Session 101 | Attorney Well-Being: Transforming Our Workplaces Towards Better Health & Sustainability

Attorneys face incredible demands and pressures at work that invariably leave little room for comfort, rest, and self-care. This comes at a high cost to our own well-being. Rates of stress, anxiety, substance abuse, depression, and job dissatisfaction are alarmingly high in this profession. Unaddressed, these issues can lead to burnout, illness, and other serious outcomes. What can we do to transform ourselves and our own workplaces towards well-being and sustainability in lawyering?

Come hear from a panel of fellow lawyers dedicated to the cause: the co-chair of the ABA’s National Task Force on Lawyer Well-Being and chair of the ABA’s Commission on Lawyers Assistance Programs; a published expert on attorney mindfulness and work-life integration; a distinguished in-house counsel whose passions align with attorney well-being across companies; and an experienced attorney with firsthand knowledge of managing law-firm stressors in an attempt to lead a balanced life. Moderating the panel is a former lawyer-turned-career coach dedicated to helping lawyers gain clarity and fulfillment.

This is an interactive workshop. Panel and small group discussion topics will include (1) ways of regularly engaging in habits and practices to decrease stress and anxiety; (2) exploring the challenges of prioritizing well-being and how to make time for self-care; (3) causes of attorney burnout and health issues prevalent in the profession; (4) creating a workplace that prioritizes employee wellbeing; (5) how well-being initiatives help to create a more inclusive work environment; and (6) examples of workplace initiatives to improve attorney well-being. The program will conclude with a group meditation exercise.

Moderator:
Rudhir Krishtel, Professional Coach and Consultant for Attorneys (Krishtel LLC)

Speakers:
Bree Buchanan, Co-Chair of ABA National Task Force on Lawyer Well-Being and Chair of ABA Commission on Lawyers Assistance Programs; Senior Advisor (Krill Strategies, LLC)
Jeena Cho, Lawyer, Author, Mindfulness Instructor (JC Law Group PC)
Selyn Hong, Associate (Seyfarth Shaw LLP)
Deanna Kwong, Senior IP Litigation Counsel (Hewlett Packard Enterprise Company)
VR and AR — New Realities in Lawyer Development
by Steve Gluckman

Ten Steps to Competency Development
by Jennifer Bluestein, Kathleen Dunn & Andy Hales

Reframing Vulnerability in the Legal Profession
by Kay Nash & Rudhir Krishtel

How to Manage Millennial Lawyers? Hint: Become a Better Manager, Period.
by Lindsey Pollak

Changing Concepts and Models of Mentoring
by Ida O. Abbott
Welcome to the May 2019 PD Quarterly
BY JAMES G. LEIPOLD

VR and AR — New Realities in Lawyer Development
New technologies have the potential to greatly disrupt lawyer training. Two of these emerging technologies, virtual reality and augmented reality, have already appeared on the lawyer development stage and are even now making an impact.
BY STEVE GLUCKMAN

Ten Steps to Competency Development
Through the careful planning and employee participation outlined in this ten-step plan, PD professionals can drive the process of developing effective competency frameworks for lawyers or staff.
BY JENNIFER BLUESTEIN, KATHLEEN DUNN, AND ANDY HALES

Reframing Vulnerability in the Legal Profession
Creating spaces for attorneys to be vulnerable without repercussion will shift the legal workplace toward being healthier — and, ultimately, more productive and sustainable.
A DIALOGUE WITH KAY NASH AND RUDHIR KRISHTEL

How to Manage Millennial Lawyers? Hint: Become a Better Manager, Period.
These best practices can help busy leaders better manage not only Millennials but all members of multigenerational teams.
BY LINDSEY POLLAK

Changing Concepts and Models of Mentoring
The familiar top-down, one-on-one model of mentoring is still valid, but in some situations and for some individuals these new concepts and models can address important needs.
BY IDA O. ABBOTT

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Reframing Vulnerability in the Legal Profession

A Dialogue with Kay Nash and Rudhir Krishtel

Creating spaces for attorneys to be vulnerable without repercussion will shift the legal workplace toward being healthier — and, ultimately, more productive and sustainable.

When Rudhir Krishtel left his role as Senior Patent Counsel at Apple, he was concerned by the number of senior-level attorneys he knew who were experiencing unhealthy levels of stress and serious health issues. Rudhir was a client of Wiley Rein, and Kay met him when he was transitioning into coaching and consulting. His experience is somewhat unique to this work, in that he has been both a Big Law partner and an in-house lawyer. Rudhir and Kay worked together to launch the wellness program at Wiley Rein, which took several months. This included inviting Rudhir to the firm to share his story and to host focus groups with attorneys about the intensity of legal practice. Rudhir facilitated a series of conversations with Wiley Rein attorneys and identified concrete ways the firm could increase access to wellness and, ultimately, performance and sustainability.

In working toward transforming attorney well-being and longevity in the practice of law, Rudhir believes we need to reframe what it means to be “vulnerable” in the legal workplace.

Q. (Kay) Rudhir, could you briefly share your own experience first? When you were a law firm partner and senior counsel at Apple, how often did you take the risk of making yourself vulnerable?

A. (Rudhir) Rarely, if ever. I was too scared at the time that this kind of vulnerability would be perceived by my peers and colleagues as weakness. I realize now that the opposite is true: vulnerability could have made me more resilient. Considering the nature of the cases we deal with, the ongoing pressure, and the perfectionism we subject ourselves to, we could really benefit from sharing personal and professional challenges and being supported by our peers in the workplace without stigma.

For example, in my last year as a partner at Fish & Richardson, I experienced a stress-induced health issue that I didn’t share with anyone. The high-pressure lifestyle of working long hours and not caring for myself felt like a rite of passage at the time. Even though the team there felt like family, I perceived that sharing my health concerns or asking for help was out of the question. I basically equated exposing any vulnerability to weakness — and weakness would be perceived as failure.

So, rather than have a conversation with leadership on ways to make adjustments toward a practice that was more sustainable, I went in-house to escape the intensity of private practice.

Without taking steps to shift the environment and allow for us to experiment with expressing what’s most concerning for us, legal departments will continue to lose highly productive people.
Q. Was your experience any different as an in-house attorney?

A. Not really. In terms of vulnerability, I found that when it mattered, I was just as likely to put up a shield as an in-house attorney. Because secrecy and confidentiality were a standard for the work, that inadvertently translated into a feeling of it being unsafe to admit vulnerability and share real challenges with peers and managers. Without taking steps to shift the environment and allow for us to experiment with expressing what’s most concerning for us, legal departments will continue to lose highly productive people.

When I left practice, I wanted to help transform our profession by reframing vulnerability. Creating spaces for attorneys to talk about what stresses and challenges them does two things: first, it releases a pressure valve, allowing attorneys to stop internalizing stress that impacts their health. Second, being in dialogue with other attorneys, HR, or even coaches, provides space to seek support and acquire new tools or strategies to problem solve. Ultimately, creating spaces for attorneys to be vulnerable without repercussion will shift the legal workplace toward being healthier — and, ultimately, more sustainable.

In her book Dare to Lead: Brave Work. Tough Conversations. Whole Hearts., Brené Brown says, “Our ability to be daring leaders will never be greater than our capacity for vulnerability.”

Q. Can you say more about how you see this quote applying to lawyers?

A. As the legal profession takes stock of what it means to get healthy, mindful, and sustainable, we need to take a hard look at problematic (or even toxic) invulnerability — and understand how it is hurting our talent. Only then can we reclaim and tap into the power that lies in vulnerability.

Although attorneys excel at speaking on behalf of their clients, many of them struggle with speaking (or even allowing themselves to think) about their fears, concerns, and challenges. The unneeded bravado that prevails in many law firms and legal departments to this day is also not conducive to open dialogue.

I firmly believe that law firms that create a safe environment to deal with workplace stress and mental health head-on will be healthier environments more conducive to real workplace connections, an appreciation for growth, and opportunities to increase trust, engagement, and respect, which are all important factors for success in the future of our work.

What we need to master is a clear differentiation between our behavior in court and our behavior when it comes to personal matters. When we are speaking on behalf of our client, we have to be strong, confident, almost invincible — that is part of the job. However, when it comes to personal matters, we can take that mask off and just be ourselves.

As the legal profession takes stock of what it means to get healthy, mindful, and sustainable, we need to take a hard look at problematic (or even toxic) invulnerability — and understand how it is hurting our talent.

Q. People often confuse vulnerability with “weakness.” Do you have any examples from your coaching practice of how vulnerability has helped a lawyer move toward something more fulfilling?

A. Absolutely. Recently, I coached a client who was working for a highly reputable litigator and she was given the chance to take her first lead role at trial — a significant next step in her career. Since she was already overwhelmed with her existing workload and concerned because of her lack of experience, she was inclined to turn the opportunity down.

In our coaching session, because lawyers tend to focus primarily on risk, we instead engaged in exercises that allowed her to calm her nerves and focus on the opportunity rather than her concerns. This included talking about what she wanted out of
her career long term, which was ultimately to lead trials, and assessing a few past moments of “weakness” in her life and whether they had any impact on her life now; she realized they didn’t.

With renewed confidence, she ultimately decided to communicate to the first chair litigator that she wanted to take the lead role but also needed support in her other responsibilities. In a real moment of vulnerability, she also admitted to her fear of disappointing him if she failed. Despite her concerns, there was no judgment from her mentor. Instead, he supported her by offloading some of the responsibility she was shouldering and reminded her that we all get scared before getting up in front of the judge — it’s a part of the job. She performed well, which will inevitably be a springboard for leading more trials in the coming year. Had she not taken the risk, it would have taken months or even years before she would have been offered another opportunity to advance her career in this way.

Addressing one’s personal fears and advancing one’s career need not be mutually exclusive objectives. In my work I’ve come across a range of scenarios where a fear of an outcome is seemingly in tension with meaningful professional growth but doesn’t need to be. Such important issues or situations include:

- Concern that outreach to a potential client will lead to rejection.
- Avoidance of difficult conversations with colleagues or direct reports.
- The failure of senior attorneys to accept the need to be trained to be better managers.
- A culture that does not encourage discussion of what is difficult or challenging.
- The inability to give real feedback out of fear of backlash.
- Attorneys lacking tools to advocate for themselves in a constructive way.
- Unconscious bias creating uncomfortable situations that nobody knows how to address.

If we can learn to choose vulnerability or choose the shield, depending on what best serves the particular situation we find ourselves in, then that is a big step toward greater authenticity. This transformation is, of course, a long-term process, requiring a reasonable level of change for the profession and cultural change at the institutional level.

Below are ways Kay and I believe professional development professionals can support a shift toward well-being and vulnerability.
Conduct Focus Groups on Relevant Topics

At Wiley Rein, to improve health and wellness offerings and make the environment more conducive to these efforts, we hosted focus group discussions, inviting a broad set of participation from partners, associates, and staff across practice areas. Although it can take some time to break the ice, the experience at Wiley showed that everyone was ultimately very grateful that we opened a dialogue on a topic that was extremely important to them.

The focus groups were separately grouped by role (partners, associates, and staff), and the firm invited Rudhir to facilitate them. Focus groups that are facilitated by a professional coach or consultant can open up more opportunities for authentic dialogue. The separation of groups, along with confidential outside support, allowed for open conversation on current challenges in work-life integration, stress management, and overall health. These exercises can counterbalance a lawyer tendency to avoid tough personal conversations, including giving honest, productive feedback on their own practice or the firm. Without these types of efforts, firms risk the consequences of a continued lack of clarity and diminishing trust and engagement, as well as an increase in problematic communication habits.

Create Open Dialogue About Managing Workplace Intensity

The stress that lawyers are exposed to and the effects it has on them, including the intensity of the workplace, are an example of issues attorneys may have a challenge volunteering.

In the focus group discussions mentioned above, Rudhir also facilitated a dialogue on how attorneys manage various workplace challenges. What was interesting was seeing how cautious attorneys were with sharing in the beginning, and how open they ultimately got toward the end. We received incredible feedback from each of the various represented groups on the challenges they faced, and discussed choices they could individually and collectively consider for improving their lifestyle and balance. More importantly, in 90 minutes, not one person picked up their cell phone, and afterward you could see that everyone felt a sense of relief and empowerment from having a relevant dialogue that helped normalize common fears and concerns.

One takeaway is that we need more opportunities for open dialogue around an important topic without necessarily having a specific objective or practical outcome in mind. Often, we are so worried about taking an hour of our lawyers’ time that we create unneeded pressure around teaching to objectives — requiring that every program have specific defined learning objectives and offer practical takeaways. These facilitated discussions showed that there is value in open conversation, constructive feedback, active listening, and sharing, and that this experience in and of itself has a healthy outcome.

Provide Mindfulness Training

Practicing mindfulness meditation is an effective tool for increasing vulnerability. These practices can help slow down our thought processes so that we become more aware of the fears, self-judgment, and false beliefs that close us off from choosing a particular direction or path. Mindfulness meditation, or mindfully paying attention to moments of vulnerability, can
allow us to notice emotions, detach emotions from our various thoughts, judgments, or stories, and increase trust in our capacity to succeed. Because learning mindfulness meditation is often and understandably difficult for many new to its practice, providing group trainings and opportunities for attorneys to practice mindfulness meditation with one another can help to support them in becoming comfortable with discomfort amongst their peers.

**Offer Leadership Circles for High Performers**

We often assume our firm leaders and high performers are doing just fine. Rather than encourage them to take a break, we tap them for various “non-billable” activities, committee leadership positions, recruiting, and other initiatives. This can create an additional emotional burden. Consider providing a leadership circle with facilitated leadership training and dialogue — perhaps of committee chairs of various firm initiatives, senior associates who are often tapped for firm initiatives, or other leaders. Providing leadership training can be a welcome reward for these attorneys’ efforts. The shared connection that results can also open up dialogue about challenges in balancing their role within the firm and their internal well-being. Creating safe spaces for people to be open about how they manage their challenges can allow them to feel more connected in a short amount of time.

**Cross-Functional Dinners**

At Wiley, we created small groups within particular peer groups across various practice areas and invited them to go to periodic dinners together. We have done this successfully thus far with senior associates and junior partners. The idea is that you can host informal dinners around intentional topics and use the dinners to brainstorm and discuss a variety of ideas with six to eight peers from different practice groups. The dinners benefit the culture of the firm, enhance business development through cross-selling, and reduce isolation. And, once connections are made, people are more likely to be vulnerable with each other and ask for help on a business initiative or project or to provide feedback.

**Be Sure Training Includes Dialogue on Making Mistakes**

Many law firms present junior associates with good information on how to avoid mistakes and what to do when mistakes happen. That information, however, recedes as associates get more senior and perfectionism becomes even more deeply ingrained. We should, therefore, mention potential mistakes and how to deal with them in more senior attorney training as well. This builds awareness that perfectionism can breed stress — and acknowledges that mistakes happen and that there are professional and ethical ways to handle them with the support of others. Small experiential training opportunities can create an environment where attorneys can set challenging learning goals for themselves (e.g., to become more persuasive, to contribute more in meetings, etc.), have a space to deliberately experiment with alternative strategies, and have a sounding board to get feedback after practicing the action. In an environment where perfectionism is table stakes, people need places where they can fail comfortably.

Consider providing a leadership circle with facilitated leadership training and dialogue — perhaps of committee chairs of various firm initiatives, senior associates who are often tapped for firm initiatives, or other leaders.
Conduct Training on Active Listening and Coaching Skills

In the transition from being an attorney to becoming an executive coach, Rudhir realized how much attorneys need to improve their active listening skills and move away from always leaning into problem solving. Active listening skills should be addressed in core training throughout attorneys’ careers. At Wiley, we recently conducted a training for associates who are on our associates committee to talk about how they hold leadership roles within the firm, and how, as part of those roles, they will be conducting focus groups or roundtables. The training discussed communication strategies and active listening to make sure that these associates can lead effectively when listening to others.

Everyone needs listening and coaching skills. We want to create an environment where junior attorneys are comfortable saying “look, I’m really challenged by this situation” and have a senior attorney actually willing to listen without judging or thinking the attorney can’t handle the situation. Even if this doesn’t help solve the problem, allowing an attorney to feel heard and supported has value. And, when we encourage this process with junior associates and mid-levels, it starts seeping into the culture of the next generation of leaders.

Communicate to Attorneys at All Levels That It’s OK to Ask for Help

One thing we want to impart to our lawyers and the law students we encounter is that it’s OK to ask for help. Common lawyer personality factors, such as low resilience, low sociability, and high skepticism, can lead to isolation and to what the report from the National Task Force on Lawyer Well-being calls “a lack of health-seeking behavior.” Part of what we want to do with well-being is to de-stigmatize health-seeking behavior which is vulnerability. We have to create varied strategies to come at the issues involved in lawyer well-being and make sure that people feel supported, but we also need our lawyers to know that they have an open invitation to seek help.

Likewise, when people fail — and they do — people at the firm need to say it’s OK, work on how to fix issues, and move on. Encouraging this type of culture will go a long way toward creating opportunities for people to see that they can be more daring — that they can say, “Look, my firm is going to support me if I stick my neck out or go out on a limb.”

This is the essence of creating a workplace where people feel supported. If our lawyers are more open to being vulnerable, productive and supportive conversations will follow. This type of engagement can affect well-being for both lawyers and law students.
About the Authors

Rudhir Krishtel is an executive coach and consultant focusing on workplace wellness and intensity. As a former lawyer, Rudhir coaches clients to identify the issues that hold them back from advancing in their career with clarity and fulfillment. Rudhir works with clients on a range of issues, including: Career Strategy, Business Development, Building Leadership Skills, Navigating Workplace Relationships, and Diversity and Inclusion Challenges. Prior to becoming an executive coach and consultant, Rudhir practiced law for 15 years as a federal clerk, patent litigation partner at Fish & Richardson, and then as senior patent counsel at Apple. His lawyer days led him to train as a teacher for yoga (Baptiste Institute) and mindfulness meditation (Warrior One), and as a professional Co-Active coach and leadership instructor (Coaches Training Institute), to serve as a much-needed support for the legal community. He can be contacted at rudhir@krishtel.com or www.krishtel.com.

Kay Nash is currently the Chief Talent Officer at Wiley Rein LLP in Washington, DC. Kay has more than 25 years of experience in the areas of talent management and career development. Her experience includes the development and implementation of firm-wide legal talent, human resources, and strategic initiatives. In her role at Wiley Rein, Kay leads the human resources, attorney recruiting, professional development, diversity, legal and practice support efforts for the firm. She also develops and implements strategies and initiatives to develop the firm’s talent at all levels from professional staff to partners at the firm. Kay is a dedicated member of NALP, having served on the Board of Directors from 2012-2014 and in other leadership roles, including her current service as a member of the PD Quarterly Advisory Group. She is also an active member of the Professional Development Consortium. She can be contacted at knash@wileyrein.com.
Mindfulness
and Lawyer
Well-Being
TO YOUNG LAWYERS ON PRACTICING MINDFULNESS

By Rudhir Krishtel

Despite achieving all the milestones I wanted for my legal career—clerking, making partner, landing a dream in-house job—these successes came with difficulties that compounded over time. Although I did not know it in the moment, the many years of working long hours with conflict-rich challenges and under fast-paced deadlines led to a significant amount of stress, harm to my health, and impact on my family. I’ve also seen it with my peers; in their 40s or 50s, many have suffered from severe health issues, including heart disease, stroke, early-onset diabetes, and addiction. Ultimately, I have seen it all affect workplace relationships and the legal work itself.

These experiences led me to stop practicing law and instead start working to make positive change for legal professionals. Now I work with attorneys, employers, and bar associations to offer new ways to approach their legal practice. And because my meditation practice played the most significant role in helping me counter the challenges of my practice, I share the following three pieces of advice that I wish I had known as a young lawyer.

Don’t normalize fight or flight. We enter into the fight-or-flight response all too often these days—in response to a startling e-mail from a partner, an angry client message, even the possibility of missing a deadline. In a “real” life-threatening event, a fight-or-flight response can save you. With no “real” threat to life, however, fight or flight should not be the default mode at work. The repeated stress and distress negatively impact your heart and body.

Through regular meditation, I trained to let up on the pedal. Meditation helped me de-couple the challenging circumstances from the reactive feelings that come up. I realized I don’t always have to respond through fight or flight. With ongoing practice, these stress hormones don’t seem to affect my system as they once did. And even if I get stressed, the reactivity doesn’t last as long. Before, a difficult conversation with a boss or a disappointing outcome in a case could bother me for hours, days, or weeks. After investing in meditation, although the initial peak may be similar, the long tail of reactivity is gone. Angry thoughts evaporate, and my attention moves to something more positive. All in all, meditation has reprogrammed my nervous system, allowing me to work outside of fight or flight and “wisely respond”—rather than “react”—to challenges.

Protect your mind-set. Your mind-set changes over time as you practice law, and not always for the better. Lawyering can normalize stress and problematic critical thinking and perfectionism. After years of baking issue-spotting into the mind, we become adept at identifying problems to protect clients, but our lawyer mind-set leads to constantly seeing problems in colleagues and friends, and ultimately heavy judgment on ourselves.

I believe you can protect your mind-set with a mindfulness practice. Through regular meditation, you can become more aware with your judgmental thinking and when to switch it off. When you practice meditation, you learn to stay present with the difficulties you face in your legal practice rather than just avoiding or learning to fight through them. So, instead of weathering fatigue from facing these challenges, a regular meditation practice will increase your resilience to these situations.

Track your health like it’s your job. Finally, treat your personal health as part of your job. I recommend tracking mental and physical health in the way we measure work performance. We regularly track hours, submit reports on progress, and check in with core practice competencies. Do the same with your health, including your meditation practice.

For example, with my coaching clients, we track personal mental and physical health as part of business development strategy. I ask my clients, “How much better are you at business development when your health and mind are right?” Take a daily measure of your physical and mental health (simple scoring 1–10). Anything below a 7 should have you paying attention. Also, track daily meditation, and keep a monthly minutes goal. In the same way you measure your professional goals, keep long-, medium-, and short-term health goals, and track outcomes. Both your practice and well-being will benefit.

In closing. As lawyers, we will drop everything to service our clients. Do we do the same for ourselves? My advice: Put the oxygen mask on yourself before others. It could save your life—and it will definitely make you a happier and more successful lawyer.

Rudhir Krishtel (rudhir@krishtel.com, www.krishtel.com) is an executive coach for lawyers. He practiced law for 15 years as a litigation partner at Fish & Richardson and then as senior counsel at Apple. Through his career he identified that many lawyers struggle with stress and lack of purpose in their practice. This led him to train as a yoga and mindfulness meditation teacher and as a professional coach to serve as a much-needed support for the legal community. Rudhir now coaches clients to identify the issues that hold them back from advancing in their career with clarity and fulfillment.
This year I decided to take a sabbatical. After 15 years of practicing law as a BigLaw partner and senior counsel at Apple, I left my job. When I shared the news, I heard from many attorneys and their desire for a break of their own. Even more concerning, 15 close colleagues between the ages of 35 and 50 in the practice opened up about their experiences with serious health scares — including heart attacks, diabetes and mini-strokes. Then, a former litigation colleague of mine died at age 62 of a heart attack soon after he finally decided to “dial it down.”

I experienced my own scare in 2012. I was under pressure-cooker deadlines near the end my 20-hour workday when the entire left half of my body went numb. It was not a heart attack or a stroke, but terrifying nonetheless. The incident catalyzed me to leave the law firm practice and go work as in-house counsel.

The new environment both allowed and valued the time for regular sleep, yoga twice a week, and daily meditation, as well as provided on-site medical and wellness care. These changes not only affected my fitness, but also had a significant impact on my work — increased capacity for calm under pressure, higher productivity, and deeper
insight into working with clients and colleagues. These simple practices may also have prevented something far more serious.

