRADUATION REQUIREMENTS, <http://schools.nyc.gov/RulesPolicies/GraduationRequirements/default.htm> (last visited July 18, 2012).

¹⁹⁸ Peter H. Huang, *Emotional Reactions to Law & Economics, Market Metaphors, & Rationality Rhetoric*, in THEORETICAL FOUNDATIONS OF LAW AND ECONOMICS 163, 170-72, 176-78 (Mark D. White ed., 2008).

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Socratic legal instruction. There were quite wide-ranging individual differences in their Socratic abilities, philosophies, practices, and styles. Not surprisingly, the younger professors were kinder and gentler in their Socratic legal instruction. The sole female professor from whom I took a first year class in the law school at the U of C did not employ any Socratic questioning. I also had to petition to get permission to take her seminar titled Social Science Research and Law to satisfy the first-year elective requirement in the spring quarter. The following sequence of moments from being a U of C first-year law student offers an uncensored insider's look into the self-described three cornerstones of the U of C law school's academic culture: the life of the mind, participatory learning, and interdisciplinary inquiry.¹⁹⁹

On the first day of being a first-year law student at the University of Chicago, this exchange took place in my Civil Procedure I class. The assignment posted in the law school for the first day of class had been to read the Federal Rules of Civil Procedure 1 through 12.²⁰⁰

"Mr. Huang, how do you initiate a lawsuit?"

"How do you initiate a lawsuit?"

"No need to repeat the question, simply answer it if you can."

"Uh, I think that you initiate a lawsuit by hiring an attorney?"

"Mr. Huang, did you know there was a reading assignment for our first class meeting?"

"Yes."

"Mr. Huang, did you read the Federal Rules of Civil Procedure 1 through 12?"

"Uh, yes."

"Well then, Mr. Huang, how do you initiate a lawsuit?"

"Uh, you speak to a clerk?"

"No, Mr. Huang, under Federal Rule of Civil Procedure 5(a)(1)(A), you serve a complaint and under Federal Rule of Civil Procedure 5(a)(1)(B), you file a pleading!"

I understandably felt quite embarrassed by this affectively negative faculty-student interaction, which was reminiscent of the opening scene of the film *Paper Chase* in which a first year law student Mr. Hart suffers a similar type of public humiliation from an exchange on the first day of law school with his contracts professor Charles Kingsfield;²⁰¹ and of the movie *Legally Blonde*, where another

¹⁹⁹ ACADEMIC CULTURE, UNIVERSITY OF CHICAGO LAW SCHOOL, <http://www.law.uchicago.edu/prospective/academicculture> (last visited July 18, 2012).

²⁰⁰ Fed. R.Civ.Pro. 1-12.

²⁰¹ THE PAPER CHASE (Twentieth Century Fox 1973), YOUTUBE (AUG. 12, 2011) <http://www.youtube.com/watch?v=qx22TyCge7w>.

first-year law student Elle Woods also has an analogous first day of law school experience with her civil procedure professor Stromwell.²⁰² I recalled that just a couple of months earlier from January to June of that calendar year (1994), I had been a visiting assistant professor in economics at Stanford teaching in the winter quarter, “Economics 160: Game Theory and Economic Applications,” and in the spring quarter, “Economics 181: Optimization and Economic Analysis.” How low I’d fallen in such a short amount of time.

My Contracts I & II professor once asked me a question that had a yes or no answer. Upon sensing my uncertainty, he jokingly and nicely pointed out: “You have a 50-50 chance of getting this right, Mr. Huang.” Upon my incorrectly answering yes, he quipped: “Think of a shorter and more correct answer!” I’ve never forgotten how his humor diffused and mitigated an otherwise potentially more embarrassing situation. I’ve always hoped to be able to pass on his generosity by doing the same someday in teaching.

My Torts I & II professor said as politely as possible in one class meeting: “Mr. Huang, you have taken us from tort law to the economics of socially optimal precautions and the assumption of risk to cognitive dissonance of scientists who do not wear radiation badges at nuclear power plants. That’s all very interesting. But, we must now get back to actual torts.”

In one class of a required course titled Elements of the Law that only the University of Chicago law school offers, my section’s professor, the prolific legal scholar and current Office of Information and Regulatory Affairs Administrator Cass Sunstein,²⁰³ provided more time to answer his question by “stalling” through asking a rhetorical question about what a darter snail looks like.

My Property I & II professor who had no formal graduate school-level training in economics, but did have a Ph.D. in medieval history, stated during one class that “we now come to Coase’s theorem, the most overrated result in all of law and economics.” The student who sat behind me whispered, “aren’t you going to speak up and defend Ronald Coase?” to which I whispered back: “I believe that his Nobel Prize speaks for itself.”²⁰⁴

In January 1995, there was no school holiday on Martin Luther King Day and that morning before the first class of the day another former economics professor and first year law student mentioned that she was very happy there had been less traffic during her drive into school compared to a typical weekday on Lakeshore Drive. My response was that it was amazing how much she had lowered her expectations after just one quarter of law school. I suggested that instead of being yippy skippy about her light commute, she perhaps could question why the University of Chicago law school deemed it educationally necessary and socially appropriate to have classes on a day set aside to commemorate a slain civil rights pioneer.

²⁰² Phillygan, *Legally Blonde- Great Clip*, (Apr. 7, 2008).

²⁰³ OFFICE OF MANAGEMENT AND BUDGET, ABOUT OIRA, http://www.whitehouse.gov/omb/info/eg_administrator; <http://www.law.yale.edu/faculty/DKahan.htm>. (last visited July 19, 2012).

²⁰⁴ NOBELPRIZE.ORG, THE SVERIGES RIKSBANK PRIZE IN ECONOMIC SCIENCES IN MEMORY OF ALFRED NOBEL 1991, http://nobelprize.org/nobel_prizes/economics/laureates/1991/; (last visited July 19, 2012).

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One day in the spring quarter, the list of upper-level courses we could take came out. On that list was a new course titled Compassion and Mercy that a new professor Martha Nussbaum would be teaching. Upon seeing this new offering, a number of classmates expressed anger, disappointment, and shock. They said that they wanted to enroll in courses for which the U of C law school is famous, namely those in business law generally and corporate law and securities regulation particularly. They were unhappy over the U of C law school offering such a touchy feely course as Compassion and Mercy instead of “a more rigorous and serious class,” such as economics analysis of any particular area of law. Their discomfort with and disdain for emotions is part of what many students believe it means to think like a lawyer.

