



The Dangers of THINKING ALONE

BY MARK LEWIS AND MARK KITRICK

How the “Extended Mind” Can Improve Legal Practice

Solitary, protracted thinking is a time-honored tradition in the law. We all recall images of the steadfast lawyer hunched over the desk, burning the midnight oil in search of the right legal solution.

The noble lawyer toils tirelessly over cases, briefs and papers. In a singular, dedicated pursuit the lawyer will find the answer and achieve the right result. This is the myth of the heroic individual lawyer. It is a myth with many hidden dangers to lawyers who think mostly alone.

It is true that we work habitually alone at our desks. As our skills in legal practice grow, so does our sense of competency and self-importance. In turn, we collaborate less with colleagues and clients. We feel less need to check our thinking or test our ideas with others. We turn to forms and boilerplate. We spend our time isolated at our desks, captured in the glow of our screens. We perform nearly all our thinking alone.

Cognitive science research informs us about some of the dangers of thinking mostly on our own. Such thinking can very often result in not only faulty reasoning but also isolating emotions. For example, we all tend to view our cases through proverbial rose-colored glasses. Such thinking is a species of the confirmation bias that leads us to select only information helpful to our preconceived outcome, which in turn causes us to neglect important counterevidence. We see only what we want to see. The result is not only short-sighted but often leads to an emotional over-identification with our ideas. We



come to identify our sense of self to the ideas we seek to confirm. We lose our objectivity in the shadow of our ego that only wants to be right, to win, to show the world its prowess. We learn the hard way that thinking alone often leads to feeling – if not being – alone.

These warnings about solitary thinking should not be confused with the benefits of finding time for ourselves or enjoying the quiet of solitude for its restorative powers. We speak here of the desire to push away others on the assumption that only we have the right answers, only we can figure out the problem, only we can save the day. We speak here about sequestering ourselves from one another, a tendency that has become all the more relevant during pandemic times. This self-imposed isolation is the darker side of the solitude coin in our mental lives, the place where thinking exclusively by ourselves attaches to a fragile sense of pride and self-regard. It feeds the myth of the solitary lawyer who triumphs by dint of their own singular, tireless and determined mind.

There is another way, a better way. Cognitive science points us lawyers in the direction of the “extended mind.” As separate as we might feel from the people and world around us, cognitive scientists now tell us that our minds are both embodied and extended beyond our bodies. Our neurobiology spreads

“ Cognitive science research informs us about some of the dangers of thinking mostly on our own. Such thinking can very often result in not only faulty reasoning but also isolating emotions.



Park
NATIONAL BANK

Work with people who understand your retirement is uniquely yours.

614-228-0063
parknationalbank.com

Investments are not FDIC insured, not bank guaranteed, and may lose value.

beyond our skulls to change in response to our environment, our physical movements and our circle of acquaintances. Our intellectual abilities draw from other people and our bodily surroundings. As a consequence, we often think best when we think “outside” of our own head, as paradoxical as that may seem. We are truly smarter when we join our heads with others.

If we recognize some part of ourselves in the frustrated lawyer with whom this essay began, then we move one step closer to smarter law practice and more emotionally satisfying work. We move even closer by implementing a few “extended” mind tools in our daily practice.

First, we should get up and move to another environment.

Moving away from our computer screen is the first step. Moving outside or to the natural environment refreshes and re-invigorates us, as we’ve all experienced. But even lesser forms of bodily movement can have profound effects on our thinking. Simply gesturing with our hands can alter neurobiology to make us more fluent in thought and expression. If you can’t leave your office for a walk in the park, then at least stand up, move around and gesture with your hands as you think through the problem. You’ll find it changes and broadens your perspective, opens new vistas of thought.




Second, use tactile tools to help solve legal problems.

Draw a picture of the problem and its possible solutions. Build a simple model out of whatever objects are at hand – key fob, iPhone, pen and paper. Pick up any tool and imagine its possible uses for solving the problem. In doing so, this will require that you reframe the problem as practical, mechanical or tactile. In a similar way, the physical act of journaling or writing down your stream of consciousness can enlarge the frame of reference. Cognitive scientists refer to this as “off-loading” our thinking. It has the added benefit of freeing the mind from the tendency to lock onto or obsess on a problem.



Third, find friends with whom to argue.

Other people often extend our minds best. We think better when interacting with others – telling stories, debating, asking and answering questions, sharing moments. We are social animals who evolved to think together, not alone. We actually don’t think very well by ourselves. We are flawed by many self-serving biases, such as confirmation bias, rose-colored glasses and sunk cost thinking. Thinking with others carries cognitive risks, too. But when our groups invite critique from within and without, we can avoid cognitive traps of groupthink. Plus, a sense of shared goals and values can evolve in the group, all of which inspires us.



WHEN THE UNEXPECTED OCCURS, YOU NEED TO KNOW

WHAT HAPPENED?

YOU HAVE QUESTIONS. WE PROVIDE ANSWERS.

Numerous factors can lead to serious construction-site accidents, from inadequate worker training and safety procedures to faulty products and heavy equipment. Rimkus has decades of forensic experience investigating and evaluating injury accidents across the U.S. and in many foreign countries. Our construction experts and engineers conduct in-depth investigations to verify critical issues and can help provide solutions for recovery. If you’re facing a complex forensic challenge of any kind, count on us to uncover the facts.

RIMKUS
CONSULTING GROUP, INC.
Forensic Engineers and Consultants

World-class. Global reach.
rimkus.com • 800.580.3228

If the lonely lawyers we meet at the beginning of this essay move away from their desks or computers to seek people with whom to share their thinking, gestures and tactile ways to solve problems, then those lawyers would likely find more meaning in legal practice. They would almost certainly enjoy more professional and personal satisfaction. They would also likely find that their clients and colleagues return their pleasure and satisfaction as they “extend” their minds together.



Mark Lewis, Esq.
Kitrick, Lewis, & Harris, Co., LPA
mlewis@klhlaw.com



Mark Kitrick, Esq.
Kitrick, Lewis, & Harris, Co., LPA
mkitrick@klhlaw.com