Consider for a moment:

• The Centers for Disease Control and Prevention ranked lawyers fourth when comparing the proportion of suicides in that profession to suicides in all other occupations in the study population (adjusted for age). Lawyers rank right behind dentists, pharmacists and physicians.

• Lawyers are more prone to depression — 28 percent of lawyers struggle with some level of depression. That’s compared with less than 8 percent for the general population, according to the CDC.

• One study suggests that 40 to 70 percent of disciplinary proceedings and malpractice claims against lawyers involve substance abuse or depression, and often both.

Two things are certain: (1) the inevitable stress in the practice of law causes serious health effects and (2) the legal profession does not prepare attorneys to manage this stress or stay healthy. The result is that performance suffers or attorneys leave the practice of law. Firms have complicated matters by blurring the lines between work and home. The expectation is that an attorney can go home late and work even more hours to meet client demands. If there’s little opportunity for care or rest at home, and attorneys are expected to work at all hours, the practice needs to take greater responsibility for attorney health at the workplace.

In the name of zealously representing clients, attorneys are increasing the intensity and stress against their opponents and ultimately on themselves. This outdated framework must change. Even physicians have more recently come to understand the hypocrisy of harming themselves in the pursuit of care. The industry now has many
successful physician wellness programs to reduce the risk of burnout among trainees, clinical educators and practitioners. These efforts can also benefit the bottom line. Highly profitable companies have comprehensive corporate wellness programs that realize plateauing health care costs, greater employee engagement, and a demonstrable competitive advantage. The legal field needs a similar awakening.

There has been some progress. The ABA National Task Force on Lawyer Well-Being recently issued a lengthy report on “Creating a Movement To Improve Well-Being in the Legal Profession,” which outlines a range of simple changes for legal employers. It is premised upon the notion that “To be a good lawyer, one has to be a healthy lawyer.”

Attorneys producing work product can be analogous to what machines do on a factory floor. Rather than run their machines until burnout, however, manufacturers spend time and money on equipment maintenance. Most legal employers provide incredible health insurance, but an attorney's well-being is generally his or her own responsibility. While attorneys expend all their energy on the workplace demands, who is coming around to oil these machines? The expectation to simply replace them upon burnout is bleak and one that we as a profession should actively seek to change. The current practice is unhealthy, costly, and ultimately squeezes the joy out of the practice.

There are three key steps law firm management and legal employers can take to address this issue:

- Assess your current environment by fostering an honest dialogue with lawyers and use the feedback to make real effort to implement solutions that work for your particular work environment.

- Create a culture of health by getting management commitment and buy-in to value and incentivize attorney well-being, including
encouraging annual medical check-ups, physical activity and healthy eating. It is also important to measure the impact of any programs by through regular inquiry and metrics.

• Support the practice of mindfulness meditation as a way to increase acuity and reduce stress when attorneys are working, but also to help ensure that in their downtime attorneys are actually clearing their heads and getting rest.

The return on these investments will certainly bear out — for lawyers, law firms, and ultimately in the work product.

Rudhir Krishtel was a partner at Fish & Richardson PC and then senior patent counsel at Apple Inc. He is now on sabbatical teaching yoga and meditation, and consulting on attorney wellness. He can be reached at rudhir@krishtel.com.

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MAKING THE BUSINESS CASE FOR IMPROVING ATTORNEY WELL-BEING

2016 STUDY ON ATTORNEY MENTAL HEALTH & SUBSTANCE USE [1]

- **20.6%** scored at a level consistent with problematic drinking.
- **28%** reported experiencing mild or higher levels of depression.
- **45.7%** reported concerns with depression at some point in their career.
- **11.5%** reported suicidal thoughts at some point during their career.

COSTS ASSOCIATED WITH PROBLEM DRINKING & DEPRESSION

- Total economic burden of alcohol use: **$250 billion** per year [2]
  - 72% of this cost is due to lost productivity
- Total economic burden of depression: **$210 billion** per year [3]
- In US, the annual cost is **$83 billion** [4]
- Depression = leading cause of disability worldwide [5]

On average, depression was associated with 2.2 days of absence from work and 7.5 days of presenteeism (at work but not being productive) **per employee, per year** [6]

Lost productivity related to chronic health conditions costs US businesses **$225.8 billion** per year [7]

COSTS ASSOCIATED WITH TURNOVER & BURNOUT

- **$9.1 billion** – Roughly how much law firms in the US lose annually due to turnover [8]
- **17%** – the estimated annual attrition rate at law firms [9]
- **$400,000** – the estimated turnover cost per associate who leaves [10]

Citations on reverse.


[9] Id.

[10] Id.
Well-Being Toolkit Nutshell: 80 Tips For Lawyer Thriving

Many legal employers are ready to become positive change agents on the path to lawyer well-being but are unsure where to start. To help, the American Bar Association’s Presidential Working Group to Advance Well-Being in the Legal Profession has launched the Well-Being Toolkit for Lawyers and Legal Employers. This nutshell summarizes 80 of the Toolkit’s key items to help get you started on a lawyer well-being initiative.

3 Reasons To Care About Well-Being
1. It’s the right thing to do
2. It impacts competence
3. It’s good for business

13 Healthy Workplace Factors
1. Culture of Trust
2. Mental Health Support
3. Effective Leadership
4. Civility & Respect
5. Good Person-Job Fit
6. Growth & Development
7. Recognition & Reward
8. Involvement & Influence
9. Workload Management
10. Employee Engagement
11. Work-Life Balance Support
12. Psychological Safety
13. Physical Safety

6 Dimensions Of Lawyer Well-Being
1. Occupational: Satisfaction, Growth, Financial Stability
2. Emotional: Manage Emotions & Protect Mental Health
3. Physical: Healthy Lifestyle, Help-Seeking When Needed
4. Intellectual: Learn, Pursue Challenge, Keep Developing
5. Spiritual: Meaning & Purpose
6. Social: Connection, Belonging, Contributing

8-Step Action Plan For Launching A Well-Being Program
1. Enlist Leaders
2. Start a Well-Being Committee
3. Define Well-Being
4. Do a Needs Assessment
5. Identify Priorities
6. Make & Execute an Action Plan
7. Create a Well-Being Policy
8. Measure, Evaluate, & Improve
### 15 Ideas for Well-Being Activities & Events
1. Use a Well-Being Scorecard to Assess Leader Effectiveness
2. Create a Well-Being Knowledge Hub
3. Start a Well-Being-Related Book or Video Club
4. Launch and Support a Leader Development Program
5. Invest in Professional Coaches
6. Measure Well-Being
7. Get Creative with CLEs, e.g., Spin Class CLE Events
8. Celebrate a Well-Being Week
9. Maintain a Calendar of Well-Being Events
10. Do Well-Being Goal-Setting
11. Embed Well-Being in Content & Format of Meetings
12. Incorporate Well-Being into Promotions & Other Transitions
13. Offer Treadmill/Standing Desks
14. Add Mental Health Apps to Insurance Plans
15. Audit policies/practices that may impact well-being.

### 18 Topic Ideas For Education & Development
1. Detecting Warning Signs of Mental Health & Alcohol Use Disorders
2. Facilitating & Destigmatizing Help-Seeking
3. Enhancing A Sense of Autonomy & Control
4. Elevating Focus on Client Care
5. Work Engagement & Burnout
6. Stress Mindset
7. Resilience & Optimism
8. Mindfulness
9. Rejuvenation
10. Leader Development
11. Conflict Management
12. Work-Life Conflict
13. Meaning & Purpose
14. Grit
15. Psychological Capital
16. Self-Determination Theory
17. Emotional Intelligence
18. Time Management/Alignment

### 17 Well-Being Activity Worksheets To Try
1. How to Be Happier? Make it a Priority
2. Six Sources of Well-Being
3. Grow Your Gratitude
4. Do Acts of Kindness
5. Psychological Capital
6. Reframe Stress & Adversity
7. Mindfulness To Improve Well-Being & Performance
8. The Emotionally Intelligent Path to Well-Being
9. Well-Being & Confidence
10. Use Your Strengths
11. Capitalizing on Introverted Strengths
12. Overcoming Public Speaking Anxiety
13. Mind Your Marriage
14. Managers, Don't Forget Your Own Well-Being
15. Positive Leadership
16. Physical Activity & Vibrancy
17. Positive Golf Activities

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**Today's Well-Being To Do List:**
- √ Review the Toolkit
- √ Do one thing to get started
- √ Pass the Toolkit on to others
- √ Send questions to abrafford@aspire.legal
WELL-BEING TOOLKIT
FOR LAWYERS AND LEGAL EMPLOYERS

Created By Anne M. Brafford For
Use By The American Bar Association

We’re In This Together.
ABOUT THE AUTHOR

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Why Do Law Professionals Need a Well-Being Toolkit?

Being a lawyer is an immense privilege. Our law degrees give us opportunities to contribute to the vitality of our government, business sector, community safety, and individual lives. Ideally, lawyers design and create structures as real and as important as architects, engineers, or builders that allow “human beings to live, interact, and prosper.” We help others navigate the law to enable them to build the world they want to live in. As John Williams Davis, an American politician and lawyer, said, “True, we [lawyers] build no bridges. We raise no towers.... [But] we take up other [people’s] burdens and by our efforts we make possible” a peaceful life in a peaceful state.

To serve these crucial functions, many lawyers work very hard and take on hefty responsibilities that often have major consequences for clients. The demands that flow from this privilege can mount and threaten our well-being. When we ignore signs of distress, the quality of our work and lives can plummet. For too many lawyers, this is what already has occurred. A 2016 study of nearly 13,000 currently-practicing lawyers found that between 21 and 36 percent qualify as problem drinkers, approximately 28 percent experienced some level of depressive symptoms, and 18 percent experienced elevated anxiety. There also is evidence of suicide, work addiction, sleep deprivation, job dissatisfaction, a “diversity crisis” at the top of firms, work-life conflict, incivility, a narrowing of values so that profit predominates, and chronic loneliness.

The Lawyer Well-Being Movement

Because too many lawyers aren’t thriving, multiple initiatives have been launched to take action. For example, in 2015, former Chair of the American Bar Association’s (ABA) Law Practice Division Tom Bolt successfully advocated for the creation of a new Attorney Well-Being Committee. Next, the National Task Force on Lawyer Well-Being was formed and, in 2017, it issued a comprehensive report called The Path to Lawyer Well-Being: Practical Recommendations for Positive Change. The report motivated ABA President Hilarie Bass to form a Presidential Working Group to Advance Well-Being in the Legal Profession focused on how legal employers can support healthy workplaces. This Toolkit is an extension of these and other efforts.

We’re In This Together

We are happiest and healthiest when we adopt healthy work habits and lifestyle choices. Importantly, though, we won’t be successful on our own. Well-being is a team sport. For example, research reflects that, much more than individual employee traits and qualities, situational factors like workload, a sense of control and autonomy, adequate rewards, a sense of community, fairness, and alignment of values with our organizations influence whether people experience burnout or work engagement. As one leading burnout scholar put it, “burnout is more of a social phenomenon than an individual one.” Leaders in the medical profession’s effort to combat wide-spread physical burnout agree, saying: “Although burnout is a system issue, most institutions operate under the erroneous framework that burnout and professional...
satisfaction are solely the responsibility of the individual.”

This means that, if we truly desire to improve well-being, we can’t focus only on individual strategies like making lawyers more resilient to stress; it is equally important (if not more so) to focus on systemically improving our professional cultures to prevent problems from developing to begin with. We are interdependent in that our organizational and institutional cultures—to which we all contribute and which, in turn, shape us all—have a huge impact on our individual well-being. When our cultures support our well-being, we are better able to make good choices that allow us to thrive and be our best for our clients, colleagues, and organizations.

This Toolkit is designed to help lawyers and legal employers improve well-being holistically and systemically. This goal will require new choices, considerable effort, and changes that likely will upset the status quo. Positive change agents might meet with resistance—including complaints that there is no room, time, resources, or need for change. This Toolkit offers reasons for prioritizing lawyer well-being as well as information, strategies, and resources for implementing a plan for positive change.

**ABOUT THIS TOOLKIT**

**Who should use this Toolkit?** This Toolkit is primarily designed for use by lawyers and legal employers to enhance individual and workplace well-being. It offers a variety of suggestions, keeping in mind that needs and resources vary widely.

**How do I use the Toolkit?** The Toolkit contains information and resources to get started on the path to well-being, including:

- An Introduction to why lawyer well-being should be a priority.
- A definition of Lawyer Well-Being.
- A definition of a Healthy Workplace.
- Guidance for a Policy & Practice Audit to evaluate what supports and harms well-being.
- Recommendations for Activities & Events and for Education & Development to include as part of your Action Plan.
- Ideas for Assessments to track progress on well-being goals.
- Online Resources & Technology to help start and develop well-being initiatives.
- Book Recommendations.
- A list of Partners, which are organizations that already focus on lawyer well-being and can assist legal employers in their efforts.
- A list of Speakers and Consultants to contribute to well-being initiatives.
- An Activity Workbook that contains Worksheets with hands-on activities and checklists for enhancing well-being that can be used individually or collectively as part of organization-level initiatives.

The Toolkit should not be used as a substitute for seeking appropriate healthcare advice for wellness issues or legal advice for implementing new wellness programs.
The Business, Professional, and Moral Case for Improving Lawyer Well-Being.

There are at least three reasons why it’s important for legal employers to focus on lawyer well-being:

1. Good For Business

Organizational success depends on lawyer well-being, which is an important form of human capital. Worker mental health and alcohol use disorders cost businesses’ billions.

Additionally, work-related well-being in the form of employee engagement is linked to organizational success factors, including lower turnover, higher client satisfaction and loyalty, and higher productivity and profitability. But most workers (67%) are not engaged, which means that organizations are not getting the full benefit of their people’s talent. Low engagement also is linked to turnover—which often is problematic for law firms. For example, a 2016 survey by Law360 found that over 40 percent of lawyers said that they were likely or very likely to leave their firms in the next year. This high turnover rate is expensive—with estimated costs for larger firms of $25 million every year.

Improving engagement and other aspects of the workplace culture also is likely to help retain Millennials. A key driver of work engagement and psychological health is the experience of meaningful work, which is what Millennials say they want. Report after report about Millennial lawyers say things akin to, “Millennials want to work, they’re happy working, but they want to find meaning in work.”

2. Good For Clients

Well-being also is good for clients and the integrity of the profession. All state professional codes of conduct require lawyers to provide competent representation, which suffers when lawyers’ health declines.

Troubled lawyers can struggle with even minimum competence. This can be explained, in part, by declining mental capacity due to mental health conditions. For example, major depression and alcohol abuse is associated with impaired executive functioning, including diminished memory, attention, problem-solving, planning, and organizing—core features of competent lawyering.

Poor well-being also disables lawyers from living up to the vision conveyed in the Preamble to the ABA’s Model Rules of Professional Conduct, which calls lawyers to “strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession’s ideals of public service.”

3. The Right Thing To Do

Promoting lawyer well-being also is the right thing to do. For most of us, over 50% of our waking daily lives is spent working. Given the dominance of work, enhancing the quality of our work lives can have an enormous impact on the quality of our lives as a whole. Additionally, untreated mental health and substance use disorders ruin lives and careers. Though our profession prioritizes individualism and self-sufficiency, we all contribute to, and are affected by, the collective work culture. Whether that culture is toxic or sustaining is up to us. Our interdependence creates a joint responsibility for solutions.
Well-being cannot be defined just by the absence of illness but also encompasses a positive state of wellness. From a whole-health perspective, it can be viewed as a continuous process in which we work across multiple dimensions of wellness. The way we function in one dimension can enhance or impede the way we function in another dimension. The report of the National Task Force on Lawyer Well-Being identified six dimensions that make up full well-being for lawyers:

1. **Occupational**
   Cultivating personal satisfaction, growth, and enrichment in work; financial stability.

2. **Emotional**
   Recognizing the importance of emotions. Developing the ability to identify and manage our own emotions to support mental health, achieve goals, and inform decision-making. Seeking help for mental health when needed.

3. **Physical**
   Striving for regular physical activity, proper diet and nutrition, sufficient sleep, and recovery; minimizing the use of addictive substances. Seeking help for physical health when needed.

4. **Intellectual**
   Engaging in continuous learning and the pursuit of creative or intellectually challenging activities that foster ongoing development; monitoring cognitive wellness.

5. **Spiritual**
   Developing a sense of meaningfulness and purpose in all aspects of life.

6. **Social**
   Developing a sense of connection, belonging, and a well-developed support network while also contributing to our groups and communities.
LIKE INDIVIDUAL WELL-BEING, THERE’S NO SINGLE DEFINITION OF A HEALTHY WORKPLACE. ADAPTING THE WORLD HEALTH ORGANIZATION (WHO)’S DEFINITION OF A HEALTHY WORKPLACE, THE TOOLKIT DEFINES IT AS FOLLOWS:

A HEALTHY WORKPLACE IS ONE IN WHICH ALL ORGANIZATIONAL MEMBERS COLLABORATE TO CONTINUALLY IMPROVE PROCESSES TO PROTECT AND PROMOTE MEMBER WELL-BEING AND ORGANIZATIONAL SUCCESS. ALL SEEK ALIGNMENT OF ORGANIZATIONAL AND MEMBER GOALS AND NEEDS SO THAT THEY CAN GROW AND THRIVE TOGETHER.

THE WHO PROPOSES THAT HEALTHY WORKPLACES DEPEND ON AN INTERACTION AMONG FOUR AREAS:

1. PSYCHOSOCIAL WORK ENVIRONMENT
2. PHYSICAL WORK ENVIRONMENT
3. PERSONAL RESOURCES OF EACH ORGANIZATIONAL MEMBER
4. COMMUNITY CONTRIBUTION

THE PSYCHOSOCIAL WORK ENVIRONMENT—WHICH CAN HAVE A BIG IMPACT ON LAWYER WELL-BEING—IS AN AREA OF VULNERABILITY FOR MANY LEGAL EMPLOYERS. THE TRISTAN JEPSON MEMORIAL FOUNDATION, AN AUSTRALIAN CHARITABLE ORGANIZATION FOCUSED ON HEALTHY LEGAL WORKPLACES, HAS PUBLISHED WORKPLACE WELL-BEING: BEST PRACTICE GUIDELINES FOR PROMOTING AND PROTECTING PSYCHOLOGICAL WELL-BEING IN THE LEGAL PROFESSION. THE GUIDELINES AIM TO HELP LEGAL EMPLOYERS CREATE WORKPLACES THAT FULFILL 13 FACTORS THAT HAVE BEEN IDENTIFIED BY EXTENSIVE RESEARCH AS CRITICAL TO PSYCHOLOGICAL HEALTH.

ALSO HELPFUL IS THE GUARDING MINDS@WORK WEBSITE, RECOMMENDED BY THE WHO, WHICH PROVIDES FREE RESOURCES INCLUDING A SURVEY AND SUPPORTING DOCUMENTS TO HELP EMPLOYERS ASSESS AND ENHANCE THESE 13 FACTORS:

1. ORGANIZATIONAL CULTURE
A CULTURE CHARACTERIZED BY TRUST, HONESTY, AND FAIRNESS.

2. PSYCHOLOGICAL SUPPORT
SUPERVISORS AND CO-WORKERS ARE SUPPORTIVE OF ORGANIZATIONAL MEMBERS’ PSYCHOLOGICAL AND MENTAL HEALTH CONCERNS, AND RESPOND APPROPRIATELY.

3. CLEAR LEADERSHIP & EXPECTATIONS
THERE IS EFFECTIVE LEADERSHIP AND SUPPORT THAT HELPS ORGANIZATIONAL MEMBERS KNOW WHAT THEY NEED TO DO, HOW THEIR WORK CONTRIBUDES TO THE ORGANIZATION, AND WHETHER THERE ARE IMPENDING CHANGES.

HEALTHY WORKPLACE DYNAMICS
DEFINITION OF A HEALTHY WORKPLACE

4. Civility & Respect
Employees are respectful and considerate in their interactions with one another, as well as with clients and the public.

5. Psychological Competencies & Requirements
There is a good fit between employees’ interpersonal and emotional competencies and the requirements of the position they hold.

6. Growth & Development
Employees receive encouragement and support in the development of their interpersonal, emotional, and job skills.

7. Recognition & Reward
There is appropriate acknowledgment and appreciation of organizational members’ efforts in a fair and timely manner.

8. Involvement & Influence
Organizational members are included in discussions about how their work is done and how important decisions are made.

9. Workload Management
Tasks and responsibilities can be accomplished successfully within the time available.

10. Engagement
Organizational members feel connected to their work and are motivated to do their job well.

11. Balance
There is recognition of the need for balance between the demands of work, family, and personal life.

12. Psychological Protection
Organizational members’ psychological safety is ensured.

13. Protection of Physical Safety
Management takes appropriate action to protect the physical safety of organizational members.

Image: A group of hands holding puzzle pieces, symbolizing collaboration and teamwork.
Many legal employers already have started well-being initiatives and are looking for more guidance on where to go next. Others are unsure how to begin. Below are strategies and resources for both—for getting started as well as developing existing well-being initiatives.

Many private and government organizations have published resources to help guide employers’ well-being programs. The medical profession in particular has made big strides in advancing well-being, and has created many resources that can benefit legal employers. Below, links are embedded to some of these resources, which include things like manuals, templates, fact sheets, and other practical tools.

1. **Enlist Leaders**

   No organizational change effort will succeed without leader commitment, support, and role modeling of desired behaviors. Communicating the business case for well-being can help build leader buy-in.

2. **Launch a Well-Being Committee**

   As a first step, recruit a Champion or launch a Committee to lead your well-being agenda. The Committee should include a high-level leader who has the credibility and influence to make things happen. Your organization’s Employee Assistance Program, health insurance carrier, and/or a local Lawyer Assistance Program may be interested in participating and contributing resources.

3. **Define Well-Being**

   It will be important to define well-being as a guide for your agenda. This subject may mean very different things to different people. The multi-dimensional definition of well-being proposed by the National Task Force on Attorney Well-Being (and set out above) is an excellent option.

4. **Conduct a Needs Assessment**

   Among the first things a Well-Being Committee should do after defining well-being is to conduct a needs assessment. Any organizational change effort is more likely to succeed if it grows out of an analysis of the gap between the desired and current state. A number of needs assessment templates created for other contexts are available on the Internet and can be adapted for legal employer well-being programs.

   The assessment might include stakeholder interviews or surveys to understand challenges to well-being that dominate in your organization.

   The assessment also should include an audit of policies and practices that influence lawyers’ well-being. The Policies & Practices Audit section below provides recommendations and online resources to guide an audit. The list includes topics that are not routinely encompassed in discussions of well-being, such as on-boarding, diversity, work-life conflict, 24/7-availability expectations, billing practices, performance appraisals, compensation systems, and fairness. Research shows that these often-overlooked practices substantially contribute to cultures that can support or harm well-being.

5. **Identify Priorities**

   The best way to get started on well-being initiatives is to set a narrow set of priorities and to accumulate quick “small wins” that can build credibility and momentum. Too many change efforts try to do too much too soon. The result is paralysis and lack of progress. To avoid this fate, selectively choose priorities that are manageable and achievable.

6. **Create & Execute an Action Plan**

   Next, the Committee should begin to prepare and execute an action plan. This phase should include a discussion of concrete goals, obstacles to achieving them, and pathways for overcoming obstacles. This phase also should consider how the well-being
program will be sustained over the long-term. Ideas for activities and events to be included in the action plan are discussed below.

7. CREATE A WELL-BEING POLICY

As part of the action plan, consider creating a formal well-being policy. It will help convey that the organization prioritizes and values lawyers as people and establish expectations and intentions. Ideally, legal employers will invite broad review and comment on a draft of the policy.

The ABA Presidential Working Group currently is drafting a Model Impairment Policy for Legal Employers to guide management of lawyers with mental health and substance use disorders. Employers should incorporate impairment provisions into their policies but also will want to convey that the initiative broadly seeks to advance well-being and is not focused solely on detecting and treating mental health and substance use disorders.