In an anthropological study of first-year contracts classes at eight law schools,²⁰⁵ law professor and senior fellow of the American Bar Foundation Elizabeth Mertz found that being taught to think like a lawyer caused students to lose their sense of self as they developed analytical and emotional detachment,²⁰⁶ resulting from the discounting of personal moral reasoning and values,²⁰⁷ as they learned to substitute purely analytical and strategic types of reasoning in place of personal feelings of compassion and empathy.²⁰⁸ It is actually the case that empathy is an important and practical skill, which lawyers can and should learn.²⁰⁹

I found my former U of C first-year classmates amusingly and sadly close-minded and so jokingly suggested that at least one of them should enroll in Compassion and Mercy, so that he (they were all male) could learn all the details about compassion and mercy and thus construct better anti-compassion and anti-mercy legal arguments. He did not view the suggestion to be a joke and instead thought it a seriously great idea.

A former first-year classmate from the U of C law school whom I'll refer to as Mr. X came to Palo Alto in the autumn of 1996 for a call-back interview with the law firm of Wilson Sonsini Goodrich & Rosati and told me that one day he actually said “pass” upon being randomly called upon to answer a question in his Environmental Law class. His professor, Cass Sunstein, who had taught both of us in the class Elements of the Law during our first year of law school, said that in all of his years teaching at the U of C law school, no other student had ever said “pass” upon being called upon. Sunstein went on to say that he was not sure what that meant about previous U of C law school students in comparison with this current class. When Sunstein called on another student in that class to answer his question, that student also passed. After a third student passed, Sunstein said: “See, Mr. X, look at the precedent that you have set.” Mr. X confided that he was afraid to ask Sunstein to be a reference because of that incident.

²⁰⁵ELIZABETH MERTZ, *THE LANGUAGE OF LAW SCHOOL: LEARNING TO “THINK LIKE A LAWYER”* (2007).

²⁰⁶*Id.* at 99.

²⁰⁷*Id.* at 1, 6.

²⁰⁸*Id.* at 6, 95.

²⁰⁹See Ian Gallacher, *Thinking Like Nonlawyers: Why Empathy Is a Core Lawyering Skill and Why Legal Education Should Change to Reflect Its Importance*, 8 *LEGAL COMM. & RHETORIC* 109 (2011) (analyzing pedagogical implications of lawyers communicating a lot with such non-lawyers as clients, jurors, and witnesses).

B. *Law School on the Farm in Paradise*

I was one of around thirteen or so transfer students to Stanford Law School (SLS) during the 1995-1996 academic year. There was an orientation meeting in which we were asked to go around the room and introduce ourselves and say why we transferred. Most people said love or warmer weather. I said the love of warmer weather.

Because the U of C required two quarters of the first-year classes of Civil Procedure, Contracts, Criminal Law, and Torts, the subject of Constitutional Law was an upper-level course instead of being a first-year class as it is at most other American law schools. Upon transferring to SLS, I was able to choose a section of Constitutional Law I in the spring semester. I chose to enroll in a section taught by a nationally prominent scholar and professor of constitutional law, Kathleen Sullivan, whom I had seen on the ABC late night news program *Nightline*. She called all students by their first names, assigned us to be on weekly panels, and invited those students on call for a week to the front of the classroom to chat with her at end of that week's last class session. She was not only an expert in U.S. Constitutional law, but also a masterful classroom teacher able to elicit passionate student participation.

Unlike at the U of C, SLS students knew and used each other's first names. There was a laid-back culture not infused and permeated with anxiety, fear, and hierarchy as there was at the U of C (although it must be said that a boot camp mentality of "we're all in this together, being abused" can be a strong bonding force). The law school registrar once said jokingly that it is appropriate that SLS faculty teach in gardening clothes because they are fertilizing legal minds. U of C law school professors dressed in suits as their official costumes. There were many opportunities for SLS students to interact outside of class informally with each other and with professors. One semester, an e-mail offering free lunches with SLS faculty for small groups of SLS students who signed up jokingly included the admonition that gunners need not and should not apply.

After an on-campus interview with the law firm of Sullivan Cromwell LLP,²¹⁰ I was invited to attend the reception that Sullivan Cromwell was hosting that evening in a Palo Alto restaurant. Upon arriving, I went over to some other SLS students and introduced myself.

One of them said, "all of us already know who you are, Peter."

I was puzzled and said, "I don't know any of you, though."

Another student said, "Oh, yeah, you're in biz ass, volunteer always, and speak out a lot."

I said, "I'm sorry about monopolizing our class time."

A third student chimed in, "Don't be and thanks for doing that for two reasons: first it means there is less chance and time for the rest of us to

²¹⁰ SULLIVAN & CROMWELL LLP, <http://www.sullcrom.com/> (last visited July 19, 2012).

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be called upon and second we don't have to pay attention to what you are saying. So, please keep up the good job."

My Taxation I professor asked just before the start of the first class after autumn break if that week's panel members wanted to be questioned about doctrine or policy. Both I and the other student on panel that week (who also had transferred from the U of C) enthusiastically and quickly said "policy" because we correctly figured to have a better chance of constructing policy rationales to support any tax regulation than remembering the intricate details of cases (read over a week ago) involving the federal tax code.

I primarily enrolled in seminars, including Advanced Health Law, Corporate Law Theory, Cyberspace, Decision Analysis, Entertainment Industry Law, Fiduciary Investing, High-Tech Crime, Income Distribution, Law & Economics, and Legal Studies Colloquium. This meant I did not enroll in the large upper-level classes for subjects covered on the California Bar exam, such as Criminal Procedure, Evidence, Remedies, and Trusts and Estates. Every seminar I enrolled in required writing term papers, which I have subsequently revised and published in law reviews. For example, a revision of my term paper for a seminar titled Advanced Health Law: Ethical, Legal, and Social Implications (ELSI) of Genetics subsequently was invited to be part of and published in a law review symposium issue.²¹¹

I was a Stanford Center for Conflict and Negotiation (SCCN) fellow in 1996, which meant being able to meet one of the founders of behavioral economics, psychology Professor Amos Tversky,²¹² before his untimely passing. SCCN fellows had the opportunity to share a meal with guest speakers from other universities who presented their research to an interdisciplinary colloquium about decision-making. Speakers included law professors, business school professors, economists, and psychologists. It was a fun experience to learn from behavioral decision-making researchers and be able to interact with them first-hand.

IV. LIFE AMONG SOME LAW SCHOOL TRIBES

My previous experiences in legal academia consist of having been a tenure-track assistant professor of law at the University of Pennsylvania, a visiting professor of law at the University of Southern California, a visiting assistant professor of law at the U of C, a visiting assistant professor of law at the University of Virginia, a tenured associate professor of law at the University of Minnesota, a chaired professor of law at Temple University, and a visiting lecturer in law at Yale University.

