

I am going to touch on an idea. To do that, I am touching this thin little keyboard that the people at Apple designed to be ergonomically punishing, but sleek in appearance. On a recent trip to Florida, I touched a staggering amount of things. I have never stopped to ponder how many things I touch in a day or a week until I sat down to type this. I dug in warm sand. It grew cooler with every scoopful I moved. I touched the Atlantic with my toes, shins, and knees. Then I quit and left the rest of the water-touching to my daughter. I touched the cool, wriggling rope of a boa constrictor, the leathery armor of a caiman, and the impossibly beautiful wing of a Blue Morpho. Armchairs. Bread crusts. Coffee cups. (The daily juggling of the coffee cups!) Door handles. Elevator buttons. French fries. The experiences exhaust the alphabet and start all over again. There's also this fantastically mental and metaphorical side to this otherwise tactile trip: My path through Florida touched the path of a dear friend—a foreign thing after contactless years separated by a Covid wedge. I touched the legal minds of her students and held the weight of their passions for trial advocacy in my hands like wet clay. Like an ax left out in the sun. I blush now at the thought of how unconscious my fingers have been to all these metaphorical and material things.

Indeed, science has (for some time, actually) revealed to us that there is a mysterious interaction between mind and touch, and even between metaphor and material. A scientist of yesteryear decided to find out if physical sensations that have a metaphorical construct in language were actually and unconsciously linked in the mental and behavioral spaces.<sup>1</sup> Could a warm hand create a warm heart? Could cold steel make a person steely? Would the weight of a clipboard influence the gravity of the situation?

Though the original experiments are old, scientists still like to go back and tinker with them; changing variables and testing their durability over time. For this month's blog, I'll touch on a few simple experiments by Lawrence Williams and John Bargh which are in the vein of the old ones.<sup>2</sup> In one of their experiments, a coffee-carrier who was recruited for the experiment would immediately hand off her coffee to the unwitting test subject while they were riding an elevator to the lab. The participant would then fill out information about the test subject and then take her coffee back when the elevator arrived. Some of the subjects were handed a warm coffee cup and others were handed a cold coffee cup. When they arrived at the lab floor, the test subjects were given information about a hypothetical "target person" and then asked to rate this target person on 10 personality traits. Some of these traits paired neatly with the metaphorical warmth or coldness of a person, but some were simply neutral. While the ratings of the traits which aren't paired to warmth or coldness received no noticeable edge from the temperatures of the cup, the test volunteers who held the warm cup were more likely to rate the target person as metaphorically "warm." As you might guess, those who held the cold cup in the elevator were more likely to rate the target person as metaphorically "cold."<sup>3</sup> These swings to each side brought on by the temperature-controlled cups were high enough to be statistically significant.

In the authors' next experiment, test volunteers were asked to hold hot or cold therapeutic pain pads under the guise of doing a product evaluation. They were then offered a reward for

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<sup>1</sup> See generally the works of Solomon Asch, particularly his published works from the 1940's.

<sup>2</sup> Lawrence E. Williams & John A. Bargh, *Experiencing Physical Warmth Promotes Interpersonal Warmth*, 322 SCIENCE 606 (2008).

<sup>3</sup> *Id.* at 607.

participating in the study: \$1 off at a local ice cream shop or a Snapple beverage. In the first sub-group, they could gift the ice cream coupon to a friend or keep the Snapple. In the second sub-group, they could gift the Snapple to a friend or keep the ice cream coupon. Keep it fair, right? After all, shouldn't ice cream constantly win this head-to-head battle? However, regardless of the reward they could gift, those who held the warm pad were more likely to gift their reward to a friend. By an even larger margin, 75% of subjects who held the cold pad chose to hoard their ice cream or Snapple all to themselves.<sup>4</sup>

The touch-and-metaphor associations extend even further. People who held heavy clipboards rated job candidates better, rated the importance of their own tasks higher, and—at least with male subjects—gave more money to weighty social issues.<sup>5</sup> People who completed puzzles with rough, gritty pieces rated the exercise as more difficult than those using smooth pieces.<sup>6</sup> Finally, those holding a block of wood rated hypothetical job candidates as more rigid or strict than the test subjects who'd previously held a blanket.<sup>7</sup> The authors in those studies even primed their test subjects “by the seat of their pants.”<sup>8</sup> Test subjects sitting on hard chairs found the job candidates to be more stable and less emotional than those sitting on soft chairs.<sup>9</sup>

No, this is not the part where I suggest you ask your judge for the opportunity to serve a warm beverage to your jurors. *“They look thirsty, your Honor, and I just so happen to have this large, insulated carton of Starbucks drip in my briefcase. And look, Judge! 13 cups. You get to have one too!”* However, if an annoyed or angry client flops himself down across from you in your office and asks for a cold bottle of water, I suggest you tell him your office is fresh out Freon. *“It's all our fridges, Mr. Smith. Kaput...overnight. It's the darnedest thing. How about a hot cup of cocoa instead?”*

Have one for yourself. Hold it with both of your hands. Let its warmth press into you like a campfire nudges its way past the grip of the autumn air. Who knows? It might just make us better lawyers by a matter of degrees.

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<sup>4</sup> *Id.*

<sup>5</sup> Joshua M. Ackerman et al., *Looking Up for Answers: Upward Gaze Increases Receptivity to Advice*, 328 SCIENCE 1712 (2010). Women gave comparably high amounts *regardless* of the weight of the clipboards.

<sup>6</sup> *Id.* at 1713-1714.

<sup>7</sup> *Id.* at 1714.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*