Because this type of full well-being policy is new, legal employers will have an opportunity for considerable innovation. A well-being policy template created by the Government of South Australia’s (GOSA) can be found here. You’ll need to substantially tailor it to align with your organization’s priorities, but it can serve as a starting point to rev up your thinking.

8. CONTINUALLY MEASURE, EVALUATE, & IMPROVE

To develop, improve, and justify your organization’s well-being program, it will be important to continually evaluate the success of individual program elements (e.g., attendance/participation) and measure overall progress on well-being indicators (e.g., engagement). The Kirkpatrick model (and related models) is most often used to evaluate development programs. It recommends evaluating multiple factors as indicators of success. Possible measures include:

- Satisfaction with and attitudes toward well-being programs;
- Extent of learning new information and skills;
- Behavioral change growing out of the programs;
- Measures of lawyer well-being and organizational success. A list of possible measures appears below in the Assessment section. Also, GOSA has created a fact sheet to guide thinking on measuring outcomes of workplace well-being initiatives that can be used for brainstorming.
Legal employers should consider topics like the following as part of their audits of current policies and practices to evaluate whether the organization adequately supports lawyer well-being.

(The checklist below originally appeared in the National Task Force report. The citations from the report have been omitted here to manage space.)

**Mental Health & Substance Use Disorders**

- Is there a policy regarding substance use, mental health, and impairment? If so, does it need updating?
- Does the policy explain lawyers’ ethical obligations relating to their own or their colleagues’ impairment?
- Is there a leave policy that would realistically support time off for treatment?
- Are there regular communications about the importance of well-being?
- Do health plans offered to employees include coverage for mental health and substance use disorder treatment?

**Management Practices Affecting Lawyer Well-Being**

- **Assessment of Well-Being:** Is there a regular practice established to assess work engagement, burnout, job satisfaction, turnover intentions, psychological well-being, or other indicators of well-being and to take action on the results?
- **Orientation Practices:** Are orientation practices established to set new lawyers up for success, engagement, and well-being?
- **Work-Life Balance-Related Policies & Practices:** Is there a policy that allows flexibility and an organizational climate that supports it? Is it a practice to recognize lawyers and staff who demonstrate a high standard of well-being?

- **Diversity/Inclusion-Related Policies & Practices:** Diversity and inclusion practices impact lawyer well-being. Are policies and practices in place with a specific mission that is adequately funded?

- **24/7 Availability Expectations:** Do practices allow lawyers time for sufficient rejuvenation? Are response-time expectations clearly articulated and reasonable? Is there an effort to protect time for lawyers to recover from work demands by discouraging work-related calls and emails during evenings, weekends, and vacations?

- **Billing Policies & Practices:** Do billing practices encourage excessive work and unethical behavior?

- **Compensation Practices:** Are compensation practices fair? And are they perceived as fair? Do they follow standards of distributive (fair outcome), procedural (fair process), interpersonal (treating people with dignity and respect), and informational (transparency) fairness? Perceived unfairness in important practices can devastate well-being and motivation. For example, a large-scale study found that people were 50 percent more likely to have a diagnosed health condition if they perceived unfairness at work. Further, high levels of interpersonal and informational fairness should not be ignored—they can reduce the negative effect of less fair procedures and outcomes.
POLICIES & PRACTICES AUDIT

• Is the firm’s approach to compensation holistic, or does it instead focus exclusively or primarily on hours?

• **Performance Appraisal Practices:** Carefully managing this process is essential given evidence that bungled performance feedback harms well-being and performance.
  
  • Are performance appraisal practices fair and perceived as fair?
  
  • Do multiple raters contribute? Are they trained on the process and to reduce common biases?
  
  • Is specific, timely feedback given regularly, not just annually?
  
  • Is feedback given in a two-way communication? Is it empathetic and focused on behavior, not the person’s self-worth? Is it balanced and injected with positive regard and respect?
  
  • Are good performance and progress toward goals regularly recognized?

• **Vacation Policies & Practices:** In their study of 6,000 practicing lawyers, law professor Larry Krieger and psychology professor Kennon Sheldon found that the number of vacation days taken was a significant predictor of lawyer well-being—and was stronger even than income level in predicting well-being. This suggests that legal employers should try to encourage and protect vacations.
  
  • Is there a clear vacation policy?
  
  • Does the organizational culture encourage usage and support detachment from work?

**MORE GUIDANCE FOR SELECTING TOPICS FOR A POLICIES & PRACTICES AUDIT**

Online resources also are available to help legal employers identify potential topics for a well-being policies and practices audit:

• Tristan Jepson Memorial Foundation’s [Best Practice Guidelines](#) for the Legal Profession, which are discussed above in the section on the Definition of A Healthy Workplace.

• The [Developing Resilience](#) white paper published by Chartered Institute of Personnel and Development (CIPD) identifies a helpful and substantial list of individual-level and organizational-level strategies for boosting resilience at work

• The World Health Organization’s (WHO) [Healthy Workplace Framework and Model](#). The model proposes five keys to workplace well-being, and the WHO has provided [guidance on implementing it](#) as well as supporting evidence.

• [Guarding Minds@Work](#), recommended by the WHO, is a free resource to employers for assessing and improving psychosocial health in the workplace. It has identified 13 evidence-based psychosocial factors that impact organizational and individual well-being as well as the financial bottom line. The 13 factors would provide a helpful guide for legal employers’ audits and goal-setting. The website also provides a free assessment of workplace well-being that aligns with the 13 factors.

• Society for Human Resource Management (SHRM) [Practice Guidelines](#) for Creating a More Human Workplace Where Employees and Business Thrive and [The Seven Components](#) of an Effective Workplace.

• GOSA has created a framework for a [Healthy Workplaces Audit](#).
Your organization’s well-being action plan will include elements that align with its priorities, such as activities, events, creation or redesign of practices and policies, and the like. Ideas for these elements of your action plan are identified below.

**Policies & Practices.** Revise/create policies and practices based on findings from your organization’s needs assessment.

**Training & Development.** Offer periodic training workshops designed to build a thriving organizational culture that prioritizes lawyer well-being. Potential training topics are proposed in the next section.

**Align Incentives.** Organizational structure and dynamics play an enormous role in influencing behavior change. Training and policy-creation are important but are not enough. To achieve change, legal employers will need to set standards, align incentives, and give feedback about progress on lawyer well-being goals.

Incentive systems should encourage leaders to support well-being initiatives by, for example, developing their own leadership skills and supporting the well-being of their teams. If incentives are aligned solely with organizational revenue growth, lawyers’ limited resources of time and attention will be spent only there--to the detriment of any other organizational goal. To genuinely adopt lawyer well-being as a priority, such structural and cultural issues will need to be addressed. A GOSA fact sheet offers ideas for incentives and rewards to encourage support of well-being programs.

**Well-Being Scorecard.** To ensure sustainability of an organization’s well-being initiative, the WHO recommends that it should be integrated into the overall strategic business plan, rather than existing in a separate silo, and it should be continually evaluated and improved. A tool to help legal employers do so is a Balanced Scorecard for the organization and individual leaders that measures financial and people-related goals together.

**Onboarding.** Design new-lawyer orientation programs to include well-being-related topics. This will signal that the organization prioritizes the issue and will help prepare newcomers for the challenges and opportunities of their new roles.

**Knowledge Hub.** Create a well-being knowledge hub to provide lawyers with ongoing, practical information and updates.

**Book/Video Club.** Create a book or video (TED talks are a great resource) “club” for reflection and discussion of enhancing individual well-being and fostering workplaces where people thrive.

**Activity Workbook.** At the end of the Toolkit is an Activity Workbook with hands-on activities, checklists, and reminders for enhancing various dimensions of well-being. Well-Being Committees can use the worksheets as part of its own education curriculum and activities.

**Leader Development.** Implement a leader development program. Leader behavior has a substantial impact on followers’ well-being. Additionally, people monitor leaders closely for indicators of cultural norms. If leaders don’t walk the talk of lawyer well-being, followers are not likely to either--and are likely to become cynical.
**On-Staff Professional Coaches.** Professional coaches collaborate with their clients to achieve goals, improve performance, and boost career satisfaction and happiness. Law firms have become increasingly interested in coaching, including hiring on-staff professional coaches. While direct partner contact is critical for associate growth, coaches could help shoulder some of the burden for developmental plans, career guidance, and feedback. Also, for lawyers experiencing a decline in mental health, they may feel more comfortable broaching the topic with someone identified as a coach rather than a clinician. Coaches may then be able to assist lawyers in getting the help they need sooner.

**Well-Being Surveys.** Use surveys to periodically assess indicators of well-being (e.g., engagement, burnout, comfort with help-seeking, etc.). A list of potential surveys is provided below in the Assessments section.

**Well-Being Week.** Establish an annual Well-Being Week with activities and prizes (a practice already adopted in the medical profession).

**Well-Being Calendar.** Create a Well-Being Calendar and organize relevant activities or information blasts. GOSA has created a Health Events Calendar that can be adapted to recognize similar national and local events in the U.S. Example events include National Depression Screening Day (October), National Alcohol Screening Day (April), Mental Health Awareness Month (May), Love Your Lawyer Day (November), and the International Day of Happiness (March, World Gratitude Day (September)). Additional ideas can be found listed here and on the Days of the Year website, which is a clearinghouse for days of recognition.

**Sweat & Learn.** Get creative with CLEs and other training sessions to avoid adding to the long hours lawyers spend sitting. For example, I’ve heard about a popular CLE event that has been conducted in a spinning studio.

**Individual Goal-Setting.** As part of professional development plans or other goal-setting practices, ask lawyers to set well-being goals. Goals might relate to, for example, physical activity, nutrition, sleep, relationship quality, work-life balance, or meditation — to name just a few. Supervisors could monitor these goals in the same manner as other professional development goals. Mentors might consider giving a gift to mentees of a fun goal-setting journal and make goal-progress a cornerstone of their mentoring relationship.

**Embed Well-Being into Meetings.** Embed well-being into regular meetings by, for example:

- Include well-being as a permanent agenda item
- Incorporate engagement-boosting strategies, such as gratitude activities and shout-outs for good work.
- Encourage “walking meetings” outside rather than sitting in conference rooms.
- Set new norms for long meetings in which it’s OK to stand in the back, walk around, or stretch.
**ACTIVITIES & EVENTS**

**Include Well-Being Topics in Organizational Transitions.** Incorporate well-being topics into orientation programs to welcome new lawyers or to elevate them to new roles. For example, give a realistic preview of the new role, identify common stressors, and train them on well-being strategies to help them succeed while staying healthy.

**Leverage Technology.** You can leverage the growing field of well-being technology in a number of ways: For example:

- **Mental Health Apps.** Among the many factors that can hinder lawyers from seeking help for mental-health conditions are a preference for self-reliance and a perceived lack of time to fit treatment into busy schedules. To help address this, consider informing lawyers about electronic mental-health tools or adding them to your organization’s health plans. These include mental-health apps as well as therapy via smart phone.

- **Treadmill & Standing Desks.** Place treadmill desks in a conference room or empty office for use by all. Subsidize treadmill desks or standing desks.

- **Health-Promoting Give-Aways.** For office giveaways, give health-related technology prizes, like a Fitbit; a Spire Mindfulness Tracker; Muse: The Brain Sensing Headband; Pip (gives feedback about stress level); or a Bellabeat Leaf Health Tracker (activity, sleep, and stress tracker).

- **Review of Well-Being Apps.** Create a review of well-being-related smart phone apps, such as for guided meditation, nutrition, physical exercise, gratitude journals, time management, etc.

- **Engagement Technology.** Try tech tools designed to boost employee engagement, such as Celpax, emooter, Morale.me, Glint, and Awesome Boss.

**WHAT ARE OTHER LEGAL EMPLOYERS DOING?**

A number of law firms already have launched well-being initiatives. Below are a sampling of events and strategies that they’ve adopted.

**Akin Gump Strauss Hauer & Feld** has launched a “Be Well” initiative that provides on-site health screenings, access to a personal health care advocate, and access to programs relating to parenting support and financial well-being.

**Hanna Brophy.** Several law firm leaders from Hanna Brophy are participating in an online positive psychology course designed by Yale. Their goal is to improve the quality of their own well-being and serve as role models for positive cultural tone and well-being for other lawyers.

**Drinker Biddle** has launched DBR Well-Being 360, which includes the creation of a well-being committee, assessment of progress on well-being goals, educational programming, mindfulness training, and creation of a resource portal.

**Hogan Lovells.** A few offices of Hogan Lovells offer an on-site psychologists who visits once weekly and is available to lawyers and staff.

**Norton Rose Fulbright** has trained a team of employees to be mental-health first-aid responders, who can spot warning signs of addiction or mental-health concerns and offer assistance.

**Ogletree, Deakins, Nash, Smoak & Stewart** and **Seyfarth Shaw,** among others, have introduced mindfulness meditation programs.
Reed Smith has launched a well-being initiative called Wellness Works, which encompasses the topics of stress management, work-life balance, healthy habits, health mindfulness, physical fitness, and mental health and substance use awareness. The firm has developed an online information hub and plans to create individual pages for each office that will provide information about wellness programming options.

Salazar Jackson invites guest speakers on wellness topics; offers a Zen Garden, a quiet room, outdoor patio areas for socializing, and free healthy snacks; and has implemented a project management platform to streamline work.

Crowell & Moring provides access to a smart phone app called Virgin Pulse that pairs with fitness trackers. If firm members achieve certain well-being-related milestones, they earn a discount on their insurance premiums.

Does Your Firm Have A Well-Being Program?

Please tell us about it!
Email: abrafford@aspire.legal
Education, training, and development will be an essential component of legal employers’ well-being initiatives. To ensure high-quality, effective programs, consider partnering with, for example, Employee Assistance Programs, Lawyer Assistance Programs, insurance carriers, and expert consultants.

To support holistic lawyer well-being, programs should focus on fostering cultures and individual competencies that support lawyers’ optimal health, motivation, and performance and not only on detecting and treating disorders. Focusing on both sides of the lawyer well-being coin is important for developing successful well-being programs. Many topics are possible for programming, and some ideas are provided below.

**Detecting Warning Signs of Mental Health & Alcohol Use Disorders**

As the American Association of Suicidology put it, “Suicide prevention is everyone’s business.” The same is true for other mental health and alcohol use disorders. Accordingly, legal employers should provide training on identifying, addressing, and supporting fellow professionals with mental health and substance use disorders. At a minimum, training should cover the following:

- The warning signs of substance use or mental health disorders, including suicidal thinking;
- How, why, and where to seek help at the first signs of difficulty;
- The relationship between substance use, depression, anxiety, and suicide;
- Freedom from substance use and mental health disorders as an indispensable predicate to fitness to practice;
- How to approach a colleague who may be in trouble;
- How to thrive in practice and manage stress without reliance on alcohol and drugs; and
- A self-assessment of participants’ mental health or substance use risk.

Long-term strategies should consider scholars’ recommendations to incorporate mental health and substance use disorder training into broader health-promotion programs to help skirt the stigma that may otherwise deter attendance.

**Facilitate, Destigmatize, and Encourage Help-Seeking Behaviors**

An important area warranting considerable attention is the stigma of mental health and substance use disorders that prevents lawyers from seeking help. As the National Task Force report explained (see page 13), research reflecting the many factors that can hinder people from seeking help can help guide legal employers’ strategies. These factors include:

- Failure to recognize symptoms
- Not knowing how to identify or access appropriate treatment or believing it to be a hassle to do so
- A culture’s negative view of such conditions
- Fear of adverse reactions by others whose opinions are important
- Feeling ashamed
- Viewing help-seeking as a sign of weakness
EDUCATION & DEVELOPMENT

- Having a strong preference for self-reliance or a tendency toward perfectionism
- Fear of career repercussions and concerns about confidentiality
- Uncertainty about the quality of organizationally-provided therapists or otherwise doubting that treatment will be effective
- Lack of time in busy schedules.

Research also suggests that professionals with hectic, stressful jobs (like many lawyers) are more likely to perceive obstacles for accessing treatment, which can exacerbate depression. The result of these barriers is that, rather than seeking help early, many wait until their symptoms are so severe that they interfere with daily functioning.

Removing these barriers requires education and stigma-reduction strategies. The most effective way to reduce stigma is through direct contact with someone who has personally experienced a relevant disorder. Ideally, this person should be a practicing lawyer in order to create a personal connection that lends credibility and combats stigma. Viewing videotaped narratives also is useful, but not as effective as in-person contacts.

CAREFULLY IMPLEMENT PROGRAMS THAT ENCOURAGE HELP-SEEKING

Among the more common employer-sponsored strategies to detect and respond to mental health and alcohol use disorders include workplace-based public awareness campaigns that involve posting warning signs, referral resources and general anti-stigma messages, and workplace-based screenings. These can be effective and definitely should be considered as part of organization’s well-being programs. But, because such strategies can backfire, they should be implemented carefully and, preferably, with advice from experts in the field. One researcher cautioned:

“Anyone who creates a [depression-related public service announcement] targeting people with depression without considering how the mind of a person with depression operates is engaging in behavior akin to reckless endangerment.”

Research shows, for example, that:

- Because depressive symptoms can radically distort how people interpret information, campaigns to encourage help-seeking must be carefully worded to avoid boomerang effects that decrease the likelihood of help-seeking.

- For example, a depressed person might interpret a message that says: “It takes courage to ask for help. Melvin did” as this: “But, I can’t be strong anymore. I can’t ask for help. If others can and I can’t, I might as well kill myself.” They might interpret a message that says: “Call 1-800-XXX-XXXX for confidential information on where to get help” as this: “Confidential? Why does it have to be confidential?”

- Messages that encourage people to seek help “for friends” rather than for themselves (called “mistargeting”) have had some success avoiding boomerang effects.

- Some public health campaigns have backfired due to “bossy” language that causes targets of the message to react negatively due to perceived threats to their autonomy (called “reactance”).
• **Anti-drinking campaigns** that emphasize the prevalence of alcohol use can backfire by reinforcing existing, excessive drinking norms.

Because of these dangers, organizations that plan to initiate campaigns to encourage help-seeking should consider consulting an outside expert before doing so. One of the leading researchers in the area is **Dr. Jason Siegel**, a professor of psychology at Claremont Graduate University. He is the Director of the Depression and Persuasion Research Lab, which focuses on projects to reduce stigma toward mental illness and increase help-seeking of people with depression. Contact: jason.siegel@cgu.edu.

**De-emphasize Alcohol at Social Events**
(See National Task Force Report, p. 19).

**Begin a Dialogue About Suicide Prevention**
(See National Task Force Report, p. 20).

**Enhance Lawyers’ Autonomy & Sense of Control**
Practices that rob lawyers of a sense of autonomy and control over their schedules and lives are especially harmful to their well-being. A sense of autonomy is considered to be a basic psychological need that is foundational to well-being and optimal functioning. Research shows that high job demands paired with a lack of a sense of control breeds depression and other psychological disorders. A recent review of strategies designed to prevent workplace depression found that those designed to improve the perception of control were among the most effective. Environments that facilitate control and autonomy contribute to optimal functioning and well-being. A few examples of the types of practices to review include the following:

• Excessive workload and controlling management;
• Tight deadlines not based on business needs;
• Senior lawyers making key decisions without consulting other members of the litigation team;
• Senior lawyers’ poor time-management habits that result in repeated emergencies and weekend work for junior lawyers and staff;
• Expectations of 24/7 work schedules and of prompt response to messages at all times;
• Extent of discretion that lawyers have in deciding where, when, and how to perform their work.

**Elevate the Focus on Client Care**
One strategy for aligning organizational incentives with lawyer well-being and profitability at the same time is to elevate the focus on client care and connection. Research reflects that work cultures that emphasize competitive, self-serving goals will continually trigger competitive, selfish behaviors that harm organizations and individual well-being. This can be psychologically draining. For example, studies in 2013 and 2014 of Australian lawyers found that law firms’ emphasis on profits and competitiveness was associated with depression and anxiety.

On the other hand, research shows that the experience of meaningfulness in and at work is a core contributor to work engagement. For most people, feeling that we are benefiting others or contributing to the greater good is the biggest driver of meaningfulness. For most of us, regularly connecting with clients and hearing how our work benefits them gives us a powerful motivational and well-being boost.

In practice, this might include more routine client satisfaction surveys and conversations and inviting clients to speak at formal and informal events about the positive impact of lawyers’ work. Emphasizing client care aligns with lawyer well-being goals while also contributing to the bottom line. Ideas for what to include in client satisfaction surveys and how to conduct them can be found [here](#) and [here](#).
More Topics Summarized in the National Task Force Report

Additional evidence-based educational topics were summarized in Appendix B (pp. 50-57) of the National Task Force Report. Condensed versions of those summaries are provided next, with the literature citations omitted.

Work Engagement & Burnout

Work engagement is a kind of work-related well-being that includes high levels of energy, mental resilience, and a sense of meaningful work. It contributes to, for example, mental health, less stress and burnout, job satisfaction, helping behaviors, reduced turnover, performance, and profitability. At the other end of the spectrum is burnout, which is a stress response syndrome that is highly correlated with depression. It can have serious psychological and physiological effects and harm performance and professionalism.

Stress

Stress is inevitable in lawyers’ lives and is not necessarily unhealthy. Mild to moderate levels of stress that are within our capability can present positive challenges that result in a sense of mastery and accomplishment. But when lawyers feel overburdened by their work, they are at much greater risk of burnout, depression, anxiety, alcohol abuse, and physical health conditions. Both personal and environmental factors in the workplace contribute to stress and whether it positively fuels performance or impairs mental health and functioning.

Resilience & Optimism

Resilience can be defined as a process that enables us to bounce back from adversity in a healthy way.

Mindfulness Meditation

Mindfulness meditation is a practice that can help us change our mental habits and support resilience. It can aid our ability to monitor our thoughts and avoid becoming emotionally overwhelmed. A rapidly growing body of research on meditation has shown its potential for help in addressing a variety of psychological and psychosomatic disorders, especially those in which stress plays a causal role.

One type of meditative practice is mindfulness—a technique that cultivates the skill of being present by focusing attention on your breath and detaching from your thoughts or feelings. Research has found that mindfulness can reduce rumination, stress, depression, and anxiety. It also can enhance a host of competencies related to lawyer effectiveness, including increased focus and concentration, working memory, critical cognitive skills, reduced
burnout, and ethical and rational decision-making.

**Rejuvenation Periods**

Lawyers must have downtime to recover from work-related stress. People who do not fully recover are at an increased risk over time for depressive symptoms, exhaustion, and burnout. By contrast, people who feel recovered report greater work engagement, job performance, willingness to help others at work, and ability to handle job demands.

Quality sleep is critically important in the recovery process. Sleep deprivation has been linked to a multitude of health problems that decay the mind and body, including depression, cognitive impairment, decreased concentration, and burnout.

**Physical Activity**

Many lawyers’ failure to prioritize physical activity is harmful to their health and functioning. Physical exercise is associated with reduced symptoms of anxiety, depression, and low energy and enhanced brain functioning and cognition. It stimulates new cell growth in the brain, which can offset the negative effects of stress, which can cause brain atrophy.

**Leader Development and Training**

Leader development and training is critically important for supporting lawyer well-being and optimal performance. Low-quality leadership is a major contributor to stress, depression, burnout, and other mental and physical health disorders. Even seemingly low-level incivility by leaders can have a big impact on workers’ health and motivation. Further, good leaders are made not born: Many studies confirm that positive leader behaviors can be trained and developed.

**Conflict Management**

Our legal system is adversarial—it’s rooted in conflict. Even so, lawyers generally are not trained on how to constructively handle conflict and to adapt tactics based on context—from necessary work-related conflicts to inter-personal conflicts with clients, opposing counsel, colleagues, or loved ones. Conflict is inevitable and can be both positive and negative. But chronic, unmanaged conflict creates physical, psychological, and behavioral stress. Research suggests that conflict management training can reduce the negative stressful effects of conflict and possibly produce better, more productive lawyers.