²¹¹ Peter H. Huang, *Herd Behavior in Designer Genes*, 34 WAKE FOREST L. REV. 639 (1999).

²¹² Paul Brest, *Amos Tversky's Contributions to Legal Scholarship: Remarks at the BDRM Session in Honor of Amos Tversky, June 16, 2006*, 1 JUDGMENT & DECISION MAKING 174 (2006) (summarizing legal applications of Amos Tversky's behavioral decision-making research).

A. *Trick-or-Treating for Faculty*²¹³

Each year, the Association of American Law Schools (AALS)²¹⁴ holds a job market recruitment conference in Washington, D.C. usually around Halloween. As law professor Nancy Levit says, “we go trick-or-treating for faculty colleagues.” In October of 1996, during my third and final year as a law student at Stanford University, I rushed off after an antitrust law class and was in such a hurry to catch a flight into Reagan National airport that I forgot to change shoes and so arrived after nine p.m. in D.C. wearing sneakers. I asked the hotel concierge if there was any place open to buy some men’s dress shoes. His response was that this was D.C., not Manhattan. I had scheduled back-to-back half-hour interviews for the next two days that started with 8 a.m. breakfast interviews and ran each day until 5 p.m. with a one-hour break at lunchtime. I got up early to check on possible places to buy a pair of men’s dress shoes, to no avail.

While checking to see if I’d received any messages left on a (physical as opposed to virtual) bulletin board for job candidates (this was back in 1996), I ran into another interviewee who introduced himself after commenting on my choice of shoes. He said that he thought it was a bold shoe choice to wear sneakers to signal independence and non-conformity. I replied it was not a conscious fashion statement, but instead an unconscious and unintentional sign of being rushed and not being mindful. He asked me what size were my feet and upon being told a size 10 and 1/2 wide, he offered to lend me his cowboy boots that he had brought along just for casual wear. I gratefully and readily accepted his most generous offer. During a number of the interviews that morning, several law professors commented on how they were impressed by the cowboy boots as being a signal of a desire to live in the southwestern United States or California. Since then, a number of law professors who interviewed me confirmed they had made similar judgments. A similar event happened when I interviewed at University of San Diego Law School earlier that October and did not realize I’d forgotten to bring a tie until just before an interview dinner that evening. I had half an hour, so I rushed and found a panda tie, which was a big hit and conversation topic at dinner because of its being perceived to be a signal of desiring to live in San Diego and being able to visit a panda on a regular basis at the San Diego Zoo.

On the start of the second day of AALS interviews, I slept through the hotel wake-up call and a hotel alarm clock ringing at 7 a.m. because this was before iPhone alarm apps. A University of Pennsylvania law school professor called at 8:15 a.m. to ask if I’d forgotten an 8 a.m. scheduled breakfast interview. I said no, rushed to it, and was told that she interpreted my being late as a good sign that I was human after all. When I showed up during a callback interview at the University of Pennsylvania law school wearing a Winnie-the-Pooh tie, that same law professor commented on how her kids love Pooh and even though she did not understand my job market paper’s content or even its title, *A Real Options*

²¹³ Thanks to Nancy Levit for suggesting this wonderful phrase.

²¹⁴ ASSOCIATION OF AMERICAN LAW SCHOOLS, <http://www.aals.org/> (last visited July 19, 2012).

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Analysis of Multipliers for Damages in Civil Rights Litigation,²¹⁵ she concluded that any adult who wears a Winnie-the-Pooh tie must be approachable as a teacher and comprehensible as a speaker. I don't know how much input she had as a member of the appointments committee but I received and accepted an offer to be an assistant professor at the University of Pennsylvania law school.

One of my half-hour interviews at AALS had as its audience two professors from the University of Virginia law school: call them Polite and Not Silent (both are no longer there). Not Silent started the interview by announcing that the University of Virginia law school has a very busy faculty whose time is extremely valuable. In particular Not Silent said that Not Silent and Polite had many demands on their limited time. Therefore Not Silent asked how I felt about Not Silent's brilliant idea of requiring that faculty candidates pay an interview fee to compensate interviewers for the high value of their scarce time. I responded that although Not Silent's proposal made sound economic sense, it raised an issue of symmetry because those being interviewed are likely to also believe that their time is valuable. In my opinion, my time is more valuable to me than is Not Silent's time. Therefore, in response to Not Silent's proposed interview fee, I'd have to also institute an interview surcharge for my time spent that exceeds Not Silent's interview fee. Thus, Not Silent could just pay me the difference between our two interview fees. Not Silent did not have a response but just moved on to ask some other similar types of hypothetical scenario questions.

I actually thought about but did not additionally say that unless every law school chose or were required by the government or some other organizational authority (such as the Association of American Law Schools) to set the same interview fee, faculty candidates may interpret whatever interview fee a law school charged to be a signal about some characteristic of that law school. Possible attributes that a faculty candidate may infer about law schools include their self-perceived arrogance or importance, comfort level or pride in applying simplistic microeconomics to personnel decisions, lack of social etiquette, and their amount of comfort in violating commonly accepted professional and social norms. Upon the conclusion of the half-hour interview, Polite finally spoke up and said: "I'm not sure who was the winner of this verbal ping-pong or tennis match, but it was interesting to be a spectator and you two at least seemed to enjoy it."

B. PA Law

I was told by a senior University of Pennsylvania law school professor that each autumn on the first day of class in her first year course, she always started her class by randomly picking on some male student and engaging him in a Socratic dialogue. No matter what answers he provided to her questions, she would keep asking more questions of him involving more complex hypothetical variations on the case under discussion until he invariably contradicted himself. She explained that her annual fall ritual served to powerfully communicate on the

²¹⁵ Peter H. Huang, *A New Options Theory for Risk Multipliers of Attorneys' Fees in Federal Civil Rights Litigation*, 73 N.Y.U. L. REV. 1943 (1998).

first day of the semester that she took no prisoners, and was in full control! She recommended following her example to set a tone for the semester. I thanked her for her “wonderful” suggestion and proceeded to not follow her example, which is reminiscent of a scene depicting the first day of a civil procedure class at Harvard law school as portrayed in the film *Legally Blonde*.²¹⁶

I was asked by another senior University of Pennsylvania law school professor whether it was proper for an Ivy League law school to be offering such a frivolous sounding course as Law and Popular Culture, as opposed to a more appropriate, serious, and traditional sounding course like Law and Literature, upon my having proposed and taught a seminar titled Law and Popular Culture at the University of Pennsylvania law school. Many other University of Pennsylvania law school faculty and students often used the phrase, an Ivy League law school, which is curious because the Ivy League is an intercollegiate athletic conference founded in 1954 that consists of eight member schools: Brown University, Columbia University, Cornell University, Dartmouth College, Harvard University, the University of Pennsylvania, Princeton University, and Yale University.²¹⁷ Of these, only five of them have law schools, namely Columbia University, Cornell University, Harvard University, University of Pennsylvania, and Yale University. Those five are consistently ranked in this order by the *U.S. News & World Report* annual law school rankings: Yale law school, Harvard law school, Columbia law school, University of Pennsylvania law school, and Cornell law school.²¹⁸

That same senior University of Pennsylvania law school professor stated on another occasion that he would purposely turn in his course grades late so as to have a smaller number of students enroll in his classes than if he turned in his course grades early or even on time! He was quite proud of his clever scheme to influence the course selection behavior of law students by changing the incentives they faced in terms of getting tardy versus timely grades.