**Work-Life Conflict**

The stress of chronic work-life conflict can damage well-being and performance. Evidence indicates that it is a strong predictor of burnout and significantly increases the risk of poor physical health. On the other hand, work-life balance (WLB) benefits workers and organizations. WLB is a complex topic, but research provides guidance on how to develop a WLB-supportive climate through policies and consistent support for WLB by leaders and direct supervisors.

**Meaning & Purpose**

A large body of research shows that feeling that our work is meaningful plays an important role in workplace well-being and performance. Evidence suggests that the perception of meaningfulness is the strongest predictor of work engagement. Meaningfulness develops, for example, when people feel that their work corresponds to their values. Organizations can enhance the experience of fit and meaningfulness by, for example, fostering a sense of belonging; designing and framing work to highlight its meaningful aspects; and articulating compelling goals, values, and beliefs.

**Additional Topics**

Some additional topics to consider include:

- Psychological capital (composed of optimism, self-efficacy, hope, and resilience)
- Psychological hardiness (composed of...
commitment, control, and challenge)

- Stress mindset
- Growth mindset
- Grit
- Effort-reward balance
- Transformational leadership

- Self-determination theory (a well-established motivational theory on which multiple lawyer and law student well-being studies have been based)

- Strengths-based management
- Emotional intelligence and regulation
- Organizational fairness
- Nutrition

- Interpersonal skills to foster high-quality relationships and avoid conflict

- Political skills (which have been show to enhance a sense of control and reduce stress),

- Time management/alignment (i.e., investing time in alignment with ones values and priorities)
Legal employers should consider periodically measuring well-being on an anonymous basis to track progress on well-being goals. As the old saying goes, “what gets measured gets done.” Further, evaluating which strategies are effective and which are not will be impossible without ongoing assessment.

**Deciding Whether to Assess Well-Being**

The Centers for Disease Control and Prevention (CDC) recommends that employers regularly assess employee health and provides an Employee Health Assessment and Health and Safety Climate Survey for doing so. (These surveys may need some revisions to be adapted to a legal employer context.) The CDC also has provided a User Manual for the Climate Survey, which includes guidance on how to distribute and use this type of survey effectively. As the CDC User Manual reflects, the feedback from well-being-related assessments can guide further investigation and interventions.

The medical profession has made much more progress than the legal profession on establishing programs to assess and advance well-being. For example, the National Academy of Medicine recommends using surveys to assess well-being and guide interventions. The Academy recognizes, however, the potential tension between maintaining confidentiality and a desire to help that arises when measuring sensitive areas, such as depression, suicide, and substance use disorders. In its view, especially given the unfortunate continued stigma about mental health, ensuring confidentiality is critical to participants and to collecting accurate results.

A possible way to address this tension that the Academy recommends is to take all participants to a new screen at the end of the survey that: (a) provides general information about mental health and substance use disorders, (b) encourages them to seek help if experiencing symptoms, and (c) and gives information on resources for relevant services, including a suicide hot line.

**Choosing Specific Assessments**

As the well-being movement in the legal profession continues, we hope to validate and recommend a set of well-being-related surveys specifically tailored to lawyers and legal employers. At this point, though, following the medical profession’s lead, we offer multiple existing surveys from which legal employers can choose. Legal employers may wish to hire external consultants to help select specific surveys that are the best fit for the organization’s priorities and to handle and analyze the data appropriately. This is the recommended course especially for surveys and other communications related to sensitive topics like mental health and alcohol abuse and help-seeking behaviors or attitudes.

**Possible Risks?**

If legal employers have any concerns that collecting such information would create legal risks, they may wish to discuss these issues with their legal counsel or with Employee Assistance Programs and insurance carriers that have experience in this area.

**Organization-Level Surveys**

Legal employers should consider organization-level assessments and not only individual-level assessments of health and well-being. Legal employers will want to pay closer attention to organizational and cultural factors that can contribute to poor well-being, burnout, and departures.

**13 Factors for Workplace Well-Being**

As noted above, the Tristan Jepson Memorial Foundation has identified 13 factors as part of its Best Practice Guidelines for promoting psychological well-being in the legal profession, and the Guarding Minds@Work provides a survey and supporting documents to help employers assess and enhance these 13 factors.
As mentioned above, the CDC recommends the Health and Safety Climate Survey for assessing workplace well-being as well as a User Manual.

**INDIVIDUAL-LEVEL SURVEYS**

For individual lawyers, taking time to engage in self-assessment is imperative to overall wellness. Many lawyers have a hard time paying attention to their own needs. This is probably due to many factors, including the tendency to focus on the needs of clients and others and a high need for achievement that drives long working hours at a fast pace with too little rest and rejuvenation.

Lawyers who pay more attention to their own needs will be happier and healthier, will be able to provide higher quality professional services, and will be better colleagues and family members. Lawyers who take the time to assess their values, goals, and level of well-being are able to make choices with greater clarity and confidence. They can also make better decisions about how they want to practice and live their lives. Since many lawyers are high-achievers by nature, they often tend to push themselves to do more work than their own personal resources allow.

The following individual-level assessments are designed and intended for personal use and guidance purposes only. Their results should not be viewed as a diagnosis of having or not having a mental health disorder. Participants should be informed that such surveys are not intended to take the place of a professional evaluation and that questions and concerns should be referred to a mental health professional.

**DEPRESSION**

The CDC recommends that employers assess employee depression and provides recommendations for interventions and evaluating depression-related initiatives. As noted above, the CDC also has provided an assessment tool called the Employee Health Assessment, which includes a section on mental health. Three validated surveys that measure only depression are identified below:

- **The Patient Health Questionnaire-9 (PHQ-9)** is a common screening tool for depression and suicidal thoughts. An Instruction Manual also is available. It does not diagnose clinical depression but helps identify people who are experiencing elevated depressive symptoms and are at risk for developing a disorder.

- **The Depression Anxiety Stress Scales-21 (DASS-21).** This scale was used in the 2016 lawyer mental health study referenced above.

- **The Center for Epidemiological Studies-Depression (CES-D) Scale.** This also is a common screening tool for depression. To take it individually and immediately receive a feedback report, participants can be directed to the University of Pennsylvania’s Authentic Happiness website where the CES-D Scale is available in the Questionnaire Center.

**ANXIETY**

- **The General Anxiety Disorder (GAD) Scale** is a common assessment used to screen for anxiety. It is available in the Screening Tools section of the website offered by SAMHSA-HRSA Center for Integrated Health Solutions (CIHS).

**ALCOHOL USE DISORDERS**

- **The Alcohol Use Disorder Identification Test (AUDIT)** is a commonly used tool to screen for risk of alcohol use disorders. This was the scale used in the large-scale study of lawyers published in 2016 that is referenced above.

**BURNOUT**

- **The Maslach Burnout Inventory (MBI)** is the most frequently-used burnout scale, but users
must pay a license fee. A few free validated alternatives are offered below:

- **Oldenburg Burnout Inventory.** This is a validated burnout measure that’s available for use and in the public domain. The scale appears at the end of the article you’ll find in the hyper-link.

- **Non-Proprietary Single-Item Burnout Measure.** Scholars in the medical profession have validated a single-item burnout measure (to replace the MBI), which is freely-available for use. The article that is hyper-linked contains the measure and describes it, and it also is set out below:

  □ **Overall, based on your definition of burnout, how would you rate your level of burnout?**

  1-I enjoy my work. I have no symptoms of burnout.

  2-Occasionally I am under stress, and I don’t always have as much energy as I once did, but I don’t feel burned out.

  3-I am definitely burning out and have one or more symptoms of burnout, such as physical and emotional exhaustion.

  4-The symptoms of burnout that I’m experiencing won’t go away. I think about frustration at work a lot.

  5-I feel completely burned out and often wonder if I can go on. I am at the point where I may need some changes or may need to seek some sort of help.

  **Scoring Instructions:** This item often is scored as ≤2 (no symptoms of burnout) vs. ≥3 (1 or more means there are burnout symptoms).

**WORK ENGAGEMENT**

- **Gallup’s Q12.** This is a popular, copyrighted measure. You can view the items in a Gallup report discussing the measure. The “Q12” asks 12 questions covering concepts like: job satisfaction; clear work expectations; a purpose or mission that imbues work with importance; adequate resources to perform the work; opportunities to use strengths and to learn, grow, and develop; supervisors who care, provide recognition, and discuss progress; co-workers who value quality; meaningful opportunities to give input; and a close friendship with someone.

- **Utrecht Work Engagement Scale (UWES).** The scale and manual both are available in the hyper-linked document. The UWES is the engagement scale used in most academic research. While Gallup’s Q12 is focused more on the preconditions that contribute to high motivation, the UWES measures the energetic state that results from supportive conditions. The 9-item version of the UWES scales appears in the hyper-linked document and is set out below, to which participants respond on a scale from 0-Never to 6-Always.

  □ At my work, I feel bursting with energy.

  □ At my job, I feel strong and vigorous.

  □ I am enthusiastic about my job.

  □ My job inspires me.

  □ When I get up in the morning, I feel like going to work.

  □ I feel happy when I am working intensely.

  □ I am proud on the work that I do.

  □ I am immersed in my work.

  □ I get carried away when I’m working.

**OVERALL WELL-BEING**

- **Workplace PERMA Profiler.** In his popular book Flourish, Dr. Martin Seligman--the founder of positive psychology--defined human flourishing as made up of six dimensions: Positive Emotions,
Engagement, Relationships, and Achievement (which form the acronym “PERMA”). The Workplace PERMA Profiler was created and validated to measure the PERMA factors in the workplace.

- **Subjective Well-Being (SWB)** is the most frequently-used measure of overall well-being or “happiness.” An SWB score typically is computed by creating a composite measure of (1) the Satisfaction with Life Scale (SWLS) and (2) a scale that measures the ratio of positive to negative emotions. The composite score is calculated like this: SWLS + (positive emotions - negative emotions). Higher SWB is associated with many benefits—including better psychological and physical health and occupational success. SWB was the measure of happiness used in a recent lawyer well-being study that measured factors contributing to the happiness of thousands of practicing lawyers.

The first component of SWB is the **Satisfaction with Life Scale (SWLS)**. The second component of SWB is a measure of the ratio of positive to negative emotions, such as the **Scale of Positive and Negative Experience (SPANE)**. Both scales are free to use so long as credit is given to the authors. **Because negative emotions are much stronger** than positive ones, it’s important to intentionally foster positive emotions to maintain a healthy “positivity ratio” of about 3:1 positive to negative emotions. A tendency toward positive emotions (called a **Positive Emotional Style**) is associated with psychological and physical health as well as occupational success and effective leadership.

- **The Wellness Assessment** is another overall well-being measure that asks for your perceived progress on your best life in terms of important relationships, community where you live, occupation, physical health and wellness, emotional and psychological well-being, and economic situation.

**Resilience**

There’s no standard definition or measure of resilience and many scales are available-some of which require payment of a licensing fee. You can find a discussion of various options on the Positive Psychology Program website.

- **Brief Resilience Scale**. This is a 6-item measure of resilience.

**Meaningful Work**

**Work and Meaning Inventory (WAMI)**. The WAMI is a common survey for measuring the experience of meaningful work. It is free to use for noncommercial research and educational purposes without permission. **Research shows that the experience of meaningfulness** is associated with physical and mental health and is the biggest driver of work engagement.

**Optimism**

Much evidence reflects that optimism is associated with physical and psychological health. There are two primary ways that optimism is measured:

- **Life Orientation Scale-Revised**. This scale measures trait or dispositional optimism. It measures your habits of thought when facing obstacles or considering the future.

- **Attributional Style Questionnaire (ASQ)** (aka Explanatory Style Questionnaire). This assessment measures explanatory style, which are your habits of thought when attributing the causes of good and bad events. It is the optimism measured used by research by positive psychology founder Dr. Martin Seligman and discussed in his popular book **Learned Optimism**. It can be found in the Questionnaire Center of University of Pennsylvania’s Authentic Happiness website. There is **some evidence** that lawyers tend to have a pessimistic explanatory style, which is associated with depression.
LEADERSHIP

- **Transformational Leadership.** Transformational leadership is by far the most-studied leadership theory in the academic leadership literature. A common measure of transformational leadership is the Multifactor Leadership Questionnaire. It’s copyrighted and users must pay a licensing fee.

- **Leader-Member Exchange (LMX).** LMX also is a popular leadership theory that focuses on the quality of relationships between leaders and followers. This measure is freely available for non-commercial research and educational purposes without seeking permission. It can be found in this article about LMX that also describes the scale.

- **Leader Development Plan Template.** Claremont Graduate University’s LeadLabs website offers a free leader development plan template. It’s an automated template that walks you through an exercise to identify your leadership strengths and goals.

INCIVILITY

**Workplace Incivility Scale.** This scale was developed by one of the leading experts in workplace civility, Dr. Lilia Cortina. The scale is contained in the research article available through the hyper-link and its 12 items are reprinted below:

During the PAST YEAR, were you ever in a situation in which any of your supervisors or co-workers:

- Paid little attention to your statements or showed little interest in your opinions.
- Doubted your judgment on a matter over which you had responsibility.
- Gave you hostile looks, stares, or sneers.
- Addressed you in unprofessional terms, either publicly or privately.
- Interrupted or “spoke over” you.
- Rated you lower than you deserved on an evaluation.
- Yelled, shouted, or swore at you.
- Made insulting or disrespectful remarks about you.
- Ignored you or failed to speak to you (e.g., gave you “the silent treatment”).
- Accused you of incompetence.
- Targeted you with anger outbursts or “temper tantrums.”
- Made jokes at your expense.
ONLINE RESOURCES & TECHNOLOGY

**Resources for Creating & Developing Well-Being Committees**

- The Manual for Well-Being Ambassadors and slide deck that the American Psychiatric Association created for the medical profession.
- The Government of South Australia’s (GOSA) Workplace Health and Wellbeing Toolkit: Step by Step Guide to Developing a Successful Workplace Program. The Guide provides a framework for starting and sustaining well-being initiatives. The website also includes links to a variety of templates, fact sheets, and other tools.
- The National Academy of Medicine’s Action Collaborative on Clinician Well-Being and Resilience Knowledge Hub.
- A Wellness Toolbox created for medical residency programs to provide practical steps to create a culture that emphasizes full wellness.
- The American Medical Association’s Five Steps to Create a Wellness Culture.
- Work and Well-Being Toolkit for Physicians prepared by University of Colorado’s Behavioral Health and Wellness Program.
- The Wellness Network for Law. Collection of resources related to lawyer well-being provided by an Australian-based group.
- Patrick Krill Strategies Website. Patrick Krill, who led the 2016 study on lawyer mental health and substance abuse, is the leading expert on such disorders in the legal profession. His website provides resources relating to those topics.
- Guarding Minds at Work. In 2013, Canada adopted the National Standard of Canada for Psychological Health and Safety in the Workplace—a set of voluntary guidelines, tools, and resources to guide organizations in promoting mental health and preventing psychological harm at work. Its website collects resources to support the Standard.

**Smart Phone & Online Apps**

- Headspace: A popular meditation app.
- 10% Happier: Meditation for Fidgety Skeptics. A popular meditation app.
- Calm: Mindfulness and meditation app.
- Happify: App offering evidence-based solutions for better emotional health and wellbeing.
- Stand Up! Work break timer app. Prompts you to stand up according to a schedule you customize.
- Happy Tapper Gratitude Journal: Gratitude App
- Mental Health Apps. The number of mental health-related apps is growing, including those targeting depression. A number of articles have tracked the trend and studies of effectiveness, such as:
  - Smart phone apps can reduce depression.
  - New apps designed to reduce depression, anxiety as easily as checking your phone.
  - Use and effectiveness of mobile apps for depression.
- Cognitive Reframing Training. Mood Gym is a subscription-based online application created by academics to teach cognitive reframing—a key to mental health and resilience. Mood Gym has been recommended by a scholar studying resident well-being in hospitals, and other applications like this are becoming increasingly available.
BOOK RECOMMENDATIONS

LAWYER-SPECIFIC WELL-BEING BOOKS

Anne Brafford, Positive Professionals: Creating High-Performing, Profitable Firms Through The Science of Engagement

Heidi Brown, The Introverted Lawyer: A Seven Step Journey Toward Authentically Empowered Advocacy

Kevin Chandler, The Lawyer’s Light: Daily Meditations for Growth and Recovery


Andrew N. Elowitt & Marcia Watson Wasserman, Lawyers as Managers: How to be a Champion for Your Firm and Employees

Amiram Elwork, Stress Management For Lawyers: How To Increase Personal & Professional Satisfaction In The Law

Stewart Levine (Editor), The Best Lawyer You Can Be (compilation of chapters on lawyer well-being from multiple authors), forthcoming 2018


Rebecca Nerison, Lawyer Anger and Anxiety: Dealing with the Stresses of the Legal Profession

Hallie Neuman Love & Nathalie Martin, Yoga For Lawyers: Mind-Body Techniques to Feel Better All The Time

Scott L. Rogers, The Six-Minute Solution: A Mindfulness Primer for Lawyers

WELL-BEING BOOKS—GENERAL AUDIENCE

Shirzad Chamine, Positive Intelligence: Why Only 20% of Teams and Individuals Achieve Their True Potential

Cary Cooper and colleagues, Resilience for Success: A Resource for Managers and Organizations

Carol S. Dweck, Mindset: The New Psychology of Success

Daniel Goleman & Richard Davidson, Altered Traits

Adam Grant, Give and Take: Why Helping Others Drives Our Success

Robert Kegan & Lisa Laskow Lahey, Immunity to Change: How to Overcome It and Unlock the Potential in Yourself and Your Organization

Alex Korb, The Upward Spiral: Using Neuroscience to Reverse the Course of Depression, One Small Change at a Time

Sonja Lyubomirsky, The How of Happiness: A New Approach to Getting the Life You Want

Cal Newport, Deep Work: Rules for Focused Success in a Distracted World


Christine Porath, Mastering Civility: A Manifesto for the Workplace


Tom Rath, Are You Fully Charged?

Tom Rath, Eat Move Sleep: How Small Choices Lead to Big Changes

Karen Reivich & Andrew Shatte, The Resilience Factor

Martin E. P. Seligman, Learned Optimism: How to Change Your Mind and Your Life

Emily Esfahani Smith, The Power of Meaning: Finding Fulfillment in a World Obsessed with Happiness

Chade-Meng Tan, Search Inside Yourself

Caroline Webb, How to Have a Good Day

Paul J. Zak, Trust Factor: The Science of Creating High-Performance Companies
Below is a list of organizations focused on lawyer well-being that can partner with legal employers on their well-being initiatives. They can provide or recommend qualified speakers and provide other support and resources.

**ABA CoLAP & State Lawyer Assistance Programs**

The ABA’s Commission on Lawyer Assistance Programs (CoLAP) provides support to people in the legal profession who are confronting alcoholism, substance use disorders, or mental health issues. It carries out its mission by supporting the work of state and local Lawyer Assistance Programs (LAPs) that provide hands-on services and support to those in need. CoLAP and LAPs offer a variety of resources, guidance, and speakers—Including on lawyer wellness topics, such as clinical substance abuse, mental health issues, and wellness and stress management for lawyers. CoLAP’s website includes a directory so that legal employers can locate their local LAPs. Additionally, CoLAP hosts a Speakers Bureau Directory, which is another source to locate speakers on wellness topics.

To make it even easier to contact your local LAP, the Well-Being Partner Appendix at the end of the Toolkit provides a list of Directors or other leaders of the state LAPs whom you can contact for support with your well-being initiatives.

**ABA LP Attorney Well-Being Committee**

The mission of the ABA Law Practice Division’s Attorney Well-Being Committee is to help the legal profession thrive by providing resources, education, and leadership on well-being-related topics. Contact: Anne Brafford, abrafford@aspire.legal.

**Dave Nee Foundation**

The Dave Nee Foundation works to prevent suicide in the legal profession by educating law students/lawyers about depression, its prevalence in the legal profession, and the availability and effectiveness of treatment. Contact: info@daveneefoundation.org.

**Mindfulness in Law Society**

The Mindfulness in Law Society (MILS) is an education and support hub for mindfulness in the legal profession, bringing together lawyers, law students, faculty, judges, and other legal professionals across the nation, and supporting their interests in mindful lawyering. MILS offers and shares programming, resources and networking opportunities. Contact: Richard Reuben, Contact: ReubenMindfulness@gmail.com.

**Stanford Law School Wellness Project**

The goal of the Stanford Law School Wellness Project is to help respond to the explosion of interest in wellness at law schools and in the greater legal community. The Project launched a website to share ideas, teaching materials, articles and announcements. The Project also includes The WellnessCast, which is a podcast on well-being related topics.

**State Bar Well-Being Committees**

A number of state bars have launched lawyer well-being initiatives, including South Carolina and Georgia. Even for legal employers outside these states, the Committees' websites may provide useful materials and ideas.

**South Carolina Attorney Wellness Committee**

The SC Attorney Wellness Committee was launched in 2014 in an effort to address serious issues confronting members of the legal profession. Its aim is to help lawyers achieve total wellness: mentally, physically, and socially. The Committee started the “Living Above the Bar” wellness initiative and website, which included activities and wellness resources.

**Georgia Attorney Wellness Task Force**

The Task Force seeks to study and promote lawyer wellness programs by identifying factors that impact the physical and emotional well-being of attorneys. It started the “Lawyers Living Well” initiative and
website, which included activities and wellness resources.

**Berkley Law Mindfulness Program**

The Berkley Law Mindfulness in Legal Education Program provides a website with mindfulness-related resources for teaching and practicing mindfulness in the legal profession.

Do You Recommend Other Well-Being Partners?

Please Let Us Know!
Contact: abrafford@aspire.legal
Below is a list of consultants, speakers, and professional coaches to aid your well-being initiatives. Many on the list are lawyers, and all have credentials or significant professional experience outside of practicing law. The list is provided as one resource for legal employers looking for collaborators. It is not offered as an “ABA-endorsed” list. The people on the list are either in my own personal network or were recommended to me by someone I know. Many other candidates clearly are available, and I encourage additional recommendations. No negative inferences should be made by the exclusion of anyone from this list. Also, all should be vetted according to your regular procedures for ensuring high-quality, reliable content.

Debra Austin, JD, PhD
Debra Austin is a Professor of the Practice at University of Denver Sturm College of Law. She writes and speaks about how neuroscience and psychology research can improve law student and lawyer well-being and performance. Her papers are available online. Contact: daustin@law.du.edu.

Lisle Baker, LLB, MAPP
Lisle Baker, a professor at Suffolk Law School in Boston, focuses on incorporating positive psychology into the law school classroom and practice of law. In 2017, he launched a Suffolk Law Positive Psychology Conference to provide an annual forum for professors, experts, and practitioners to share ideas. Contact: lbaker@suffolk.edu.

Jonathan A. Beitner, JD, CPC In Progress
Jonathan Beitner is a practicing Senior Associate in a large law firm who is completing his professional coaching certification. He speaks and writes on topics related to attorney well-being, including mindfulness, fostering positivity/optimism, taking the anxiety out of networking, and breaking through procrastination. Contact: jbeitner@jenner.com.

Robin Belleau, JD, LCPC
Robin Belleau is a Licensed Clinical Professional Counselor and former criminal defense litigator. She speaks on the topics of substance abuse, mental health, and well-being in the legal profession. Contact: rbelleau@illinoislap.org.

Dan Bowling, JD, MAPP
Dan Bowling is a former practicing lawyer and current law professor who focuses on the positive aspects of law practice and the importance of using one’s strengths. He teaches and researches on this topic at Duke Law School and has written and spoken extensively on the topic. Contact: dabowling@gmail.com.

Anne Brafford, JD, MAPP, PhD In Progress
Anne Brafford, a former Big Law partner, is an author, speaker, and researcher. She focuses on the many aspects of law firm culture that boost engagement and well-being and avoid burnout, such as meaning and purpose, positive leadership, high-quality motivation, resilience, work-life balance, organizational practices and leadership behaviors that contribute to depression and burnout, and more. She also can provide organizational development and statistical analysis services for well-being initiatives. Contact: abrafford@aspire.legal.

Heidi K. Brown, JD
Heidi Brown is an Associate Professor of Law at Brooklyn Law School. She is the author of The Introverted Lawyer and champions the power of quiet individuals to be impactful advocates, in their authentic voices. Heidi illuminates the gifts that introverted, shy, and socially anxious individuals offer the legal profession, and seeks to help amplify their advocacy voices in an authentic manner Contact: heidi.brown@brooklaw.edu.
BREE BUCHANAN, MSF, JD

Bree Buchanan is a Co-Chair of the National Task Force on Lawyer Well-Being, Chair of the ABA Commission on Lawyers Assistance Programs (CoLAP), and Director of the Texas Lawyers Assistance Program. Bree is a former litigator, law professor, and lobbyist who now dedicates her life to promotion of well-being in the legal profession. Contact: bree.buchanan@texasbar.com.

JEFFREY H. BUNN, JD

Jeffrey Bunn, a retired long-time business litigator and mediator, is the owner of The Mindful Law Coaching & Consulting Group. As part of his advocacy for incorporating meditation into the law firm business model, he speaks about mindfulness in the legal workplace, the business case for mindfulness, and measuring success of mindfulness practice. Contact: jbunnlaw@gmail.com.

SHANNON CALLAHAN, JD, CPC (PENDING)

Shannon Callahan is a member of the Advisory Committee to the Lawyers Assistance Program Board Vice Chair of the Illinois Task Force on Lawyer Well-being. She does individual and group coaching; speaks on mindfulness through training with Mindfulness Based Stress Reduction (MBSR); and speaks on growth mindset, grit, self-compassion, resilience, goal-setting, and wellness. Contact: scallahan@seyfarth.com.

CHELSY A. CASTRO, JD, MA MSW, LCSW

Chelsy A. Castro is an attorney, psychotherapist, and author who speaks to lawyers, judges, and law students on stress-management techniques, success strategies for high-achievers under pressure, mindfulness, substance abuse, mental health, and wellbeing. Contact: ccastro@illinoislap.org.

JEENA CHO, JD

Jeena Cho, a practicing lawyer, consults and speaks with lawyers about using mindfulness and meditation to reduce stress and enhance resilience. She co-authored *The Anxious Lawyer: An 8-Week Guide to a Joyful and Satisfying Law Practice Through Mindfulness and Meditation*. Contact: hello@jeenacho.com.

JUDI COHEN, JD

Judi Cohen is a Lecturer at Berkeley Law and the founder of Warrior One LLC, a provider of continuing legal education focused exclusively on mindfulness training for the legal mind. Warrior One offers in-person trainings in-house and for firms, government, and public interest attorneys; and on-demand for individuals and licensed to law firms and legal organizations. Contact: judi@warriorone.com.

ANDREW COHN, JD, MA

Andrew Cohn, a professional coach, trainer, and consultant, focuses on wellness and achievement, including clearer thinking, improved decision-making, and alignment among project/work teams. He uses a variety of tools and assessments, as well as principles of Aikido both on and off the mat. Contact: andrew@lighhthousteams.com.

BRIAN CUBAN, JD

Brian Cuban is a practicing attorney, author, and addiction recovery advocate. The younger brother of Dallas Mavericks owner and entrepreneur Mark Cuban, Brian has been in long-term recovery from alcohol, cocaine, and bulimia since 2007. He is the author of *The Addicted Lawyer, Tales of The Bar, Booze, Blow, & Redemption*. Contact: brian@briancuban.com.

SHARON F. DANZGER, CFA, CLU, CHFC, MAPP (PENDING)

Through corporate training programs and one-on-one coaching, Sharon Danzger teaches individuals to be more productive, healthier and happier. Using evidence-based, practical strategies, clients are able to build daily habits that enable them to make
the best use of their time while reducing stress and improving overall well-being. Sharon is the author of *Super Productive: 120 Strategies to Do More and Stress Less*. Contact: Sharon@ControlChaos.org.

**Stewart I. Donaldson, PhD**

Stewart Donaldson is a Professor of Psychology and Community & Global Health at Claremont Graduate University and the Executive Director of the Claremont Evaluation Center (CEC). His focus includes program evaluation, health promotion and disease prevention, positive psychology, and organizational development. Stewart and the CEC can provide support to organizations interested in evaluating the effectiveness of well-being initiatives, including evaluation and statistical analysis services. Contact: stewart.donaldson@cgu.edu.

**Stacey Dougan, JD, LLM, MS, APC, NCC**

Stacey Dougan is a lawyer-turned-therapist who helps attorneys and law students align their needs and values with their personal and professional roles and responsibilities. As a writer, speaker, and consultant, Stacey also works with bar associations, law firms, and law schools to promote wellbeing in the legal profession. Contact: Stacey@workbestconsulting.com.

**Sean Doyle, JD, MAPP**

John “Sean” Doyle, J.D., MAPP, is General Counsel for a broadband provider and has taught psychology at North Carolina State University for a decade. Sean works with lawyers on enhancing their effectiveness and increasing their sense of meaning and joy. His book, *Mud and Dreams*, is a series of essays about overcoming hardships and falling deeper in love with life. Contact: www.JohnSeanDoyle.com, LiveFully@JohnSeanDoyle.com.

**Andrew Elowitt, JD, MBA, PCC**

Andrew Elowitt is a speaker, consultant, coach, and author focusing on emotional, social and conversational intelligence; soft skills; and related topics. Titles of past presentation include: Maintaining Peak Performance by Managing Energy & Stress Rather than Time; Developing Competence with Interpersonal Conflicts; Working With Difficult People; Stress is Not Your Enemy; Growing Beyond Perfectionism; and Forget About Balance – How About Work-Life Integration? He is the author of the ABA book *Lawyers as Managers*. Contact: elowitt@newactions.com.

**Tal Fagin, JD, CLC**

Tal Fagin is a former practicing lawyer and certified life coach. Her clients are successful people who, despite their many achievements, tend to feel perpetually dissatisfied. They often are looking for “something more,” whether that be in their personal relationships, careers, or health. Tal works together with her clients to devise effective strategies for healthier, happier, more balanced living. Contact: tal@talfusion.net.

**Jeffrey Fortgang, PhD**

Jeffrey Fortgang is a licensed psychologist and alcohol/drug counselor with a PhD in Clinical Psychology who provides counseling services to lawyers. He also speaks and writes on these topics and is co-author of the ABA book *The Full Weight of the Law: How Legal Professionals Can Recognize and Rebound from Depression*, which focuses on how law students and lawyers can recognize, sometimes avoid, and even rebound from depression. Contact: drjeff@lclma.org.

**Sarah Campbell Fowler, MAPP**

Sarah Campbell Fowler is a presenter and coach who uses her background in positive psychology and resilience to help clients combat counterproductive thinking, manage stress, increase well-being, develop leadership skills, and strengthen relationships. She has developed a series of short videos focused on resilience skills and positive psychology specifically for lawyers. Sarah earned a Master of Applied Positive Psychology from the University of
Pennsylvania and has completed her certification in Leadership Coaching from Georgetown University. Contact: sarah@sarahcfowler.com.

**Samantha Golkin, JD, LLM, MAPP**

Samantha Golkin, a practicing lawyer, is a breast cancer survivor who regularly speaks on topics related to the connection between stress, rigorous work environments, and health. Her focus is on how professionals can incorporate positive behaviors in a high-stress profession to improve well-being and positively affect overall health. Contact: sgolkin@samanthagolkin.com.

**Megan Grandinetti, JD**

Megan Grandinetti is a certified health coach, yoga teacher and (non-practicing) attorney. Megan works with her coaching clients on stress reduction, work-life balance, career transition, and holistic health. She often interweaves meditation, breath-work, and other tools from her extensive yoga training into her coaching sessions and speaking engagements. Contact: megan.grandinetti@gmail.com.

**Terry Harrell, JD, LCSW, MAC, LCAC**

Terry Harrell was appointed by 2017-2018 ABA President Hilarie Bass as the Chair of the ABA Working Group to Advance Well-Being in the Legal Profession. She also is a member of the National Task Force on Lawyer Well-Being and the Director of the Indiana Judges and Lawyers Assistance Program. Terry combines her experience as therapist and a lawyer when speaking on topics such as lawyer well-being, resilience, and happiness. Contact: terry.harrell@courts.in.gov.

**Milana Hogan, EdD**

Milana Hogan focuses on the non-cognitive traits—like grit, growth mindset orientation, and resilience—that have been shown to be predictors of long-term, successful careers in the law, particularly for women lawyers. She is one of the co-creators of the ABA Commission on Women in the Profession’s Grit Project, which offers practical tools for women to assess, develop and strengthen these traits. She is the author of the ABA book *Grit, The Secret To Advancement: Stories of Successful Women Lawyers*. Contact: hoganm@sullcrom.com.

**Michael Hoeppner**

Michael Hoeppner is president of GK Training and Communications, which trains lawyers to access their most genuine, authentic selves as communicators. He uses performance techniques and kinesthetic learning tools to help clients transform their breathing, anxiety reflex, and stress response to handle high-consequence communication situations with grace and ease. Contact: Mhoeppner@gktandc.com.

**John F. Hollway, JD, MAPP (Pending)**

John Hollway is the Executive Director of the Quattrone Center for the Fair Administration of Justice at the University of Pennsylvania Law School. His focus is on creating psychologically safe spaces that facilitate difficult conversations and generate open and honest dialogue about events that divide people. His aim is to help management design compassionate and fair responses that improve trust and engagement. Contact: jhollway@law.upenn.edu.

**Peter Huang, JD, PhD**

Peter Huang is a professor at University of Colorado Law School. He speaks and writes on topics related to law and happiness, subjective well-being, mindfulness, neuroscience, and psychology. Many of his papers are available online. Contact: peter.huang@colorado.edu.

**Louisa Jewell, MAPP**

Louisa Jewell is a speaker, author, and positive psychology expert who works with organizations to promote well-being, confidence, and resilience. Louisa is the founder of the Canadian Positive Psychology Association and a professor at the University of Texas, Dallas. She is the author of *Wire Your Brain For Confidence: The Science of*
Conquering Self-Doubt. Contact: louisa@louisajewell.com.

Elizabeth Johnston, JD, MAPP
Elizabeth Johnston, a practicing lawyer, focuses on well-being for law students and big firm associates, including topics such as motivation, congruency, self-determination theory, and the pursuit of success (versus happiness) generally. She strives to apply her psychology education and her experience as a law firm associate to recommend how to mitigate the psychological risks inherent in the profession and to help others thrive as attorneys. Contact: edjohnst@gmail.com.

Andrew Kang, JD, LICSW
Andrew Kang, a former practicing lawyer, is a licensed therapist in Boston who specializes in working with lawyers and other professionals. He speaks on topics related to mental health, work/life balance, and substance abuse in the legal profession. Contact: Boston Professionals Counseling, LLC.

Tracy L. Kepler, JD
Tracy Kepler is the Director of the ABA’s Center for Professional Responsibility. She has acted as an ABA liaison for the National Task Force on Lawyer Well-Being and Presidential Working Group on Well-Being in the Legal Profession. Tracy speaks on the relationship between well-being and professionalism and competence. Contact: Tracy.Kepler@americanbar.org.

Martha Knudson, JD, MAPP
Martha Knudson brings expertise in the law, business, and positive psychology to her work with individuals and organizations. She speaks on law and well-being, work-life conflict, strengths-based stress management, resilience, and building psychological capital – the psychological strengths associated with higher performance, lower stress levels, and better well-being. Contact: marthaknudson@mac.com.

Patrick Krill, JD, LLM, MA, LADC
Recognized as a leading authority on the substance use and mental health problems of lawyers, Patrick is the founder of Krill Strategies, a behavioral health consulting firm exclusively for the legal profession. Patrick works with legal employers to help them understand and navigate addiction, mental health, and well-being issues. Contact: patrick@prkrill.com

Larry Krieger, JD
Larry Krieger is a professor at Florida State University law school and researcher on topics related to law student and lawyer well-being. He has led multiple studies on lawyer/law student functioning and well-being, including a 2016 study of over 6,000 lawyers on happiness in the legal profession. Contact: LKrieger@law.fsu.edu.

Jon Krop, JD
Jon Krop, the Founder of Mindfulness for Lawyers, helps legal professionals reduce stress, boost performance, and cultivate resilience through mindfulness, a simple mental practice derived from meditation and validated by modern science. Jon has taught mindfulness at Harvard, the Pentagon, and the world’s top law firms. He offers workshops, individualized coaching, and other services. Contact: jon@mindfulnessforlawyers.com

Paula Davis-Laack, JD, MAPP
Paula Davis-Laack is the Founder and CEO of the Stress & Resilience Institute, a training and consulting firm that partners with legal employers to teach resilience skills to lawyers and key stakeholders so they can be more effective at leading in a changing environment, managing stress and preventing burnout, and building innovative, high-performing teams. Contact: paula@pauladavislaack.com.

Jennifer Leonard, JD
Jennifer Leonard is the Associate Dean for Professional Engagement and Director of the Center
on Professionalism at the University of Pennsylvania Law School. She educates lawyers and law students about overcoming challenges created by lawyer culture that can harm their well-being and performance. Jen’s work focuses on growth, the power of social connection, and the development of the whole attorney. She founded thehappyjd.com, which promotes well-being in the legal profession. Contact: jenleo@law.upenn.edu.

**Stewart Levine, JD**

Stewart Levine is a counselor, mediator, facilitator, trainer, and author. He seeks to generate well-being through education and training on collaboration and conflict resolution skills, emotional intelligence, communication, and relationships. He is the author of *Getting to Resolution: Turning Conflict into Collaboration* and curated and edited the forthcoming ABA book titled *The Best Lawyer You Can Be*, which provides tools and information to enable a successful career and a happy life. Contact: ResolutionWorks@msn.com.

**Caroline Adams Miller, MAPP**

Caroline Miller is an author, speaker, coach, and positive psychology expert who focuses especially on well-being, goal-setting, and grit. She is the author of *Getting Grit* and other books and is an adjunct faculty in the Wharton Business School Executive Education School at the University of Pennsylvania. Contact: caroline@carolinemiller.com.

**Ronda Muir, JD**

Ronda Muir, Principal of Law People Management, LLC, focuses on lawyer personalities and solutions to people management challenges in the legal industry. She is the author of the ABA book *Beyond Smart: Lawyering with Emotional Intelligence*, which is a comprehensive guide to emotional intelligence in the practice of law. Contact: RMuir@lawpeoplemanagement.com.

**Cory Muscara, MAPP**

Cory Muscara is an international speaker and teacher on mindfulness meditation. He has taught mindfulness-based leadership at Columbia University and serves as an assistant instructor for the Master of Applied Positive Psychology graduate program at the University of Pennsylvania. In 2012, Cory spent 6 months in silence practicing meditation in Asia and now integrates this work into professional settings in a practical, evidence-based way. He’s been a regular guest on the Dr. Oz show. Contact: cory.muscara@gmail.com.

**Chris L. Newbold, JD**

Chris Newbold, a member of the Presidential Working Group on Well-Being in the Legal Profession, is the Executive Vice President of ALPS, the largest direct writer of lawyer’s professional liability insurance in the country. He understands how attorney well-being weaves into the underwriting process for malpractice insurance carriers, and regularly facilitates large groups intent on focusing on the well-being subject, with special emphasis on State-based task forces, working groups, bar association committees on well-being and law firm retreats. Contact: cnewbold@alpsnet.com.

**Elaine O’Brien, PhD, MAPP**

Elaine O’Brien holds a PhD in Kinesiology, the Psychology of Human Movement, and a U Penn MAPP degree. She is Founder of Positive Fit Lab: Lifestyle Medicine. She consults, speaks, and trains on the topics of positive health, performance, vibrancy, physical activity, fitness enjoyment, motivation & adherence strategies. Contact: PositiveFitLab@gmail.com.

**Jennifer Overall, JD**

Jennifer Overall is a former Biglaw attorney and a Certified Presence-Based® Coach (an ICF accredited coach training program) who works with lawyers and other professionals wrestling how to respond when they are feeling unfulfilled, frustrated, disengaged, or burned out at work. Contact: jen@jenniferoverall.com.
GLORIA H.M. PARK, PHD, MAPP

Gloria Park is a consultant, coach, and trainer for Perform Positive Consulting and Research Director at Wharton People Analytics. She applies the principles of sport and performance psychology to help individuals and organizations cultivate performance excellence while also supporting well-being. She has worked with athletes, performing artists, and various professionals in high stress environments teaching skills and strategies that unlock the potential for growth and achievement. Contact: Gloria@performpositive.com.

SUZANN PILEGGI PAWELSKI, MAPP

Suzann Pileggi Pawelski is an author, speaker, and well-being consultant specializing in the science of happiness and its effects on relationships and health—an area critical for lawyer well-being, given work-life balance research showing that healthy marital relationships contribute to thriving in both domains. Suzann is the co-author of Happy Together: Using the Science of Positive Psychology to Build Love that Lasts, which she wrote with her husband, James Pawelski. Contact: suzieandjames@buildhappytogther.com.

JANE REARDON, JD

Jayne Reardon is the Executive Director of the Illinois Supreme Court Commission on Professionalism. She oversees programs and initiatives to increase the civility and professionalism of attorneys and judges, create inclusiveness in the profession, and promote increased service to the public. She also writes and speaks on professionalism topics, including ways lawyers can better manage time, client expectations, and stress. Contact: jayne.reardon@2civility.org.

CANDICE REED, JD, MAPP

Candice Reed, a former practicing lawyer, is a speaker, professional coach, and legal staffing consultant. She focuses on topics such as cultivating well-being and increasing workplace engagement and satisfaction. Contact: creed@candicereedconsulting.com or creed@latitudelegal.com.

BECKY REICHARD, PHD

Becky Reichard, an Associate Professor at Claremont Graduate University, focuses on all aspects of leader development, assessment, and development readiness. Becky directs LeAD Labs, which is an applied research group focused on leader development. She teaches on topics like leader development, positive leadership, psychological capital, organizational behavior, and training and development. Contact: becky.reichard@cgu.edu.

AILEEN REILLY, JD, CPCC, ACC, ORSC-TRAINED

Aileen Reilly is a relationship coach and also a former felony prosecutor and Big Law white collar criminal attorney. Aileen works with professionals to improve their most important relationships, both at home, with their spouses or partners, and at work, with their co-workers and clients. When relationships are good, life is good. Contact: aileen@aileenreilly.com.

KAREN REIVICH, PhD

Karen Reivich is a leading expert in the fields of resilience, depression prevention, and positive psychology. She is the Director of Training Programs for the Penn Positive Psychology Center. She is the lead instructor and curriculum developer for the Penn Resilience Programs, which delivers evidence-based workshops to organizations on resilience and well-being. She is the co-author of The Resilience Factor. Contact: Reivich@sas.upenn.edu.

RICHARD C. REUBEN, JD

Richard Reuben, a professor at University of Missouri School of Law, has focused on creating an infrastructure within the legal profession to support mindfulness, yoga, and contemplative practices, including founding the Mindfulness in Law Society and the Mindfulness Affinity Group of the Balance
Section of the Association of American Law Schools. Reuben also teaches and researches mindfulness for students. Contact: ReubenMindfulness@gmail.com.

**LARRY RICHARD, JD, PHD**

Larry Richard is a speaker and consultant focusing on offsetting lawyer negativity with positivity using personality research, building psychological resilience in lawyers, and increasing psychological engagement in Millennials. Contact: drlarryrichard@lawyerbrain.com.

**SCOTT L. ROGERS, MS, JD**

Scott Rogers founded and directs Miami Law’s Mindfulness in Law Program, where he teaches Mindfulness in Law, Mindful Ethics, and Mindful Leadership, and co-founded the University’s Mindfulness Research & Practice Initiative. He created Jurisight®, a CLE program to integrate mindfulness, neuroscience, and the law. He is the author of The Six Minute Solution: A Mindfulness Primer for Lawyers. Contact: srogers@law.miami.edu.

**DIANE ROSEN, JD, MBA, MAPP**

Diane Rosen, a practicing lawyer, also facilitates training and education on engagement (from Millennials to transitioning senior partners), difficult conversations, conflict resolution, positively-oriented performance management, leading with strengths, multigenerational leadership, relational mentoring, onboarding, goal-setting and the meaning of wellbeing in the workplace. Contact: dianerosen105@gmail.com.

**JOANNE CLARFIELD SCHAEFER, LLB, ACCFM, ACC, CAPP**

Joanne Clarfield Schaefer has a coaching and consulting practice focused on building resilience and developing practical stress management strategies and well-being initiatives. She is a former practicing attorney, partner, and past head of Professional Development at a global law firm. She has a Certificate in Positive Psychology and is a Certified Coach. Contact: joanne@jschaeferoaching.com.

**EVA SELHUB, MD**

Eva Selhub is a Board Certified physician, speaker, scientist, coach, and consultant in the fields of stress and resilience. She is the author of several books, including the forthcoming The Stress Management Handbook (January 2019 release). She works with clients, corporations, and scientific colleagues to redefine the approach to health and wellness to a model that incorporates improving culture, managing stress, and working with the natural environment to achieve maximum resilience and optimal leadership. Contact: drea@dreselhub.com.

**JASON T. SIEGEL, PHD**

Jason Siegel is a professor of psychology at Claremont Graduate University, the director of the Depression and Persuasion Research Lab, and the co-director of the Institute for Health Psychology & Prevention Science. His research focuses on the social psychology of health behavior change and includes work on communication strategies to encourage help-seeking and avoiding boomerang effects. Contact: jason.siegel@cgu.edu.

**GULWINDER S. SINGH, JD**

Gulwinder “Gullu” Singh is a corporate real estate attorney who teaches mindfulness meditation to lawyers and others. He has significant training as a teacher and practitioner and is deeply inspired to share meditation as an antidote to stress; a way to cope more effectively with the challenges of work and life; and to inject more sanity, compassion and wisdom into this world. Contact: gs@GulluSingh.com.

**PAT SNYDER, JD, MAPP, ACC**

Pat Snyder, a professional coach, focuses on identifying and using character strengths in the practice of law, integrating work and life, developing self-compassion to increase the capacity for risk-
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Do You Have A Well-being Speaker Or Consultant To Recommend?

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In the following pages, you’ll find Well-Being Worksheets that provide hands-on activities, guidelines, reminders, and the like to help boost well-being. The Worksheets can be used by individual lawyers or collectively as part of legal employers’ well-being initiatives.

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While genetics play a role in our patterns of happiness, our biology doesn’t have to be our destiny. Much about our genetic makeup is malleable. Also, our life circumstances and factors within our voluntary control play a big role in our level of happiness (Lyubomirsky et al., 2005). This is good news. It means that even those born with a genetic tendency for gloominess have an opportunity to take control over factors that can significantly increase their well-being.

**Happiness Is Worth The Effort**

Most of us would like more happiness in our busy lives, and science shows that it’s worth making an effort. People with a Positive Emotional Style (PES)—who tend toward positive emotions—are more resilient, healthier, and happier. Among other things, they have fewer symptoms of anxiety and depression; live longer; have better immune systems, cardiovascular health, and pulmonary functioning; and have higher life and work satisfaction (Brafford, 2017). Science suggests that creating a personal Happiness Plan can contribute to our health and success.

**Prioritize Positivity**

When designing your own Happiness Plan, you’ll want to keep in mind that, for evolutionary reasons, bad is stronger than good: Negative emotions are much stronger than positive ones. We’re hardwired to react more strongly to bad things. As a result, we’re not likely to feel happy (and experience the related beneficial effects) unless our positive emotions outweigh bad ones.