On another occasion, we had a conversation about how and why the University of Pennsylvania law school was able to so quickly and steadily move up in the *U.S. News & World Report* annual law school rankings from number twelve to number eight in just a couple of years. At the University of Pennsylvania, the Wharton School is the crown jewel that is consistently ranked among the top five business schools, while the law school has not once ranked among the top five law schools. I once joked that Yale law school is always stuck at number one, even though it desperately wants to go past being ranked number one to become ranked negative five.

The senior University of Pennsylvania law school professor asked how I thought the University of Pennsylvania law school records the following set of hypothetical transactions: Suppose that a rich alum donates a gift of \$200,000 to

²¹⁶ LEGALLY BLONDE, *supra* note 201.

²¹⁷ THE IVY LEAGUE, ABOUT THE IVY LEAGUE,

<http://www.ivyleaguesports.com/history/overview>; THE IVY LEAGUE, HISTORY OF THE IVY LEAGUE, <http://www.ivyleaguesports.com/history/timeline/index> (last visited July 19, 2012).

²¹⁸ U.S. NEWS & WORLD REPORT, BEST LAW SCHOOLS, <http://grad-schools.usnews.rankingsandreviews.com/best-graduate-schools/top-law-schools/law-rankings> (last visited July 19, 2012).

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the University of Pennsylvania law school, which in turn passes that onto the University of Pennsylvania, which levies a “tax” of 10% on the University of Pennsylvania law school, and so gives back to the University of Pennsylvania law school a net contribution of \$180,000. My answer was of course that the University of Pennsylvania law school has increased its assets by \$180,000 and thus can also increase its expenditures by that same amount of \$180,000.

He said that was incorrect. Instead, he stated that the correct answer was that the University of Pennsylvania law school assets had increased by the sum of \$200,000 and \$180,000; in other words, \$380,000. By the fundamental accounting identity, this means that the University of Pennsylvania law school can hence self-report spending \$380,000 more in aggregate expenditures on such things as instructional resources, library acquisitions, and academic support services. This in turn means that the University of Pennsylvania law school has a higher number for expenditure per student, which is one of the statistics that *U.S. News & World Report* uses to compute its annual law school rankings.²¹⁹ Upon my stating the obvious that such creative arithmetic involves double counting, his reply was that data that are reported to *U.S. News & World Report* do not have to comply with generally accepted accounting principles.²²⁰ In fact, no guidelines specify what may and may not count as part of expenditure per student, a category that accounts for only 1.5% of the overall ranking.²²¹ Some law schools have chosen to include taxes and utilities in computing expenditure per student,²²² and one law school uses an estimated value for Lexis/Nexis and Westlaw legal services instead of actual incurred costs.²²³

This professor went on to say that he believed that peer law schools of the University of Pennsylvania law school, such as Yale and Harvard, must also have engaged in similar accounting practices. Upon my response that whether all those law schools that are perennially higher ranked than the University of Pennsylvania law school engage in similar accounting practices or not, “peers do it” has never been, is not, and should not be a legitimate defense to engaging in such behavior, his response was that in his professional expert opinion as a law professor with an economics Ph.D., innovative accounting of numerical data reported to *U.S. News & World Report* was neither prohibited, nor even unethical given his eminently reasonable belief that other peer law schools engaged in similar practices. His entire argument and reply aptly illustrates the difference between teaching students ethics as opposed to values, a difference that Professor Seligman illustrates nicely when he points out that: “[e]thics are the rules you apply to get what you care about. What you care about--your values--is more basic than ethics.”²²⁴

²¹⁹ U.S. NEWS & WORLD REPORT, LAW SCHOOL RANKINGS METHODOLOGY, <http://www.usnews.com/education/best-graduate-schools/articles/2011/03/14/law-school-rankings-methodology-2012?PageNr=2> (last visited July 19, 2012).

²²⁰ U.S. NEWS & WORLD REPORT, LAW SCHOOL RANKINGS METHODOLOGY, visited July 19, 2012).

²²¹ Alex Wellen, *The \$8.78 Million Maneuver*, N.Y. TIMES, July 31, 2005, § 4A, at 18.

²²² *Id.*

²²³ *Id.*

²²⁴ SELIGMAN, *supra* note 43, at 229.

I have verbally told some people of the above conversation including my mother, who said that the professor did what he thought would make him, his dean,²²⁵ the president of the University of Pennsylvania, alumni, faculty, and students happy, namely being part of a higher ranked law school. My response was this quote: “no man chooses evil because it is evil; he only mistakes it for happiness, the good he seeks.”²²⁶ My tiger mom admitted there is a difference between authentic versus fraudulent happiness.

Finally, during an admissions committee meeting another senior University of Pennsylvania law school professor actually suggested that the University of Pennsylvania law school should actively encourage the application of students who had absolutely no chance of being admitted by waiving their application fees. This would result in the University of Pennsylvania law school appearing to be more selective than it was because it would mean a larger denominator in the acceptance rate fraction that is computed by dividing the number of accepted students by the number of applicants. That fraction in turn is one of the statistics that *U.S. News & World Report* uses to compute its annual law school rankings.²²⁷ I jokingly proposed that why should we stop there? Why not adopt a default rule that whenever motorists obtain or renew their driver’s licenses in the state of Pennsylvania, they are also automatically applying to the University of Pennsylvania law school, unless they explicitly opt out of doing so?