To feel happy, shoot for a ratio 3-5:1. In other words, try to offset every negative experience with three to five positive ones. This is not to say that we should strive to eliminate negative emotion (which would be impossible anyway!). Negative emotions are useful. They let us know, for example, when we need to make important changes and often accompany early stages of growth activities. But if negative emotions dominate our lives, our health and well-being will suffer. Especially if you experience a high frequency of negative emotions as a regular part of your work (as lawyers often do), you may need to consciously seek out good things to restore your equilibrium after something bad happens. No one said happiness didn’t require some work!

But be aware that pursuing happiness for its own sake can backfire and make us less happy. The best strategy is to deliberately plan daily opportunities that can lead to naturally-occurring positive emotions (Datsu & King, 2016). Focus on the journey, not the destination. The benefits are greater positive emotions and well-being.

**Choose High-Value Happiness Activities**

Not all activities that trigger short-term positive emotions contribute equally to our long-term happiness. Scarfing down an entire pizza with extra cheese, for example, may give me a jolt of temporary pleasure, but it’s unlikely to do much for my long-term well-being. Activities that will give the biggest boost to our health and happiness are those that support our basic needs as continually-evolving
human beings. The challenge will be to figure out how to include more activities that support these needs into your everyday life. It won’t happen by accident.

✓ **Connection & Belonging.** We humans have a fundamental need to connect and belong. This includes supportive relationships as well as a sense of belonging or fit with groups we care about. A sizable body of inter-disciplinary research shows that this need is powerful and pervasive. It can help or harm our cognitive processes, emotional patterns, behaviors, and health and well-being. A poor sense of belonging and feelings of exclusion can trigger self-defeating behaviors like procrastination, lethargy, and depression.

✓ **Mastery Activities.** Our fundamental needs also include feeling confident in our ability to master new skills and to have an impact on our environment. Continuous learning and a growing sense of mastery in activities that are significant to us are keys to this source of well-being.

✓ **Maximize Autonomy.** A third fundamental need is driven by a basic human desire to be “self-creating” and under self-rule. It’s about feeling authentic and like the author and architect of our own behavior—that our behavior aligns with our interests and values and is within our responsibility and control.

✓ **Help Others.** Research also suggests that we have a basic need to feel that we’re benefiting others or the common good.

✓ **Do Something Meaningful.** We often waste our scarce free time by mindlessly watching TV, paging through gossip magazines, reading click-bait on the Internet, or perusing social media. These don’t contribute much to our sense of meaningfulness in our lives or work—which research shows is powerfully related to health and happiness. Meaningful activities include those that make us feel that we’re doing something significant within your own values system and/or that help us make progress toward goals or a general purpose.

**Plan & Track Your Progress**

It may seem counter-intuitive but, like anything worth doing, increasing happiness will take effort and planning. Below are suggested steps to get started on your Happiness Plan:

1. **Learn Your Behavior Patterns.** Much of our behavior is so automatic that it occurs outside of our awareness and as a matter of habit. To begin to change our patterns to boost well-being, we need to gain better awareness of them. A good way to do so is to create an Activity and Mood Monitoring Chart. For a week or more, complete an activity log (sort of like your billable time log) on an hour-to-hour basis. Write down brief statements of what you are doing each hour (Addis & Martell, 2004).

2. **Learn Associated Moods.** Next, for each activity, write down a few words that describe how you felt during the activity. Words might include, for example, happy, joyful, passionate, angry, anxious, or sad. Rate each emotion on a scale of 1 to 10, with 10 being the most intense (Addis & Martell, 2004).

3. **Review What You Noticed.** After you’ve created your logs for a week, review them and identify patterns. Did your moods vary or not? Are there common times of the day that are more difficult or easier for you? Are there situations that routinely make you happy or are associated with negative emotions? (Addis & Martell, 2004).

4. **Identify Behaviors That Have Positive/Negative Impact.** Next, review your logs and identify what activities or behaviors made you feel bad on a regular basis. Consider what alternatives you may have that can make you feel better or improve the situation. Also identify activities and behaviors that regularly boosted your mood. Consider why that was so and how you can increase those ingredients in your daily schedule.
5. Create a Schedule of Mood-Boosting Activities.

After looking over the behaviors, activities, and alternatives from Step 4, create a daily log for the upcoming week in which you schedule doable activities that may help you avoid negative experiences and increase positive ones. Also try to choose high-value happiness activities that are most likely to have the biggest positive impact:

- How can you connect more frequently with people who give you energy? How can you foster a greater sense of belonging inside of work and in non-work activities? What can you do to contribute to others’ sense of connection and belonging?
- What can you do to support your need for continual learning and mastery—both inside work and in non-work activities? How can you help others do the same?
- How can you more effectively plan your schedule and activities so that you feel that they are more aligned with your own interests and choices? How can you reduce feeling that you’re being “bossed around” by your schedule and others’ demands? How can you help support others’ autonomy?
- What can you do each day or each week to support others or the common good? How can you highlight for others how their contributions have helped you, clients, or others?
- How might you foster a greater sense of meaningfulness in your work and non-work life? What can you do to ensure that meaningful activities are prioritized over mindless activities? How can you help others feel a greater sense of meaning?

Start relatively small so that you can ensure early wins that will fuel your motivation to keep at it. As you pick up momentum, you can increase the difficulty of your goals and begin designing realistically ideal days that are filled with more positive experiences.

6. Adopt a Mindset of Curiosity.

As you progress through these steps, do so with an experimental (not a judgmental) mindset. Notice how you feel and whether your plan is working or not. No matter what the outcome, you’re likely to learn something useful. Keep trying new experiments to discover what works best for you.

7. Periodically Measure Your Happiness.

To test whether your Happiness Plan is working, consider measuring your level of happiness with a validated scale. To get a base line, take a happiness survey before you launch your Happiness Plan. Then repeat the survey in six-week intervals and keep track of your results. You might find your happiness levels perking up!

One good measure to use is Subjective Well-Being, which is discussed in the Assessments section of the Toolkit. It measures life satisfaction and your balance of positive to negative emotions. It has been linked to many positive well-being consequences.

If you’re experiencing depressive symptoms, you might also decide to use a depression scale to track your progress—such as the CES-D Scale discussed in the Assessment section. The recommendation here to prioritize positivity is similar to what’s called “behavioral activation.” This is a cognitive behavioral-based strategy for overcoming depression and other mental health difficulties that’s been used effectively as part of self-help programs and in conjunction with clinical therapy (Addis & Martell, 2004). The strategy
WORKSHEET #1

involves identifying one’s values and scheduling daily activities to better align with those values. To learn how to take a structured approach to behavioral activation, Drs. Michael Addis and Christopher Martell’s award-winning workbook _Overcoming Depression One Step at a Time_ guides readers through helpful exercises.

**CONCLUSION**

As the above reflects, for many of us, making up our minds to be happier and healthier by prioritizing positivity is likely to have the intended results. Fellow lawyer Abraham Lincoln appears to have had it about right when he said, “Folks are usually about as happy as they make up their minds to be.”

**REFERENCES**


PERMA is a theory of well-being developed by Dr. Martin E.P. Seligman and includes the following five dimensions: Positive emotions, Engagement, Relationships, Meaning, and Achievement (also called Accomplishment). According to Dr. Seligman, people thrive or flourish when they prioritize all of these dimensions. While Dr. Seligman has not formally added “health” to his theory, my colleagues and I think it is an indispensable aspect of well-being.

**INSTRUCTIONS FOR PART 1:**

Answer the questions below and then assign a value for each category, for a total of 40 points (your “PERMA-H Score”).

**POSITIVE EMOTION:** What positive emotions do you experience regularly? What activities facilitate those emotions?

VALUE: ______

**ENGAGEMENT:** What activities cause you to lose track of time and make you feel like you’re “in the zone?”

VALUE: ______

**RELATIONSHIPS:** Who are the people at work and home who most contribute to your sense of well-being? Who makes you feel the most authentic?

VALUE: __________

**MEANING:** What contributes to your sense of meaning and purpose?

VALUE: ______

**ACHIEVEMENT:** What activity types drive you? What does achievement mean to you?

VALUE: ______

**HEALTH:** Burnout prevention requires self-care. How do you re-charge your batteries at work and outside work? What prevents you from fostering good self-care habits?

VALUE: ______

**INSTRUCTIONS FOR PART 2:**

Step 1. Create a PERMA-H Score that represents how you feel when you’re at your best.

Step 2. Now create a second PERMA-H Score for how you feel on a typical day.

Step 3. What are the similarities and differences?

(The PERMA model was created by Dr. Martin E.P. Seligman. Thanks to my colleague Gretchen Pisano for introducing me to the concept of creating a formula.)
Grow Your Gratitude
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Because how you think about yourself and everything around you is more important to your happiness than your actual objective circumstances, increasing your attention to all the good things in your life can significantly enhance your happiness. Multiple studies have shown the positive power of gratitude (e.g., Emmons & McCullough, 2003; Lyubomirsky, Sheldon et al., 2005; Sheldon & Lyubomirsky, 2006). People who are consistently grateful are happier; more energetic; and less depressed, anxious, and envious (Lyubomirsky, 2008).

THREE GOOD THINGS

One well-tested activity is to take time once a week to write down three or more things for which you’re grateful. Studies have shown that people who do this activity for six weeks markedly increase their happiness (Lyubomirsky, Sheldon et al., 2005). But it’s also important to vary your gratitude activities so that you don’t get bored. The good effects can wear off if you do the same activity all the time. Below is a list of different gratitude activities for you to try. Pick one day each week to do your gratitude activity—e.g., Thankful Thursdays. And then pick an activity. Try one for three or more weeks and then switch to another.

GRATITUDE JOURNAL

Once a week, think about everything—large and small—for which you are thankful (e.g., got called on in class and was prepared, roommate made a delicious dinner, tulips are blooming). Think about things you’re good at, advantages you’ve had, people who care about you and have touched your life. Then pick three to five things and write a brief note about them. Try out a gratitude journal website or smart phone app (e.g., My Gratitude Journal by Happlytapper), which will send you regular reminders.

APPRECIATIVE ART

Engage in something artistic to express your gratitude to another. Draw or paint a picture, make a collage, sculpt with clay, etc. Or write a poem, a song, or a story. Studies indicate that art-creation boosts mood (Dalebroux, Goldstein, & Winner, 2008). Evidence suggests that art-making that depicted something happy was more effective at improving short-term mood than using art to vent negative emotions (Dalebroux et al., 2008).

Evidence also indicates that a variety of different art-making activities (e.g., drawing, painting, collage-making, clay work, etc.) may reduce anxiety (Sandmire, Gorham, Rankin & Grimm, 2012). So, engaging in an appreciative art activity may give you benefits both from artistic engagement and from your grateful thinking.
Gratitude Photo Collage

Taking and sharing “selfies” is popular, but try this too: For a week, keep a look-out for every-day things for which you’re grateful (e.g., your dog, a warm garage in winter, dinner with friends, your baby sister) and take photos of them. At the end of the week, post them all on your favorite social networking website with fun notes. Research shows that sharing good things with others (the more the better) actually increases your enjoyment of them (Gable & Reis, 2004; Gable & Gosnell, 2011). So share your photos with friends and explain why they represent something for which you’re grateful.

Gratitude Letter

Think about the people for whom you feel grateful—a family member, old friends, a special teacher or coach, a good boss. Write a letter expressing your gratitude and, if you can, visit that person and read it aloud or call them on the phone. Describe in detail what they did for you and how they affected your life. You might even write a letter to people who are helpful everyday but whom you don’t know—e.g., postal carrier, garbage removers, bus drivers, politicians, authors. You might also choose to write a letter but then not deliver it.

One study showed that participants who spent 15 minutes writing gratitude letters once a week over an eight-week period became happier during and after the study (Lyubomirsky, 2008). Check out this fun video from Soul Pancake showing real-life results from the gratitude letter activity.

Gratitude Jar

Designate a jar or other container as the Gratitude Jar and invite others to drop notes in whenever someone does something helpful. Then read the notes aloud once a week. Use this activity with your roommates, classmates, family, team members, work colleagues—any group that spends significant time together.

References


Scientific studies have shown that doing acts of kindness for others is not just helpful to them, it’s also good for your own well-being (Lyubomirsky, et al., 2005). There are a number of ways to maximize your happiness from acts of kindness:

**BURSTS OF KINDNESS**

People typically get a bigger boost to their happiness when they do a bunch of smaller acts of kindness or one big act of kindness all on one day rather than spread out over a week (Lyubomirsky, et al., 2005). So consider adopting “Friendly Fridays” (or whatever day of the week you like) to shower those around you with kindness.

**YOU CHOOSE**

Your acts of kindness should be things you choose and not too disruptive to your life (Della Porta, 2012).

**AIM FOR VARIETY & NOVELTY**

Variety is important. Shake it up so that you don’t get bored. You’re more likely to sustain the benefits of doing acts of kindness when you vary your activities (Lyubomirsky & Layous, 2013). Also, your acts of kindness should be new and outside of your routine activities.

**KEEP A KINDNESS JOURNAL**

Record your planned acts of kindnesses and reflect on the experience. There’s evidence that counting your own acts of kindness contributes to increases in happiness (Otake et al., 2006).

**BE MINDFUL**

Do your kindness activities mindfully. Put yourself in the other persons’ shoes and consider the impact of your actions on their lives (Lyubomirsky, 2007).

**DO SECRET ACTS**

Remember that acts of kindness are not all about receiving approval and admiration. Consider doing at least one act of kindness per week anonymously. Giving for kindness’ sake can reap tremendous rewards.

**BE AUTHENTIC**

Acts of kindnesses can be big or small. What is important is that they be a part of your kindness intention. You’ll want to design activities that feel authentic for you.

**44 ACTS OF KINDNESS TO DO FOR YOUR BOSSES, COLLEAGUES, STAFF, & CLIENTS**

“No act of kindness, no matter how small, is ever wasted.” —Aesop

1. Offer to help them with a difficult project or meet a tight deadline.
2. Tell them why you appreciate them.
3. Be a cheerleader for their ideas.
4. Share your expertise with them.
5. Do great work that’s ready to go and requires little more from them.
6. Send them flowers.
7. Bring their favorite kind of coffee from their favorite coffee shop.

8. Assume their good intentions.

9. Make sure they know why their work matters and how it benefits others.

10. Admit to them when you’re wrong.

11. Invite them to lunch.

12. Put your phone away when you’re with them.

13. Tell them thank you.

14. Cheer them up after disappointments.

15. Write, make, or buy something to provide encouragement when they’re experiencing difficulties.

16. Praise them to others.

17. Really be present and listen to them without interrupting.

18. Learn something new about them.

19. Look for opportunities to make helpful introductions.

20. Celebrate their accomplishments.

21. Help them before they ask.

22. If they’re overwhelmed with personal or work challenges, ask if you can help in some way.

23. Forward articles that may interest them.

24. Allow them to help you.

25. Pass along useful information.

26. Buy them a book that you know they’ll love.

27. Leave positive sticky notes on their computers.

28. Scout for reasons to compliment them. Shoot for three people a day.

29. Give them a “care package” when they’re preparing for trial, participating in a deal closing, etc.

30. Send them greeting cards on holidays.

31. Notice and note their progress on something important to them.

32. Compliment a good presentation, high-quality meeting, contribution on a call.

33. When you open your inbox each day, make the first email you write a compliment, note of support or appreciation, or other positive jolt.

34. Sneak into their offices and leave them candy or other treats.

35. Get to know them as people, remember the details, and follow up on them.

36. Don’t gossip or talk negatively about them.

37. Make them laugh.

38. Celebrate their birthdays by making them cards and a cake.

39. If they blog or publish online, read, comment, circulate, and encourage others to do the same.

40. Create a spreadsheet that includes their likes (e.g., simple things like favorite candy, favorite drink, favorite snack, etc.) and use it regularly.
41. Share credit with them.
42. Learn and use their names.
43. Start meetings by inviting them to share “what’s going well”?
44. Be their “wing man.” Find out their strengths and accomplishments and share them with others at conferences, meetings, networking events, retreats, etc.

**PAY SPECIAL ATTENTION TO NEWCOMERS**

Getting started as a new lawyer or even starting at a new place of work is stressful, so try to pay special attention to newcomers when doling at your acts of kindness:

- Invite them to networking events and “shepherd” them through.
- Recommend professional associations for them to join.
- Drop by their offices and say hello.
- Make introductions—to peers, staff, leaders, clients, insiders, etc.
- Invite them to attend hearings, meetings, etc. with you.
- Offer to observe them in a hearing, deposition, call, etc., and provide feedback.
- Mentor them.
- Give guidance on developing their reputation.
- Help them learn the firm’s “political” ropes.
- Praise them to higher-ups and insiders.
- Leave a “welcome” greeting card signed by everyone on the team/department/office.
- Tell them all the great reasons they were hired.
- Leave a note saying, “We’re glad you’re here!”
- Take a strengths assessment together and share ideas about using those strengths at work.
- Discuss their goals and how you can support them.

**REFERENCES**


Psychological Capital (PsyCap) – the powerful combination of our resilience, optimism, hope, and confidence – helps us to keep our competitive edge while managing the stress of lawyering. Research links high levels of PsyCap with better job performance, a greater ability to overcome obstacles, higher job satisfaction, and elevated well-being (Avey, Reichard, Luthans, & Mhatre, 2011; Luthans, Youssef-Morgan, & Avolio, 2015).

PsyCap can be thought of as positive mental strength and flexibility. It can be developed by building these four mental capacities:

- **Resilience**: Being able to cope, sustain, and bounce back to attain success when challenge strikes.
- **Optimism**: Having a positive expectation about your ability to meet challenges and succeed now and in the future.
- **Hope**: Having the ambition to persevere toward goals and, when necessary, to change direction to reach goals in order to succeed.
- **Confidence (or Self-efficacy)**: Having the belief you can successfully take on and put in the necessary effort to succeed at challenging tasks.

While each of these capacities individually contributes to our positive mental strength, when combined and used together they become stronger than the sum of their parts.

This worksheet will help you build each PsyCap capacity by having you work through a real-life adversity. You will identify new ways to look at your issue and challenge basic assumptions you might have about your ability to overcome it. Then, you will take an inventory of the resources you have to help you successfully resolve the problem and use your critical thinking skills to see if you’ve overlooked anything. Finally, you will set a S.M.A.R.T. goal, devise multiple ways to reach it, and anticipate ways to overcome any obstacles to your success.

**Step 1:**
Describe a challenging situation that is not going as well as you would like.

**Step 2:**
Reflect on your mindset.
Take a minute to understand the nature of your mindset when the situation first occurred, and you initially assessed the risk. How did you respond? Were you energized and ready to rise to the challenge? Or, were you overwhelmed? Defeated? Something else?
**WORKSHEET # 5**

**STEP 3:**

Frame the situation again in terms of its actual impact.

A. What is the real risk? Is this risk something in or out of your control? What are your options? Is it possible your initial mindset colored your first assessment?

B. Are there any different ways to look at the situation that will allow you more options or control over your success? [Note: if you get stuck, it can help to get a colleague’s viewpoint. They might see it differently than you.]

**STEP 4:**

Identify helpful skills and resources. [Note: these can include your knowledge, work ethic, legal skills, colleague networks, ideas from others, finances, creativity, past experience, and the like.]

A. List the skills and resources you have used to respond to the challenge.

B. Are there other resources available you haven’t considered?

**STEP 5:**

Set a goal that is directly related to overcoming your challenge.

A. Write down your goal using S.M.A.R.T. criteria – Specific, Measurable, Attainable, Relevant, and Timely. [Note: pick a goal you want to achieve rather than avoid.]

B. Break your goal into manageable small steps and list them in sequential order.

**STEP 6:**

Identify multiple ways to goal accomplishment.

A. Write down all the paths you can think of that could realistically lead you to reaching your goal.

B. For each path make a list of the skills and resources you will need.

**STEP 7:**

Identify and plan ways to overcome potential obstacles.

A. List the obstacles that could get in the way of each path you identified in Step 6.

B. List how you can deal with each of these obstacles. Are there ways around them? Be specific.

**STEP 8:**

Take time to visualize your success.

Set aside 10 minutes every day to think through the steps of this worksheet and visualize your success. Really get into it. See each step with as much detail as possible. Imagine using your resources to navigate the different paths toward your goal with you confidently getting around any obstacles in your way. Then, visualize yourself reaching your goal and imagine celebrating your win!

**REFERENCES**


RESOURCES

Contributed by Anne Brafford

Reading Recommendations

- Martha Knudson, Building Attorney Resources: Helping New Lawyers Succeed Through Psychological Capital
- Fred Luthans, Carolyn M. Youssef-Morgan, & Bruce J. Avolio, Psychological Capital and Beyond
- Martin Seligman, Learned Optimism
- Karen Reivich & Andrew Shatte, The Resilience Factor
- Shirzad Chamine, Positive Intelligence: Why Only 20% of Teams and Individuals Achieve Their True Potential
- Russ Harris & Steven Hayes, The Confidence Gap: A Guide to Overcoming Fear & Self-Doubt
- Louisa Jewell, Wire Your Brain for Confidence: The Science of Conquering Self-Doubt
- Amy Cuddy, Presence: Bringing Your Boldest Self To Your Biggest Challenges
- Carol S. Dweck, Mindset: The New Psychology of Success
- Cary Cooper, Jill Flint-Taylor, & Michael Pearn, Building Resilience for Success: A Resources for Managers and Organization
Reframe Stress & Adversity

Contributed by: Paula Davis-Laack, JD, MAPP
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Lawyers spend years learning, and then practicing how to “think like a lawyer.” Professionally, lawyers are responsible for doing all of the due diligence in a matter, analyzing what could go wrong in a situation and steering their clients away from negative impact. That’s important when lawyers are engaged in the practice of law; however, when lawyers practice looking at issues through such a pessimistic, rigid lens 12-14 hours a day, that thinking style becomes harder to turn off when it’s not needed. Ultimately, it can undercut leadership capabilities, interactions with clients, colleagues, and family and cloud the way life is viewed generally.

This skill will help you think more flexibly about stressful situations.

STEP 1:
Think of a situation you are struggling with or frustrated about, and write it in the space below:

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

STEP 2: LIST...
The aspects of the situation you can control or influence:

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

The aspects of the situation you can’t control or need to accept:

__________________________________________________________________________
__________________________________________________________________________
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The specific action steps you can take to make the situation better:

________________________________________________
________________________________________________
________________________________________________
________________________________________________
________________________________________________
________________________________________________
________________________________________________
________________________________________________

(Based on the work of Drs. Martin Seligman, Karen Reivich, & colleagues).

RESOURCES

Contributed by Anne Brafford

Book Recommendations

• Martin Seligman, Learned Optimism
• Karen Reivich & Andrew Shatte, The Resilience Factor
• Shirzad Chamine, Positive Intelligence: Why Only 20% of Teams and Individuals Achieve Their True Potential
• Kelly McGonigal, The Upside of Stress

Videos

• Kelly McGonigal, How to make stress your friend (www.TED.com)

Web Resources

• www.happify.com
• www.superbetter.com
• Mood Gym is a subscription-based online application created by academics to teach cognitive reframing—a key to mental health and resilience.

Smart Phone Apps

• A growing number of smart phone apps are available to teach cognitive reframing and other psychological tools to manage stress and reduce depression and anxiety. Examples include Pacifica, Betterhelp, and Ginger.io.
Practice Mindfulness to Boost Well-Being & Performance

Contributed by: Jon Krop, JD
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Meditation has become enormously popular, and with good reason: it’s great for you. Research shows that meditation can reduce stress and anxiety [1], increase resilience and well-being [2], develop emotional intelligence [3], boost focus [4], enhance cognitive flexibility [5], and improve physical health [6].

Meditation: Why & How

Here’s one way to understand meditation: It is the practice of learning to stay in the present moment and out of our heads. We spend so much time wrapped up in worries, fears, plans, and memories. When we untangle ourselves from those mental stories and rest in the present moment, we discover a refreshing calm and simplicity. The simple, present-moment awareness we cultivate through meditation has a name you may have heard before: mindfulness.

Here’s a simple, powerful meditation technique you can try (a video version available here):

1. Sit down: Find a comfortable seated posture that lets you maintain a straight, unsupported spine. The simplest way is to sit in a chair, with both feet on the floor and your hands on your thighs. For detailed instructions on meditation posture, see this video.

2. Find your anchor: Bring your attention to the sensation of air passing through your nostrils as you breathe. That sensation will help anchor you in the present moment.

3. Rest attention on the anchor: Rest your attention on the breath at the nostrils. Form the gentle intention simply to observe the flow of sensation at that spot. As you do this, there’s no need to deliberately control your breath. If the rhythm of your breath changes on its own, that’s fine.

4. When the attention wanders, notice that and return: Eventually, you’ll get distracted. Not only is that okay, it’s supposed to happen. Just notice that the attention has wandered and then gently escort it back to the breath at the nostrils — back to the present.

Some final thoughts on meditation:

Meditation is often soothing and enjoyable... but not always. Like most things worth doing, meditation will sometimes challenge you. It can be agitating or uncomfortable on occasion. It can even stir up
difficult thoughts, emotions, or memories. These experiences are a normal part of the process and are actually useful learning opportunities. I hope you’ll embrace the challenge and growth it brings.

One last tip: **Meditating regularly is more important than sitting for a long time.** Even a few minutes a day can bring real benefits. The Tibetan meditation masters say, “Short sessions, many times.”

**Mindfulness & Anxiety**

Anxiety isn’t fun, but it’s totally normal — everyone experiences it. Luckily, there are simple ways to work with anxiety so that it’s less of a problem. To use these strategies effectively, it’s helpful first to understand how anxiety arises and grows.

The root of anxiety is avoidance. We feed anxiety whenever we avoid uncomfortable feelings, thoughts, and situations [7]. Because anxiety is itself uncomfortable, we avoid it when it appears, which makes the anxiety worse, which triggers more avoidance, and so on. It’s a vicious circle.

However, there’s good news: avoidance is a reflex we can unlearn. Through mindfulness practice, we can experience discomfort without fighting or flinching away. In doing so, we deprive anxiety of its fuel source.

Here are some mindfulness practices that can help when you’re feeling anxious:

**The Mindful Pause**

This technique takes about 30 seconds. You can do it sitting, standing, or lying down. Your eyes can be open or closed. The practice is quick and discreet, so you can do it almost anywhere. It has four steps:

(Video version available here.)

1. **Take a deep breath.**

   Take a slow inhale and exhale. Fill your lungs all the way, but really take your time doing it.

2. **Turn toward your body.**

   Turn your attention toward the sensations in your body. Whatever comes up, just notice it: warmth, pressure, itching, tickling, aching, etc. There’s no need to evaluate the sensations as “good” or “bad.” Itching is just itching. Coolness is just coolness.

   If you notice sensations that seem related to anxiety, those are particularly good to turn toward. You’re developing the skill of observing those sensations without resisting, condemning, or judging them.

   This step can be as quick as one in-breath or out-breath.

3. **Rest your attention on your breath.**

   Pay attention to the sensation of air passing through your nostrils as you breathe. This is the same technique as the meditation practice we explored earlier.

   Just like the previous step, this step needn’t take longer than one in-breath or one out-breath.

4. **Carry on with your life!**

   The last step of the mindful pause is simply to re-engage with the world, without hurry. Don’t lunge for your phone or speed off to your next activity. Move at a leisurely pace.

**Floating Noting**

Like the Mindful Pause, floating noting works by helping you turn toward your present-moment experience instead of avoiding it. However, it’s a bit more comprehensive and less bite-sized. Once again, you don’t need to adopt a special posture or even find a quiet place. Here’s how you do it:

(Video version available here.)

- **Let your attention float freely.** As your attention drifts, various sights, sounds, sensations, and thoughts may grab your attention and take center stage in your awareness.
• As this happens, just (1) notice whatever stands out in awareness and (2) give it a light mental label.

• To keep the labeling simple, we’ll use categories: “seeing” for sights, “hearing” for sounds, “feeling” for physical sensations, and “thinking” for anything that arises in the mind.

• As new objects arise in awareness, just continue noting whatever is most prominent.

Let’s say the sound of a passing car draws your attention. You just label the experience “hearing.” Then a thought arises — maybe something about a client matter you’re working on. Instead of getting caught up in the thought, you label it “thinking.” The thought then triggers a hollow sensation in your stomach, which you label “feeling.”

Even difficult experiences become less overwhelming when you break them down in this way. An anxious sensation or a worried thought is less of a problem when you just notice it, label it, and move on.

Here are a few practice tips:

• Find a nice, steady rhythm for your noting. Personally, I find that noting once every couple of seconds feels good. I advise against noting more quickly than that. Fast noting can produce unpleasant side effects and is best done under a teacher’s supervision.

• If you’re somewhere private, you can note out loud. It helps you stay focused and present. It can even bring you into a pleasant sort of “flow state.”

• If the same object stands out in your awareness for a while, just keep noting it: “hearing... hearing... hearing...”

• If multiple objects stand out at once, and you don’t know which one to label, just pick one.

• If you have no idea what to label in a given moment, you can just notice that uncertainty and label it “don’t know.”


RESOURCES

Contributed by Anne Brafford

Book Recommendations


• Rick Hanson, Buddha’s Brain

• Daniel Goleman & Richard Davidson, Altered Traits: Science Reveal How Meditation Changes Your Mind, Brain, & Body

• Cal Newport: Deep Work

Videos

• Andy Puddicombe, All It Takes Is 10 Mindful Minutes (www.TED.com)

Web Resources

• Mindfulness-Based Stress Reduction (MBSR) is a well-established, meditation-based stress management program developed by Prof. Jon Kabat-Zinn. MBSR resources are widely available and some can be found here.

Smart Phone Apps

• Headspace: Among the most popular meditation apps.

• 10% Happier: Meditation for Fidgety Skeptics. A popular meditation app.
The Emotionally Intelligent Path To Well-Being
Contributed by Ronda Muir, JD
RMuir@lawpeoplemanagement.com | Law People Management LLC

RAISING AWARENESS OF EMOTIONS

A lack of awareness of emotions (our own and others’) is on average the greatest emotional intelligence (EI) deficit in lawyers. Emotional awareness gives us the data we need to spot and then solve emotional problems which if unaddressed can sabotage our productivity and our mental and physical health.

Here are some suggestions aimed at helping us gain greater awareness of emotions. Remember that changing an old habit or establishing a new one usually takes at least three weeks of hard work, and sometimes longer, so don’t despair if you don’t see immediate results. Persistence will pay off.

1. Take an EI Assessment. A number of EI assessments can give you good information about your personal strengths and challenges. The major ones, such as the MSCEIT, EQi 2.0, and ECSI, take approximately 40 minutes to complete, charge a fee, and often include professional feedback to help you understand your results. While there are plenty of free assessments, and some may give you some useful information, for the most part they are not reliable indicators of your emotional intelligence.

2. Profit from Performance and Client Reviews. These are ideal venues to better understand how well others think you handle your own emotions and how well you read others’ emotional cues. Remember that perception is reality. Regardless of your intentions, if others are misunderstanding your reactions or you are misunderstanding theirs, it’s time for a concerted effort at raising your emotional awareness by following some of these suggestions.

3. Chart Your Emotions. The Yale Center for Emotional Intelligence recommends making a chart on a regular basis of how you feel. The Yale Mood Meter app—which features a four-quadrant chart with two axes: energy and pleasantness—can be downloaded to easily record your feelings.

You can set your phone to alarm on whatever schedule you prefer—every hour, every meal, or once or twice a day—and record where in the four quadrants your mood at that moment fits, creating a visual map of your moods for that day, week, and month. The point is not to change or like your moods, but to faithfully become aware of what you feel on those two dimensions.

4. Build Your Emotional Vocabulary. As you check in with your emotions, try to be more specific about what you’re feeling so you can build a more extensive vocabulary. After placing the emotion within one of the four quadrants mentioned above, then identify its degree of intensity—slight to severe, and give that feeling a more nuanced name, like melancholy or annoyance instead of sadness, contentment or joy instead of pleasantness.

5. Pay Attention to Your Body. Paying attention to your body goes hand-in-hand with building your vocabulary. Identifying the physical sensations that go along with whatever you are feeling can help distinguish emotions. Are you hot or cold, tense or relaxed? Do you have sensations in your head or your chest? As an example, you might recognize
that “This feels disturbing, a little hot and makes me feel somewhat aggressive and energized but doesn’t make me lose control. This might be the feeling of frustration.”

6. Get a Coach, Mentor or EI Buddy. Coaching and mentoring are two reliable, institutional, and interactive methods that legal workplaces often employ that can help raise your emotional awareness, and which you can arrange even if your firm or department doesn’t offer them.

Even if you don’t have access to, or the time/money/patience for, a mentoring or coaching relationship, find a “high EI buddy”—preferably someone who knows your workplace and/or the players involved or works in a similar environment and whose interpersonal skills you admire—to see if he or she agrees on your take on your own emotions or your reading of others’ emotional cues. The person could be your spouse, your relative, a friend, or a colleague. Ideally, this is someone who often sees things differently than you do and also seems to move in and out of difficult situations with aplomb. Describe a situation and ask for his or her assessment of what the various players’ body language, words and tones might mean, and how best to proceed.

7. Practice Mindfulness. Practicing mindfulness allows us to make enough room mentally to detach from our emotions long enough to identify them. It also gives us a short “vacation” from the stress of emotional turmoil so we can hopefully view our emotional landscape from a refreshed vantage point.

8. Try a Screen Vacation. Research indicates that putting away the devices for even a few days and interacting socially with others can significantly raise your emotional perception skills.

Learning to Register Others’ Emotions

Although all the above suggestions can help fine-tune your awareness of others’ emotions as well as your own, these suggestions specifically help to more accurately read others’ emotional cues.

1. Ask. Here’s a low-tech suggestion: if you’re not sure what emotion another person is experiencing, ask! You can say “it looks like you are [insert emotion here—angry, pleased, defiant, etc.]; is that correct?” or you can simply ask what/how he or she is feeling.

2. Train Yourself. Paul Ekman found we can improve our ability to recognize other’s emotions by systematically studying facial expressions and has produced a number of training programs to help train how to read various facial cues in different settings.

3. Take the Silent Route. Watching movies on mute (a good way to spend time on an airplane) is an excellent method to build your emotion reading skills. Try to understand the action by the facial expressions and body language—you can turn on the sound periodically to verify or redirect your take.

4. Mimic Facial Expressions. Our mirror neurons can convey to us the feelings of someone else by our replicating their outward expressions. If contorting your face in a meeting is a no-go, at least think consciously about their specific expressions in trying to understand what they feel.

5. Play A Videogame. The GSL Studios game Crystals of Kaydor could help your child or the child in you develop skill in reading nonverbal emotional cues. In it, an advanced robot that crash lands on an alien planet helps the natives solve problems by interpreting their body language and nonverbal cues.

Raising Emotional Management

Learning to recognize emotional signals will give you a major leg up in the emotional management trenches, where most problem solving resides. Once you register the emotions at play, you don’t want to automatically default to old emotional regulation strategies—like suppression and rumination, which are common to lawyers—that are not constructive and can even be counterproductive.

Here are some suggestions to improve how you manage your emotions.
1. **Take a Deep Breath.** Daniel Goleman heralds the importance of signaling a slowdown to your brain and your body by taking a deep oxygen-filled breath before taking any important actions.

2. **Accept Your Thoughts and Emotions.** Acceptance does not mean resigning yourself to negativity but responding to your emotions with an open attitude—letting yourself experience them without jumping to behavioral conclusions, a danger for those of us high in a sense of urgency. This acceptance can bring relief, but it won’t necessarily make you feel good. In fact, you may realize just how upset you really are. It is still a good place to start in order to achieve better emotional and behavioral management.

3. **Count Yourself Down.** It’s true what your mother said—sometimes simply counting to ten works well to clear your mind for a better emotional response. It allows time for the rational brain to engage and survey the situation. Consciously asking questions or attempting to analyze the problem can also delay and help redirect a habitual emotional response to a more rationally engaged one.

4. **Walk It Off.** Taking a walk outdoors has been demonstrated to improve mental functioning and positive well-being, and is a particularly good antidote to brooding, rumination, and depression. But the walk has to be outside in a natural setting, not on asphalt in an urban setting.

5. **Change Your Self-Talk.** How we talk to ourselves can also help us manage our emotions. Telling ourselves repetitively our angry aggravations or negative predictions will not help us make good emotional management decisions. Reframing our internal dialogue away from entrenched pessimism is a way to build a new response. Get in the habit of marshaling credible counterarguments against that internal voice predicting doom and gloom and blaming it all on you.

6. **Practice Mindfulness Meditation.** In addition to helping us identify our emotions, practicing mindfulness allows us to learn how to slow ourselves down from automatically reacting and give ourselves time to choose better responses.

7. **Download a Game or an App.** The GLS Studios game **Tenacity** focuses on learning self-regulation by maintaining attention and calm when serene scenes are bombarded with various distractions—a plane flying by, animals running past. Stanford University’s Calming Technology Lab is developing devices that help you respond to strong emotions, such as a belt that can detect breathing and connects to an app that helps calm you when you’re feeling emotionally out of control.

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**LEGAL EMPLOYERS’ CHECKLIST FOR RAISING EMOTIONAL INTELLIGENCE**

- Include emotional intelligence (EI) assessments either before or after hiring.

These can be full blown EI assessments or, what is more likely at least in applications, questions that can elicit an applicant’s EI skills, like the questions Dartmouth College’s Tufts School of Business has added to its applications and recommendations asking about a student’s ability to interact well with others in challenging circumstances. Assessments given after hiring can help guide young lawyers to their most
successful position and give them a base against which to measure improvements.

- **Offer well-educated mentors, coaches and/or confidential counselors.** To achieve their best performance, lawyers need to be keenly aware of how they come off to their clients and colleagues and also how to handle professional challenges. Well-educated mentors and/or professional coaches and counselors who have the confidence of their charges, can listen well and can give honest but sensitive and confidential advice will make valuable improvements in your organization’s performance.

- **Provide EI development as part of your professional development programs.** Emotional intelligence is unquestionably trainable, and lawyers—in a highly personal service industry where they regularly face severe stress—can benefit from better understanding their own and others’ emotions. That understanding will improve their client service skills and their personal functioning.

- **Add specific EI-related features to performance reviews.** Including discussions in performance reviews of collegiality, collaboration and teamwork helps spotlight their importance and promotes developing those skills.

- **Reward EI skills.** Show that you go beyond simple lip service to valuing EI skills by giving recognition, promotions and bonuses to high achievers.

**References**

Take Charge of Your Well-Being With Confidence

Contributed by: Louisa Jewell, MAPP
louisa@louisajewell.com | www.louisajewell.com

Is there something in your life you would really like to do next, but you are not feeling confident about it, so you avoid it? Do you have something coming up in your life that you are anxious about, and you want to raise your level of confidence about it? Next time you are feeling particularly low in confidence about something you need to undertake, ask yourself these questions. (Or ask a trusted colleague to ask you them.) These questions are helpful when helping others boost their confidence too.

First, recall a time when you were successful at doing that particular thing in the past (or doing something similar). Then ask yourself: What was key to my success? What did I do then that made me successful? How did I manage to do that? What is one thing I did then that I am not doing now?

1. Considering what I am embarking on now, what is already going well? What small successes have I had so far?
2. How can I do more of what is already going well?
3. How have I managed to get this far?
4. What does that tell me about myself?
5. What have I done in the past that might help me now?
6. What personal qualities and strengths do I have that will help me be successful?
7. What ideas do I have for solving this?
8. Who can help me with this?
9. Who would have a different perspective on this?

After asking myself the questions above, I realized that I had actually mastered many keynote skills in all my years of workshop delivery. Taking the leap to keynote deliveries no longer seemed as daunting. I worked on the gaps to improve my skills and my confidence shot up again.

The other questions also get you thinking about the progress you have already made with this accomplishment, rather than your shortcomings. This gets you thinking about everything that is already working in your favor, and you will experience a boost in confidence. Once you have asked yourself the questions above and are feeling a shift in your confidence, ask yourself this important question: What is one small step I can take to get myself closer to my goal? Commit to taking that step.
To get started on this activity, you’ll first need to identify your strengths by taking the values in action (VIA) Survey. The VIA Survey measures 24 character strengths. The results are simply a rank order of your own strengths. Your results are not compared to others. Also, the survey doesn’t measure which strengths you value the most; it measures the strengths that you report as most often showing up in your actions and thoughts. It’s an effective way to identify your own strengths, which you then can use to spur your thinking about how to use those strengths more and in new ways to improve your and others’ happiness.

The VIA is based on the VIA Classification, which resulted from an extensive 3-year research project. Researchers explored the best thinking from all over the world on virtue and positive human qualities in philosophy, virtue ethics, moral education, psychology, and theology over the past 2500 years.

**VIA Classifications**

Six core themes emerged, which were found across religions, cultures, nations, and belief systems. These “virtues” were subdivided into 24 universal character strengths:

**Wisdom:** Creativity, curiosity, judgment/open-mindedness, love of learning, & perspective

**Courage:** Bravery, perseverance, honesty

**Justice:** Teamwork, fairness, & leadership

**Humanity:** Love, kindness, & social intelligence

**Temperance:** Forgiveness, humility, prudence, & self-regulation

**Transcendence:** Appreciation of beauty & excellence, gratitude, hope, humor, spirituality, & zest

Character strengths are stable, universal personality traits that show themselves in how you think, feel, and behave. They are considered to be the basic building blocks of human flourishing. They are not fixed; they can be developed. Most people likely can enhance their capacity for expressing each of the 24 character strengths.

“Signature strengths” are your top character strengths that really resonate with you and feel like they are at the core of who you are (Peterson, 2006).

**Interpreting the VIA Report**

- The VIA report is about your strengths. It doesn’t measure weaknesses or problems. So, lower strengths still are strengths.
- The VIA Survey measures your view of yourself, not facts about your character. The results are broad brushstrokes. So don’t sweat the details.

**Why Use Your Signature Strengths?**

Studies show that using your signature strengths more or in new ways can improve well-being.

- Regularly using strengths is linked to work satisfaction and engagement at work, lower turnover, greater psychological well-being, less stress, goal achievement, and lower depression levels as much as 6 months after participating.
in a strengths-based exercise (Biswas-Diener, Kashdan, & Gurpal, 2012).

- Two of the most important predictors of employee retention and satisfaction are: Reporting use of your top strengths at work and that your immediate supervisor recognizes your top strengths.

- Character strengths buffer people from the negative effects of vulnerabilities (e.g., perfectionism and need for approval) and play an important role in depression recovery.

- As you learn more about your 24 strengths, you can begin to develop your competence in using them all in the right proportion that each situation calls for. This can improve your interpersonal effectiveness and other aspects of personal performance and sense of well-being (Biswas-Diener, Kashdan, & Gurpal, 2012).

**Put Your Strengths into Action**

Now that you’ve identified your character strengths and know why it’s valuable to use them, it’s time to put them into action...

Think of a specific time when you were at your best—when you really were feeling and behaving at a high level and you felt that you were being your authentic self. Describe that time.

**List Your Top Strengths**

Now, list your top strength from your VIA survey report.

Strength 1:
Strength 2:
Strength 3:
Strength 4:
Strength 5:
Strength 6:
Strength 7:

**Identify Your Signature Strengths**

Next, you’ll identify your signature strengths, which are strengths that you easily recognize in yourself, regularly exercise, and celebrate. You feel that they describe the “real me.” You have a rapid learning curve and feel joy and enthusiasm when using them (Peterson & Seligman, 2004; Seligman, 2011).

- Review your top VIA strengths and ask the following questions:
- Is this strength the real, authentic you? Does it come naturally to you? Is it easy for you to express?
- Do you feel more energized when you’re using this strength?
- Would your family and friends be quick to identify this strength in you?
- Do you use this strength frequently at home, at work, and in your social life?
- What character strengths have you used in your past and current successes?

When you’re happiest, what strengths are you using?

**Reflecting on Your Strengths**

- What was your initial reaction to your survey results?
- Did anything from your survey results surprise you? If so, why?
- What strengths can you identify in the story of you at your best?
- Which one of your signature strengths seems most evident in your every-day life right now?
- What are examples of how you use that strength now?
**Using Your Signature Strengths**

Our work doesn’t end with identifying our strengths. Having strengths and values in the abstract is not enough to flourish. What we do makes the difference (Peterson, 2006). According to Seligman (2002) and Peterson (2006), the regular use of signature strengths—especially in service to others—cultivates well-being.

A good place to start is with a well-tested exercise in which you pick a signature strength and, for the next week, use it in a new way every day (Peterson, 2006; Seligman & Peterson, 2005).

The strengths of hope, zest, gratitude, curiosity, and love, have the strongest link to life satisfaction (Park, Peterson, & Seligman, 2004). So you might consider them as top targets if they are among your signature strengths.

For ideas on activities that incorporate your signature strengths, take the Person-Activity Fit Diagnostic test developed by Sonja Lyubomirsky (2008). You’ll likely find that such activities improve your well-being through engagement.

**Three Ways to Use Your Strengths**

What are three ways in which you can use your signature strength more or in a new way in the next three weeks to help you progress toward something important to you? For ideas, review [340 Ways to Use VIA Character Strengths](http://www.viastrengths.org/Applications/Exercises/tabid/132/Default.aspx) (Rashid & Anjum, 2008),

1. 

2. 

3. 

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Investigating & Capitalizing on Our Introverted Strengths

Contributed by Professor Heidi K. Brown, Brooklyn Law School
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“To be yourself in a world that is constantly trying to make you something else is the greatest accomplishment.” -- Ralph Waldo Emerson

Introverts and otherwise quiet advocates are well-poised to play an influential role in the legal profession through their inherent capacities for active listening, analytical thinking, thoughtful writing, empathy, and creative problem-solving (See *The Introverted Lawyer: A Seven-Step Journey Toward Authentically Empowered Advocacy*, ABA 2017).

If you are a naturally quiet lawyer, this activity can help identify your natural gifts. With enhanced self-awareness, instead of trying to force extroversion to fit the “stereotypical gregarious lawyer” mold in our day-to-day lives, we can capitalize on our inherent strengths in being authentically empowered advocates.

- **Listening:** Are you a good listener? How do you listen? How do you physically position yourself? Where do you focus your attention? Do you maintain eye contact? How do you demonstrate to the speaker that you are listening?

- **Data-gathering:** Are you a good note-taker? How do you capture the thoughts of others, and your own thoughts, while others are speaking?


- **Researching:** When you’re researching something or trying to figure out a problem, do you dig deep? If you can’t easily find an answer, are you comfortable changing tactics and trying new research angles or sources?

- **Creative thinking:** Do you consider yourself a creative person? This does not necessarily mean artistic, but instead, being innovative in your thinking. Do you come up with interesting or even wild ideas for solving problems?

- **Deep thinking:** Are you a deep thinker? Do you find yourself wrestling with problems or concepts to figure them out?

- **Writing:** Do you enjoy writing? What type of writing? It doesn’t have to be legal writing. Think about what genres of writing you enjoy: Text messaging? Creative Facebook posting? Emails? Poems? Songs? Letters?

- **Choosy speech:** Are you a person of few words? Do you like finding the right word to express a thought? Do you think about how to phrase your ideas before relaying them aloud? When you speak, are people sometimes surprised at how good your ideas are?
WORKSHEET # 11

- **Negotiating:** When you negotiate, do you prefer a win-win effort, or a winner-takes-all competition?