C. *Almost a Legal Consultant on Bull*

I was an Olin Fellow in law and economics and visiting professor at the University of Southern California law school during the autumn of 2000, teaching Securities Regulation. That summer, a new television show premiered called *Bull*.²²⁸ It was the cable network TNT’s first dramatic series and focused on some investment bankers and stock traders who form their own Wall Street securities brokerage firm. In an early class of Securities Regulation, I mentioned that on the television show *Bull* a character was mistaken about whether the Securities Exchange Commission or the Commodity Futures Trading Commission had jurisdictional authority to regulate futures contracts that are written on the value of major stock indices. After that class, a student came up and mentioned that she was dating a producer of the program *Bull*. She asked if I’d like to meet her boyfriend and perhaps be a financial and legal consultant for the show *Bull*. That sounded like fun, so after our last class meeting in December 2000, I asked that

²²⁵ MORGAN CLOUD & GEORGE B. SHEPHERD, *LAW DEANS IN JAIL*, (2012), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1990746 (analyzing how law schools and their deans who submitted false information about law schools’ expenditures to U.S. News & World Report may be guilty of such federal felonies as mail and wire fraud, conspiracy, racketeering, and making false statements).

²²⁶ MARY WOLLSTONECRAFT SHELLEY, *A VINDICATION OF THE RIGHTS OF MEN* 54 (1790, Reissue ed., 2009).

²²⁷ FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD, <http://www.fasab.gov/accounting-standards/authoritative-source-of-gaap/> (last visited July 19, 2012) (Generally Accepted Accounting Principles).

²²⁸ *Bull: In the Course of Human Events* (TNT television broadcast, Aug. 15, 2000).

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student about meeting her producer boyfriend. She unfortunately was no longer dating him (it was after all Los Angeles and three months later)!

Just a few facts about the University of Southern California law school sum up its collegial culture and welcoming nature. First, the faculty lounge had a vending machine that dispensed free cans of soda. Second, almost every weekday, a friendly group of law professors met at 11:45 a.m. on the fourth floor of the law school building to walk ten minutes across campus to eat lunch at the international food court of University Village, a nearby shopping center. Conversations covered the gamut of law and non-law related topics including but not limited to current events, movies, teaching, research, sports, and traffic. Third, there was a petting zoo for the kids of law school faculty at the autumn 2000 start-of-the-year faculty and staff party held at the law school dean's home in Pasadena! Fourth, law professors were more than happy to share course Power-Point presentation slides with one another. Fifth, a colleague invited me to attend a U.S.C. home football game and the dean invited me to watch a U.S.C. home basketball game.

D. A 70 Degree December Day in Chicago?

It was December 15, 2000 and I had just returned from having a yummy lunch from dim sum carts with a University of Southern California colleague in Monterey Park, California. There was a voice mail on my office phone from then Dean Daniel Fischel of the University of Chicago law school asking me to call him back. When I did, he asked how was the weather in L.A. I told him that it was a typical mild and sunny day in the greater Los Angeles area with the temperature being in the 70-75 degree range. He said that it was also 70 degrees there in Chicago. I questioned really? He then admitted that it was 70 degrees inside the U of C law school building.

Fischel then communicated a so-called look-see visiting offer for autumn 2001 teaching Federal Regulation of Securities. Law schools typically make one of two types of visiting offers: 1) look-sees that are in essence on-the-job interviews lasting for at least one semester and possibly an entire academic year, and 2) podium fillers, which do not involve any stated possibility of a permanent employment offer. I asked to confirm that it was a look-see offer and he claimed that it was indeed one. Only later that summer after accepting the alleged look-see offer, but prior to driving to Chicago did I learn from a fellow University of Pennsylvania law school professor that while she was serving on a AALS committee with a U of C law school professor that summer she had mentioned to him that I was excited about visiting at the U of C due to having been a first-year law student there. He said oh, well the U of C needed someone to cover securities regulation that fall and if they were honest about it being a podium visit I'd be likely to decline their offer.

Fischel concluded the phone conversation by asking if I had any other questions regarding his offer, the University of Chicago law school, or the city of Chicago. I informed him that I had been a U of C first-year law student, which surprised him only because of his failure to perform any due diligence. He said "okay, then, we're all set," to which I said that I'd have to ask the dean at the University of Pennsylvania law school. Fischel's response was that in the big

leagues that is not necessary. My response was that in any league it seems polite and prudent to inform if not ask your current employer about accepting a visiting offer.

When I drove to the U of C two days after 9/11/2001, the U of C dean was no longer Fischel. Instead it was someone who used to be at the University of Virginia law school and who had been one of four external candidates to be dean at the University of Pennsylvania law school. On Friday, September 14, 2001, that new dean informed me that there was a long-standing tradition of a (proper) subset of U of C law professors having lunch at a round table in the U of C faculty club on every Monday, Wednesday, and Friday. The only rule was that one was not allowed to speak about any topic about which one has specialized knowledge. He told me that I could not speak about applied mathematics, business law, derivatives, economics, finance, popular culture, and securities regulation. So, these lunches were in essence the uninformed leading the informed!

One day my office door neighbor, a prolific law and economics scholar, and one of the most important and influential legal thinkers of modern times according to a poll of almost 5,000 readers of *Legal Affairs*,²²⁹ Richard Epstein, dropped by to ask if I'd like to join him for lunch. Incidentally, he was one of only two professors to do so during the whole autumn quarter. The other was former Dean Douglas G. Baird, who had taken me to lunch once each quarter already when he was dean in 1994-95 and I was a first-year law student there.

While Epstein who had the office next door to mine was putting on his raincoat, he asked, "can anyone teach Federal Regulation of Securities?"

I replied: "of course, anyone can teach Federal Regulation of Securities ... badly; but a more relevant question is can anyone teach Federal Regulation of Securities well or just effectively, to which the answer is no."

University of Chicago law school permanent faculty members who attended their law and economics workshop behaved as if they were conducting emergency room triage. If a professor from another law school presented a purely empirical paper, then someone in the audience would complain there was no theory and therefore ask what was the theoretical framework? If a professor from another law school presented a purely theoretical paper, then someone in the audience would complain there was no empirical evidence and therefore ask where was the data? If a professor from another law school presented an empirical and theoretical paper, then someone in the audience would complain that this was really two separate papers, an empirical one and a theoretical one and so ask why the presenter did not separate them?

E. How is Law School like Doing Laundry and Flossing?

A couple of facts about the University of Virginia law school summarize its organizational culture. Upon my being denied tenure at the University of Pennsylvania law school, the then University of Virginia law school dean John Jefferies, Jr. and the current University of Virginia law school dean Paul Mahoney

²²⁹ WHO ARE THE TOP 20 LEGAL THINKERS IN AMERICA?, <http://www.legalaffairs.org/poll/> (last visited July 19, 2012).

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invited me to dinner with them. They both expressed their condolences and reassured me that I would have been granted tenure had I been a tenure-track junior faculty member at the University of Virginia law school. I laughed and told them that unfortunately I did not even receive a call-back on-site interview from the University of Virginia law school after the AALS hiring conference with Polite (who was still at Virginia law school then and who had become a supporter) and Not Silent (who had gone to become dean at the U of C law school at the time).

When a second Supreme Court Justice visited in the spring of 2003, I noted that in the seven years that I had been at the University of Pennsylvania law school just one Supreme Court Justice visited. Mahoney joked that if there were a bullet train from Charlottesville to Washington, D.C., the University of Virginia law school would be in the top five.

During a class meeting of securities regulation early in the spring semester of 2003, a student asked if they really had to do the assigned readings in the required casebook and if so, then could they do the readings just before the final exam. I explained that keeping up with the assigned course readings is like doing laundry and flossing because all three activities can be accomplished on a regular basis without much burden. Yet if one delays and procrastinates doing these activities on a regular basis, they become quite burdensome and can lead to unpleasant consequences. That Friday, in the University of Virginia law school student paper's column of notable quotes was one from Professor Huang stating that: "law school is like doing laundry and flossing." That was it, end of sentence and full stop with no commentary or explanation.

At another class meeting of securities regulation, I covered section 28 of the Securities Act of 1933 entitled General Exemptive Authority.²³⁰ This is a section that provides the Securities and Exchange Commission (S.E.C.) with the authority to promulgate regulations and rules that exempt any person, security, or transaction from any securities laws if such an exemption is appropriate or necessary for the public interest and consistent with investor protection. The reason for the adjective "general" in the title of section 28 is to contrast this grant of broad authority to the S.E.C. to craft exemptions from securities laws from other sections of the Securities Act of 1933 that provide for limited exemptions from particular securities laws, such as registration requirements for companies that are going public. The word "general" led to a lively discussion about General Tso's chicken, tofu, etc. and the questions of whether General Tso was a real historical Chinese figure and was he famous for his cowardice, culinary skills, or military acumen? Upon finishing the class and returning to my office, I'd already received a number of e-mails with answers to all of those questions time stamped during the class session!

F. Weekly Commutes between Philly and the Twin Cities

I taught at the University of Minnesota (U of M) law school during the academic year 2004-2005, flying every Thursday from Minneapolis to Philadelphia and flying back every Monday. My weekly commute meant not being as inte-

²³⁰ 15 U.S.C. § 78mm (2010).

grated into the U of M law school than had I been there on a daily basis. Two facts indicate the U of M law school's culture and norms that academic year. First, there were cookies and lemonade at efficiently run, quickly completed, and infrequently held faculty meetings. Second, I was asked to and agreed to serve on the law school's appointments committee. Lunches were free to all professors who were members of committees, which met at noon. It was a real pleasure to be a member of an entry and lateral appointments committee that collegially and effectively implemented one shared goal: namely to identify faculty candidates who are the best of those likely to accept offers to join the U of M law school, invite them for on-campus job talks, and recommend to the law school faculty that our dean make offers to some of them as quickly as possible. This experience contrasted with my being on the University of Pennsylvania law school's entry-level appointments committee while I was on a pre-tenure sabbatical in spring 2001. The University of Pennsylvania law school pursued the objective of competing for junior faculty with its self-described peers of Harvard and Yale law schools, resulting in the accomplishment of losing in those contests and so not hiring any entry-level faculty, or belatedly scrambling to hire the best of who was then left on that market. Entry-level law school faculty recruiting starts by appointments committee members conducting a review of the AALS Faculty Appointment Register (FAR), standardized online questionnaire forms that prospective assistant professors complete by mid-July of each year.²³¹ Most law schools look for the same objective indicia of academic potential on the FAR forms, namely the current or past *U.S. News & World Report* ranking of the law school from which a faculty candidate graduates, law school grades, law review membership, prestigious judicial clerkships, and any publications. The U of M did all that and also looked for people who were diamonds in the rough and not obvious choices that other schools would also identify. For example, the U of M identified law school professors who had not been granted tenure at higher ranked law schools as possible lateral hires if the U of M independently believed that those individuals deserved tenure at the U of M. The U of M also focused on people who lived in the Midwest, had family there, or had spouses who wanted to live there.

G. Why One Should Be a Podium Visitor at Columbia Law School

A professor who held an endowed chair at Temple law school had been offered a podium visit at Columbia law school. Upon being informed of this offer, Temple law school's former dean asked that endowed chair holder why he or anyone would even want to be a podium visitor at Columbia law school. Apparently, there were some mysterious costs that the former dean of Temple law school saw as clearly trumping and outweighing the personal and professional benefits of being even a podium visitor at Columbia law school and the institutional prestige that it could bring Temple law school to have one of its faculty visit at Columbia law school.

²³¹ FACULTY RECRUITMENT, ASSOCIATION OF AMERICAN LAW SCHOOLS, http://www.aals.org/services_recruitment.php and <http://www.aals.org/frs/faq.php> (last visited July 19, 2012).

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H. Amtrak between New Haven and Trenton

I was a visiting lecturer at Yale Law School (YLS)²³² and co-taught a seminar titled Neuroscience and the Law with Elizabeth K. Dollard Professor of Law, Dan Kahan,²³³ during the autumn of 2009. Dan's areas of research include criminal law, evidence, and risk perception. So we covered the limits and potential of applying neuroscience to criminal law, evidence, and regulation of risk, in addition to business law, investing, mindfulness, and paternalism. We scheduled the seminar to meet on Monday afternoons so that I had the option to attend the faculty workshop series. As one of the presenters nicely stated during a visit to his office, the workshops have a very Senatorial quality to them, where various of his colleagues launch into not brief soliloquies during the question and answer period and append onto the end of their monologues a phrase to the effect of "please comment."²³⁴

All of the YLS students in our neuroscience and law seminar were, as one would expect, articulate, intelligent, and well-prepared. Our discussions were uniformly thought-provoking and wide-ranging. I was intrigued that most of the seminar students felt discomfort and unease with the neuroscience data finding that meditation changes the neural structures of meditators' brains.²³⁵ When Dan and I asked why, they said that changing people's brains was dangerous. We replied that education is about changing people's brains and minds. They were not convinced by our analogy. It was a fun exchange of ideas though. Our seminar students organized an end-of-semester get-together at Rudy's and invited Dan and me to share with them drinks and frites with various dipping sauces.

I. A Mile High and Loving It!

I presented a paper on October 8, 2010 in the Midwest Law and Economics Association annual conference, held that year at the University of Colorado at Boulder law school. I was immediately and lastingly awed by the postcard-like view of the Flatirons rock formations near Boulder, the healthy lifestyle in Boulder, the number and variety of vegetarian eateries, and the impressive Wolf Law Building.²³⁶ I have been here now since mid-August of 2011 and each of these factors continues to be inspirational.

²³² YALE LAW SCHOOL, FACULTY, PETER HUANG, <http://www.law.yale.edu/faculty/PHuang.htm> (last visited July 19, 2012).

²³³ YALE LAW SCHOOL, FACULTY, DAN M. KAHAN, <http://www.law.yale.edu/faculty/DKahan.htm> (last visited July 19, 2012).

²³⁴ Pierre Schlag, *The Faculty Workshop*, 60 BUFF. L. REV. 807 (2012) (satirizing how faculty workshops reproduce legal academic hierarchy and norms).

²³⁵ See e.g., Heleen A. Slagter, Richard J. Davidson, & Antoine Lutz, *Mental Training as a Tool in the Neuroscientific Study of Brain and Cognitive Plasticity*, 5 FRONTIERS IN HUMAN NEUROSCI. Article 17 (2011) (examining how meditation cultivated systematic mental training can induce process specific learning).

²³⁶ WOLF LAW BUILDING, <http://www.colorado.edu/law/about/wolf/> (last visited July 19, 2012). See also ALAN DE BOTTON, *THE ARCHITECTURE OF HAPPINESS* (2006).

I participated this academic year in the second iteration of a curricular innovation known as Telos, which is an optional, no credit, and ungraded two-semester consideration of how to understand, reflect upon, and navigate the professional acculturation process of being a first-year law student. Telos introduced a range of mindsets and practices, including mindfulness, self-reflection, and creativity.²³⁷ My Telos sessions discussed happiness interventions, emotional intelligence, and emotional styles.²³⁸ I also participated in a related homecoming ethics CLE panel, titled Happiness and Professional Satisfaction for Lawyers.²³⁹ I spoke about implications for legal education and practice of recent empirical research about happiness as background before I interviewed three remarkable Colorado law school alumni about their personal experiences and reflections about what makes a satisfying career and life: Heather Ryan,²⁴⁰ Manuel Ramos,²⁴¹ and Alice Madden.²⁴²

People often ask professors why they chose to be teachers and of course there are many answers. One of the most eloquent, inspiring, and thought-provoking set of responses comes from Peter G. Beidler, the Lucy G. Moses Distinguished Professor of English at Lehigh University,²⁴³ who wrote that, teaching confers “the only kind of power worth having, the power to change lives.”²⁴⁴ I continue to be awed, humbled, and touched to hear law students volunteer that learning about JDM, happiness, emotional intelligence, and signature strengths changed their personal and professional lives for the better. It is all the more bittersweet and poignant when those students also say that they only wish they had learned (more) about JDM, happiness, emotional intelligence, and signature strengths sooner in (or even before) law school.

For example, a student in a course titled Media, Popular Culture, and Law that I taught in the autumn of 2011 sent this e-mail after having seen the movie entitled *Happy*,²⁴⁵ which I recommended by e-mail to students in that course:

²³⁷ See also Carrie Menkel-Meadow, *Aha? Is Creativity Possible in Legal Problem Solving and Teachable in Legal Education?*, 6 HARV. NEGOT. L. REV. 97 (2000) (analyzing teaching JDM and creativity in law schools).

²³⁸ RICHARD J. DAVIDSON & SHARON BEGLEY, THE EMOTIONAL LIFE OF YOUR BRAIN xi-xv, 4-6 (2012) (defining six emotional styles).

²³⁹ COLORADO LAW, HOMECOMING SCHEDULED OCTOBER 21 -23, 2011, <http://lawweb.colorado.edu/news/showArticle.jsp?id=670> (last visited July 19, 2012).

²⁴⁰ 3cgCU, *Reinventing Governance Conference: Heather Ryan - Alternatives to Trials*, YOUTUBE (Jul. 7, 2011), <http://www.youtube.com/watch?v=RVPC5anvkHA>.

²⁴¹ Manuel Ramos, *An Occasional Blog from an Occasional Writer*, BLOGSPOT (April. 18, 2006, 6:09 PM), <http://manuelramos.blogspot.com/>.

²⁴² THE WIRTH CHAIR IN SUSTAINABLE DEVELOPMENT, UNIVERSITY OF COLORADO, DENVER, <http://www.ucdenver.edu/academics/colleges/SPA/BuechnerInstitute/Centers/WirthChair/About/Pages/AliceMadden.aspx>. (last visited July 19, 2012).

²⁴³ LEHIGH DEPARTMENT OF ENGLISH, PETE BEIDLER, <http://www.lehigh.edu/~indrown/people/beidler.html> (last visited July 19, 2012) (providing biographical details).

²⁴⁴ PETER G. BEIDLER, WHY I TEACH 11 (2002).

²⁴⁵ HAPPY (Emotional Content 2011); HAPPY THE MOVIE. THE MOVEMENT, <http://www.thehappy.com/> (last visited July 19, 2012) (providing information about this film from its official website).

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Professor Huang,

Per your recommendation, I saw the 9pm showing of the "Happy" film yesterday evening. I loved it! Leaving the theater I was the happiest I have felt in a long time!

I was very attracted to the concept of happiness as a skill that should be practiced over time, and as a muscle in the brain that should be exercised and challenged. Overall it was a very intriguing film, and it has really got me thinking about little changes I can make to become a happier person.

Thanks for the recommendation and have a great weekend!

Sincerely,²⁴⁶

A graduate student in the journalism and mass communication department also in that same course volunteered this e-mail,

I wanted to let you know I did go see *Happy* on Friday, October 14th. I felt it was incredibly inspiring as far as how simple some of the ways to increase happiness can be: simple acts of kindness and a few weeks of meditation among other things... however, I did feel most of the ways to increase dopamine levels were "common sense" and are often known by people but just not followed. If anything, this movie was a good reminder to what humans are capable of doing for themselves and others as reasonable and rational beings, but are clearly forgotten within materialistic, capitalist societies that we find ourselves in today. Thanks again for sparking interest in this field of study...I find it incredibly relevant and important to my work which focuses on what human needs and desires are met (or created) through emerging communication technology--namely relationships.²⁴⁷

V. CONCLUSIONS

This Article has critically reflected upon Professor Chua's memoir about being a tiger parent by offering a complementary personal memoir about growing up as a tiger cub. In so doing, the Article has examined some of the pros and cons of tiger parenting. I was fortunate to be able to excel in school when my tiger mom pushed me. But, what if she had been wrong in her belief that I had the mental "horsepower" to excel? Another potential downside of tiger parenting is that its focus on playing by the rules and being disciplined, hard-working,

²⁴⁶ E-mail from Student in a course titled Media, Popular Culture, and Law to Peter H. Huang, Professor and DeMuth Chair, University of Colorado Law School (Oct. 14, 2011, 3:30 pm MST) (on file with author).

²⁴⁷ E-mail from A Graduate Student, Journalism & Mass Communication Department, to Peter H. Huang, Professor and DeMuth Chair, University of Colorado Law School (Oct. 23, 2011, 10:41 pm MST) (on file with author).

humble, reserved, respectful, shy, and unassertive feeds into stereotypes that Asians excel as worker bees, but not as leaders, managers, or supervisors.

The Article made three assumptions. First, a central goal of legal pedagogy and parenting should be to develop and improve JDM skills because they are crucial to achieving career and life satisfaction. Unfortunately, tiger parenting and traditional doctrinal law school classes spend much time on developing certain JDM skills and spend little time on improving other JDM skills. Second, the Article has assumed that law professors can reform legal education and parents can improve how they raise their kids by teaching more about emotions and emotional intelligence. Third, it has assumed that education about character strengths, ethics, and professionalism is crucial to achieving lasting career satisfaction and sustainable personal happiness.

This Article was written in a narrative and personal form because of the compelling, emotional, and memorable nature of stories.²⁴⁸ The stories offer a particular set of data points. They provide qualitative anecdotal evidence about certain experiences at particular times at specific law schools. Whether similar experiences would occur today at even those same law schools is an open question because of institutional and personnel changes over time.

Finally, there are many additional stories about growing up as a tiger cub that are less closely related to legal education and therefore have not been included as parts of this Article. A fellow member of the Institute for Advanced Study School of Social Science during its psychology and economics thematic focus year, neuroscientist Read Montague²⁴⁹ and his friend, who is another neuroscientist Greg Berns,²⁵⁰ have suggested that many of those other stories could be an entertaining book.²⁵¹ Those stories will have to wait for another place and time.

Leonard Riskin, the Chesterfield Professor of Law at the University of Florida, who is a pioneer in championing the benefits of practicing mindfulness for lawyers and judges,²⁵² has written several excellent personal essays.²⁵³ Upon my asking him to e-mail them, he commented that while he loved to write them, he felt they seemed too self-centered.²⁵⁴ I replied that his response was reminiscent

²⁴⁸ Lea B. Vaughn, *Feeling at Home: Law, Cognitive Science, and Narrative*, 43 MCGEORGE L. REV. (2012, forthcoming) (explaining why narratives work in legal practice and teaching).

²⁴⁹ READ MONTAGUE, *YOUR BRAIN IS (ALMOST) PERFECT: HOW WE MAKE DECISIONS* (2008).

²⁵⁰ GREG BERNS, *ICONOCLAST: A NEUROSCIENTIST REVEALS HOW TO THINK DIFFERENTLY* (2008); GREG BERNS, *SATISFACTION: THE SCIENCE OF FINDING TRUE FULFILLMENT* (2005).

²⁵¹ Read Montague suggested a title of ABCnomics (ABC being an acronym for American Born Chinese) named after the international best-seller: STEVEN D. LEVITT & STEPHEN J. DUBNER, *FREAKONOMICS: A ROGUE ECONOMIST EXPLORES THE HIDDEN SIDE OF EVERYTHING* (2009).

²⁵² See, e.g., Leonard L. Riskin, *Awareness and the Legal Profession: An Introduction to the Mindful Lawyer Symposium*, 61 J. LEGAL EDUC. 634 (2012).

²⁵³ See, e.g., Leonard L. Riskin, *Unsportsmanlike Conduct*, N.Y. TIMES MAGAZINE, Jan. 22, 1989, at 14.

²⁵⁴ E-mail from Leonard L. Riskin, University of Florida law school to Peter H. Huang, Professor and DeMuth Chair, University of Colorado Law School (Aug. 8, 10:39 am MST) (on file with author).

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of these quotes about autobiographies: “All autobiography is self-indulgent”²⁵⁵ and “[a]utobiography is only to be trusted when it reveals something disgraceful.”²⁵⁶ Since then, financial economist Andrew Lo wrote, “[i]t’s become a truism that one should read memoirs by people at the center of great historical events with a careful eye towards score-settling, self-justification and, more rarely, self-blame.”²⁵⁷ This truism also applies to memoirs by those not at the center of great historical events, as in the present case.

I conclude by illustrating how once a tiger cub, always a tiger cub. I e-mailed my tiger mom the SSRN hyperlink to an initial draft of this Article with some concern and trepidation about how she would react. She stayed up to read it twice and carefully enough to notice and point out a typo (tiger brother P2 noted two more typos and pointed out that the character lon of the dim sum xiao lon bao means bamboo steamer instead of dragon). A former mutual colleague also forwarded that same SSRN hyperlink to Professor Chua who, upon reading it immediately, sent a gracious e-mail, stating in part: “I found your article moving, insightful -- and *funny!* I also think many of my law students would benefit enormously from the piece, and will spread the news.”²⁵⁸ Since then, I have exchanged several e-mails with Professor Chua providing helpful tiger mom type of advice related to my being invited to present based upon this Article the Asian Pacific American Heritage Month Commemorative Lecture at Syracuse University.²⁵⁹ At least surprising to me, writing this Article has brought me closer to my tiger mom and resulted in my essentially adopting yet another tiger mom!

²⁵⁵ DAPHNE DU MAURIER, *MYSELF WHEN YOUNG: THE SHAPING OF A WRITER* xix (1997, Virago Modern Classics ed., 2004).

²⁵⁶ George Orwell, Benefit of Clergy: Some Notes on Salvador Dali, in 3 *GEORGE ORWELL: AS I PLEASE, 1943-1945: THE COLLECTED ESSAYS, JOURNALISM AND LETTERS* (Sonia Orwell & Ian Angus eds., 1978).

²⁵⁷ Andrew W. Lo, *Reading About the Financial Crisis: A 21-Book Review*, 50 *J. ECON. LIT.* 151, 170 (2012).

²⁵⁸ E-mail from Amy Chua, Professor, Yale Law School to Peter H. Huang, Professor and DeMuth Chair, University of Colorado Law School. (Nov. 12, 2011, 12:54 MST) (on file with author).

²⁵⁹ *Peter Huang Press Release*, SYRACUSE LAW SCHOOL (Apr. 2, 2012) http://www.law.syr.edu/_assets/documents/student-life/PeterHuangPressRelease.pdf; See also Kathleen Haley, *Mindset, Happiness and Law School*, SYRACUSE UNIVERSITY NEWS (Aug. 22, 2012) <http://news.syr.edu/?p=39391>.