- **Tolerating silence:** Are you comfortable with silence? Why or why not? With whom?

- **Modeling empathy:** Do you consider yourself an empathetic person? Are you able to listen to another person describe his or her experiences and understand that person’s reactions, feelings, perceptions, and choices—even if they are different from your own? How do you convey to others that you understand their feelings or emotions?

Now, try to recall specific situations in which any of the foregoing inherent traits were beneficial in solving a problem, resolving a conflict, achieving progress in a stalled situation, or counseling another person through a difficult circumstance.

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As introverts, many of us feel pressure to try to “act extroverted,” when in reality, it is our introverted assets that make us authentically powerful legal advocates. Next time you are in an interactive lawyering scenario, consider how your introverted strengths can power you through the experience in an authentic and fulfilling manner.

**References**

www.theintrovertedlawyer.com


Brown, Heidi K. The Introverted Lawyer: A Seven-Step Journey Toward Authentically Empowered Advocacy (ABA 2017) (the foregoing activity questions are found on pp. 64-66 of this book).


Overcoming Public Speaking Anxiety & Amplifying Our Authentic Lawyer Voices

Contributed by Professor Heidi K. Brown, Brooklyn Law School
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Many lawyers experience public speaking anxiety, even though the stereotypical gregarious advocate seems to be born with the gift of gab. Instead of getting down on ourselves when we experience public speaking anxiety, or forcing ourselves to “just do it!,” we can tap into our authentically empowered voices through a bit of mental and physical reflection, and then a reframed mental and physical action plan. Try this activity to amplify your advocacy voice in an authentic manner. No “faking it till we make it!” Let’s be our genuine impactful selves.

1. ENVISION THE SCENE

First, envision an interpersonal interaction, a command performance, or a public speaking scenario in the legal context. Let’s be specific: Is it a courtroom scenario? A law office interaction? A meeting with opposing counsel? A conference call? A negotiation? An argument or speech?

2. MENTAL REFLECTION

For some of us, when we anticipate nerve-wracking performance scenarios, we hear negative mental messages that can rattle us, but often we don’t know what to do with this information. In this activity, let’s listen and transcribe, so we can eventually delete the negative and re-craft some positive personal slogans.

First, what mental messages do you hear when you anticipate the lawyering scenario? What are the exact words, language, or phrases you hear? Write them down. How do those words, language, or phrases make you feel? Agitated, annoyed, nervous, angry, numb? Now, try to think back to events in your past when you experienced similar feelings and heard comparable language. Who was there? What was happening? What were their exact words, language, or phrases? Make a list of those past messages and their sources.

Now think about how much time has passed since you originally received those messages. Do any of these past messages have any relevance to your present life in the law? Can you view the original messengers in a different light, perhaps with compassion, and realize their words might have come from a place of their own fear, but have no relevance to your legal persona now? If you can, label the messages as no longer useful, and name the original sources as no longer relevant or influential in your legal persona.

3. PHYSICAL REFLECTION

Next, catalogue your body’s physical responses when anticipating the performance-oriented event. Try to notice both subtle and obvious changes in your body and record each one, as if someone is snapping photographs of each new physical response the instant it appears.

What part of your body do you feel or sense first? When you first felt the emotional kick of stress or anxiety toward the interpersonal exchange, did your physical body shift in any way? Were you sitting or standing? Did you subconsciously cross your legs? Fold your arms? Hunch or crouch lower?

4. Mental Action

Now that you have reflected on messages from the past that re-appear in the face of a future performance-oriented event, contemplate a list of new personal taglines that can help you recalibrate and take control of your thoughts. Consider these prompts:

- **I feel strongest and most like a rockstar when:** _______________________.
  
  [Note: This could be weightlifting at the gym, playing the guitar, cooking, running, painting a picture, rehabilitating an abused pit bull, whatever. Be specific with the details. The point is to identify an environment in your life where you feel almost invincible. We want to bring some of that swagger into the legal context.]

- **I am really good at:** _______________________.
  
  [Note: This can be completely unrelated to law. Again, we are trying to identify aspects of ourselves that showcase our strengths. Then, we bring some of that swagger into the legal context.]

- **I feel really smart when I:** _______________________.

- **I feel really physically capable when I:** _______________________.

- **People seem surprised when I:** _______________________.

- **My best day was when I:** _______________________.

- **My ideal day is when I:** _______________________.

- **People listen to me when I talk about:** _______________________.

- **I bring something different to the table because I:** _______________________.

- **I am not afraid to speak to others when:** ________.

5. Create 10 Positive Slogans

Now that you have reflected on the scenarios in your life in which you feel most powerful, write out at least 10 positive personal slogans. If you need a prompt, or are not sure how to phrase them, try these:

- I am a ______ person.

- I bring ____________ to the table.

- I care about ________________.

- I deserve to be treated ________________.

- Perfection is boring; be _____________.

- Who cares if people can see [insert your least favorite visible physical response to stress]; I will keep talking and it will go away.

- Who cares if I don’t express myself perfectly; it is more important in this moment for me to be _____________.

- Not everyone needs to like me; ______________ likes me.

- This doesn’t have to go perfectly; my goal is to get through the experience, while doing the best I can while I am learning, and reminding myself that _________________________.

• I do not need to be perfect at this; this is just practice in __________.

6. Physical Action

Armed with new information about how your body instinctively responds to anxiety toward a public speaking event, consider subtle changes to your physical stance and movement that can help channel your energy, blood, and oxygen flow in a productive manner. How about these:

• Stance and Posture: Do you have a favorite athlete? How does he or she stand when preparing to move? Most athletes stand in a balanced, open stance. Consider watching a helpful TED Talk by Professor Amy Cuddy about “power poses”—standing in a powerful pose for a few minutes before a performance event.

• Breath: Practice breathing to slow your heart rate.

• Appendages: Open your arms and hands; let that excess energy jump out of you, or direct it into a podium or desk.

• Eye Contact: Practice channeling excess energy out of you by projecting eye contact to various individuals around the room.

• Voice Projection: Practice channeling excess energy out of you by projecting your voice to the person furthest away from where you sit or stand.

• Blushing or Sweating: For some of us, blushing or sweating are normal bodily reactions to anxiety. Because we cannot change this instinctive reaction, we instead can embrace it. As author Erika Hillard says, “[t]o see a blush is to celebrate life’s living . . . fullness, ripeness, color, and flourishing life.” Let’s also make ourselves as physically comfortable as possible; we can wear clothing that helps us breathe!

7. Practice

Identify one low-stakes performance-oriented event in the lawyering context, to practice your new Mental and Physical Action Plans. It could be a team meeting, a one-on-one meeting with a supervisor, or a phone call with opposing counsel.

8. Develop a Pre-Game & Game-Day Strategy

Brain Pre-Game: What substantive preparation is necessary for your first exposure event?

Body Pre-Game: Can you visit the exposure event location? Will you be sitting or standing? Where? What adjustments can you make to your physical stance and comportment to channel your energy, oxygen, and blood flow in a constructive manner?

Mind Pre-Game:

• Have you written out and reread your new positive personal taglines?

• What can you do the night before the event to minimize anxiety?

• What will you do the morning of the event to minimize anxiety?

• What will you do a half hour before the event?

• What will you do right before you enter the room?

• Visualize the exposure event space. Imagine your
entry into the room, and the chronological steps leading up to the moment you begin speaking. Anticipate the potential influx of the negative thoughts and physical responses. Rehearse halting the negative soundtrack and replacing it with your positive mental taglines. Envision physically adjusting your stance, enhancing blood, oxygen, and energy flow.

9. Apply Your Learning

• Step into the event with your new Mental and Physical Action Plans:

• Consider doing a “power pose” for a few minutes before the event

• Remind yourself that the natural mental and physical manifestations of anxiety will naturally re-appear…but we have a plan now!

• When the usual negative mental messages re-appear, apply the fire-drill mantra of “stop, drop, and roll”: Stop for a moment; greet the messages; remember that they are no longer relevant now in your lawyering life; remind yourself of your NEW mental messages;

• When the usual physical manifestations of anxiety re-appear: Stop for a moment; breathe deeply; adopt a balanced athlete’s stance (seated or standing); send excess energy out of you and into a podium or desk or into the air; make eye contact; project your voice; remember that, for some of us, blushing or sweating is just life surging through us!

10. Take Time To Reflect

After the event, reflect. What worked great? What techniques could use adjustments for next time?

11. Celebrate!

Congratulate yourself for an amazing effort!

References

www.theintrovertedlawyer.com

Brown, Heidi K. The Introverted Lawyer: A Seven-Step Journey Toward Authentically Empowered Advocacy (ABA 2017) (the foregoing activity questions are found throughout the exercises in this book).


As Esther Perel, noted psychotherapist, author and TED speaker says, “The quality of our relationships determines the quality of our lives,” so it’s about time to start talking about attorneys and their marriages and partnered-relationships. Too often these most important relationships get sacrificed or pushed to the edge of life while you are busy showing up 100% at work. It doesn’t seem right that your clients and your firm and your practice group gets the best of you, while your spouse/partner and your family gets whatever is left over, essentially “the scraps.”

So, what can you do about it? Start by being more intentional about the time you do have in these relationships. Don’t spend date nights going to see a movie, where although you’re both entertained, there is no further emotional connection being formed, no conversation whatsoever. Of course that’s okay every once and a while, but if you’re like most couples who only have date nights once a month, it’s important not to squander that time.

Be intentional. That means two things. One, put those date nights on your calendar. Ideally, every week, your relationship should have time put aside to grow together as a couple. Two, in advance, think about how you want to show up for the date — energized? tired? another thing “to do?” excited? curious? — and then do that.

The following lists contains fun date night ideas, together with fun questions and conversation starters. The key is to have fun. Don’t make date night an evening to talk about “all the things” in your relationship that need attention — kids, money, etc.. Schedule that for another time and place, and keep it out of the date night time. Date nights are for the two of you and for your relationship together. Your relationship together is the “glue” for everything else in your life. When your relationship is in a good place, everything else flows so much better, including your work.

**Fun Date Night Ideas (That Don’t Involve Alcohol):**

- Cooking Class
- Hiking
- Art Gallery Walk
- Comedy Club
- Zip-Lining
- Live Theater
- Kayaking
- Live Music
- Bowling
- Blankets and Star-Gazing
- Late Night at the Museum
- Long Walks
- Rock Climbing
- Trampoline Park
- Hotel Room
- Dance Lessons
- Arcade

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WORKSHEET # 13

- Coffee Shop and Board Games
- Any Festival
- Driving Range
- Mini-Golf
- Biking
- Random Open House Tours
- Painting Class
- Ice Skating
- Couples Massage
- Indoor Sky Diving

**Fun Conversation Starters:**
- Ask Each Other [36 Questions](#) on the Way To Love
- Download Gottman Card Decks (a smart phone app) and ask each other questions.

**Go Home And Have Sex**

Needs no further explanation. Your physical relationship is an integral part of your marriage/partner relationship. When a couple isn’t having sex or not having sex as frequently as they once did, it’s often the sign of an emotional disconnect between the partners. Rather than ignoring the distance and watching it grow across time, work to get closer. Utilize the ideas above. And sometimes, you simply need to have sex, so that you remember why you like having sex to begin with. Sex begets sex. This is good for your physical relationship, for your emotional relationship together, and for your own release of hormones and stress-relief.

**RESOURCES**

**Book Recommendations**
- Gary Chapman, *The 5 Love Languages.*
- Harville Hendrix, *Getting the Love You Want.*
- Byron Katie, *Loving What Is.*
- Kerry Patterson, *Crucial Conversations.*
- Laura Vanderkam, *Off The Clock.*

**Apps For Your Phone**
- Gottman Card Decks (Love Maps, Questions/Conversations, Resources)
- 36 Questions To Fall In Love
- Danielle LaPorte’s “Conversations”

**Podcasts to Listen To**
- Where Should We Begin (Esther Perel)
- Rise Together Podcast
- Marriage Therapy Radio
- Relationship Advice
- The Loveumentary

**Follow on IG and FB**
- @gottmaninstitute
- @estherperelofficialbetter

**Email Newsletters**
- The Marriage Minute
- Five Love Languages
Studies have shown that the demands and stress of legal practice take a toll on many lawyers’ mental and physical health (Krill, Johnson, & Albert 2016). For many lawyers the additional demands of being in a management position exacerbate those stresses. As other activities in this toolkit demonstrate, lawyers can build resilience and minimize the risk of burnout by developing healthy personal habits, good work-life integration, and competence in handling interpersonal conflicts.

But even managers who are genuinely concerned about the wellbeing of their firm members may overlook or underestimate the importance of looking out for their own physical and mental health. As a firm leader your wellbeing is important not only to you but to everyone else. If you’re sidelined by physical or mental health problems, firm members who depend on you for guidance and leadership may suffer as well, not to mention the impact your problems may have on your clients.

In many respects, your health and wellbeing is more important than that of other firm members. As a manager and leader, you need to set an example for others by modeling behaviors that promote wellbeing. Credibility suffers and cynicism grows when leaders don’t walk their talk and follow their own advice. How likely would you be to follow health advice from an obese doctor who smokes and drinks excessively?

At this point is should be rather obvious that whether you’re a manager or not, you need to pay attention to your own wellbeing. But you may well be asking yourself, “How on earth am I going to do that with the increased time pressures of being a manager?” It’s a great question and a real quandary. And though it may at first seem a bit counterintuitive, follow the advice of Dirty Harry Callahan from the classic movie Magnum Force—”know your limitations!”

Practices To Promote Firm Managers’ Well-being

1. Don’t Go It Alone! Your first activity may be the least visible but it’s the most important. Schedule an hour or two when you know you will have a minimum of interruptions or distractions. It can be time in or outside of your office as long as you can do a big-think and deep-think. You will ask yourself and hopefully answer four questions:
• What support do I need as the manager of my firm (or practice area head, or legal department head)?

• Who within the firm can provide me with that support?

• Who outside of the firm can provide me with support?

• How do I feel about asking for that support?

Don’t skip the last question! If you’re like a lot of lawyers, you may be hesitant to acknowledge you need support, let alone to ask for it. When compared to the general population, lawyers are far more autonomous and achievement oriented. These personality traits lead many to assume that they should, without additional training or support, be able to handle leadership and management responsibilities on their own. They worry that their peers and firm members will perceive a request for support as a sign of (gasp) weakness or (double gasp) incompetence. Nothing could be further from the truth. One of your top priorities as a manager are to set you and your firm up for success, so don’t be shy in asking for support.

The following activities and practices will improve the odds of you being an effective firm leader and manager, while at the same time reducing your stress and enhancing your wellbeing.

2. Mind Your Time. Make sure you have time to manage and lead. Time is a finite resource and no matter how efficient you are management activities take time. Running even faster on the hamster wheel is a poor strategy for improving your wellbeing. Try these instead:

• Delegate more. Every day try to delegate at least three client or administrative matters that you usually would have handled yourself. For guidelines on how and what to delegate, please refer to Chapter 6 of Lawyers as Managers (Elowitt & Wasserman, 2017, pp. 79-104). Studies show that law firm partners that delegate not only save time but also make more money (Hubbard, 2016).

• Track your energy levels. There are times of day and days of the week when we are our most focused and productive. When our energy levels are low, it takes us longer to get things done. If we can’t add hours to the clock, at least we can use those hours more productively. By tracking your energy levels you will learn the best times for you to approach items that require the most analytical skill and concentration. You may also learn that caffeinating, though widely used, is not the best or only practice for boosting your energy levels. Paying attention to your sleep, nutrition, exercise, and recreation are better and more sustainable strategies (Schwartz & McCarthy 2007).

• Manage other’s expectations of you. Don’t forget the importance of also managing the expectations of you firm, partners, and family as to how much time you can and will devote to management activities. These conversations can help prevent strife and stress down the road. Initiate discussions with your firm about adjustments to your billable hours targets, client development efforts, and compensation that reflect your added contributions as a manager.

3. Clarify Your Authority. Make sure your management authority is commensurate with your responsibilities. There are few things more frustrating than being given the responsibility to do something without also being given adequate resources and authority to accomplish it. Your authority will of course vary depending on the nature and significance of a decision. You can simplify your life and save time by sharing the following guidelines with other firm members to clarify the boundaries of your power (Elowitt & Wassermann, 2017, pp. 210-215):

✓ Who is making the decision?

• You, as the manager?

• You with input from one or more individuals?
Once the “who” has been determined also pay attention to:

- Who will be giving input on the decision?
- Whose approval (if any) is needed?
- Who must be notified on the decision and when?
- Who will be implementing the decision?
- Have those responsible for implementing been given clear instructions, necessary resources, and performance criteria?

Once firm stakeholders are in agreement with you about these guidelines, time is saved and wasteful firm politics are minimized. Conversations are focused where they should be—on the merits of a decision rather than on personalities. Knowing the limits of your authority will help you determine whether your decision-making authority matches your management responsibilities. If it does, great! And if it doesn’t, you can begin conversations to help bring them into congruence. Either way you will minimize your chances of feeling powerless and disengaged.

4. **Commit to a Shared Vision.** Make sure your firm has a clear vision, direction, and business plan. You may be wondering how doing this will enhance your wellbeing. Managing lawyers can be challenging and stressful. It has often been likened to herding cats (Richard, 2002, and Elowitt, 2018). It’s much easier to lead and manage when everyone is on the same page about a firm’s values, direction, and plans to get there. Getting agreement and alignment up front minimizes tensions and provides you with a game plan you can follow. When your “cats” all have the same goal, you will deal with fewer conflicts within your firm.

5. **Develop Your Support System.** Further develop your support system by reaching outside your firm. The burdens of management can feel heavy at times and it can be difficult to look to someone within your firm for support. The alternative is to look outside where there are abundant resources:

- Law practice management coaches and consultants can help you develop your skills and work through especially tough challenges.

- Managing partner roundtables are in-person or virtual groups of lawyers that meet on a regular basis to discuss management matters, share best practices, and offer mutual support.

- Bar associations offer CLE programs and webinars on a wide range of management topics. Attending them is a great way to benchmark your management skills, meet people with similar challenges, and discover the most useful law practice management blogs, websites, periodicals, and books.

Any of these three resources will help keep you from feeling lonely and isolated at the top of your firm. Several recent studies have shown that feelings of loneliness are especially prevalent among lawyers and that they threaten our physical health and wellbeing (Rubino, 2018).
REFERENCES


Wouldn’t we all love to work in law firms that bring out our best? And, as aspiring positive leaders, wouldn’t we all love to know the secrets to unleashing the best in others? Psychological science offers some helpful insights on these very questions. Of particular importance is a well-established and powerfully predictive framework of human motivation called “self-determination theory” (SDT), which forms the foundation of my book Positive Professionals. SDT identifies key ingredients that contribute to optimal performance, health, and happiness.

SDT proposes that we’re all naturally inclined toward growth and happiness and that our social surroundings facilitate or thwart our path toward optimal functioning. Our continued growth depends on whether our social conditions thwart or help meet basic psychological needs:

- **Autonomy.** This need is driven by a basic human desire to be “self-creating” and under self-rule. It’s about feeling authentic and like the author and architect of our own behavior—that our behavior aligns with our interests and values and is within our responsibility and control. It is the opposite of feeling controlled, bossed around, or guilted in to things.

- **Connection & Belonging (or “Relatedness”).** We humans have a fundamental need to connect and belong. This includes supportive relationships as well as a sense of belonging or fit with groups we care about. This need is powerful and pervasive. It can help or harm our cognitive processes, emotional patterns, behaviors, and health and well-being. Lack of belonging and feelings of exclusion can trigger self-defeating behaviors like procrastination and depression.

- **Mastery (or “Competence”).** Our fundamental needs also include feeling confident in our ability to master new skills and to have an impact on our environment. Continuous learning and a growing sense of mastery in activities that are significant to us are keys to this source of well-being.

- **Helping Others (or “Benevolence”).** Research also suggests that we have a basic need to feel that we’re benefiting others or the common good.
This may all sound fine and good but still leave you wondering if it really applies to that special breed of people called lawyers. Recent research shows that it absolutely does.

Researchers Larry Krieger (a law professor-turned-researcher) and Dr. Kennon Sheldon (a highly respected social scientist) conducted a large-scale study of 6,000 lawyers working in a wide variety of legal jobs. The study, titled *What Makes Lawyers Happy?*, asked what kinds of things in lawyers’ social surroundings contributed to their happiness.

It found that SDT needs made a huge difference in lawyers’ lives. The relationships between lawyer happiness and SDT needs was much larger than other factors in the study. For example, the positive relationship between need-fulfillment and happiness was three times as large as the relationship between income and happiness. And whether lawyers had achieved a high class rank during law school (something that so many law students stress out about) had a very small relationship with their current levels of happiness.

**Supporting The Autonomy Need**

All of the SDT needs are essential ingredients to thriving workplace cultures. But we need to start somewhere, and the autonomy need is a good place to start. (My book *Positive Professionals* offers strategies for fulfilling all of the needs). Leaders, colleagues, clients, and workplace policies and practices all can support or undermine our sense of autonomy.

Experiencing autonomy goes hand-in-hand with feeling respected, valued, and important. It is the experience of choosing an activity freely because it aligns with our own values, goals, and desires—it aligns with who we are. It’s not synonymous with individualism or detachment. In particular, it doesn’t mean that we must act independently from others’ desires. Instead, it’s a need to act with a sense of choice and volition, even if doing so might mean complying with the wishes of others.

Autonomy at work typically takes the form of discretion for work scheduling, decision-making, and work methods. All three forms of autonomy significantly contribute to job satisfaction and engagement, but decision-making autonomy leads the pack. Below are some strategies for fostering a culture that supports autonomy:

1. **Foster A Sense of Control**

   Autonomy is closely related to the concept of control—which affects not only engagement but also psychological health. Feeling in control of one’s own work and schedule is a well-established factor contributing to mental health. Lack of control—especially in the face of high demands—is a strong predictor of depression and burnout. A high level of responsibility with little control is a toxic combination that can destroy health and performance.

2. **Optimize Independence**

   Among the best way to support autonomy is to allow as much independence and discretion as followers’ level of experience and competence allow. We should allow people to figure things out for themselves, make their own choices as much as possible, and not hijack the project at the first sign of a wobble.

3. **Give Flexibility in Time & Place of Work**

   Flexibility in where and when followers’ do their work also helps meet their autonomy need. Technology has dramatically enhanced the potential for such flexibility, making telecommuting both feasible and desirable because it provides greater autonomy and job satisfaction.

   Many firms still have not embraced the full potential for flexibility, although some have formally adopted telecommuting policies. Some lawyers continue to frown on the practice, having long relied on “face time” in the office as a de facto measure of commitment and productivity. They worry that associates will shirk their responsibilities if allowed to work from home. In short, they don’t trust them.
Recent research should help allay these concerns. A 2015 study that crossed industries found that telecommuting did not harm workers’ performance—and, in fact, boosted it. They found that the autonomy need was at the root of the effect. Workers felt grateful for the trust and autonomy granted to them by their organizations and so reciprocated with greater energy that positively influenced their performance.

4. Frame Work-Related Communications to Respect Autonomy

When making work-related requests, leaders respect followers’ autonomy by using words of influence rather than coercion. Dwight D. Eisenhower defined motivation as “the art of getting people to do what you want them to do because they want to do it.” This is precisely what leaders do when they tailor work requests to respect autonomy.

To take Eisenhower’s advice, research shows that we should show responsiveness to others’ perspectives, avoid bossy- or coercive-sounding language, give meaningful rationales for requests, and offer opportunities for choice. For example, a junior lawyer might question the tight deadline given for a project but still act willingly and autonomously because the partner provided a meaningful rationale for it.

The opposite of an autonomy-orientated leadership style is a controlling one. Controlling leaders ignore others’ needs, interests, and feelings. To motivate followers, they use directives, threats, incentives, and deadlines. In short, they’re bossy and rely on power differentials to motivate. The result is extrinsic, low-quality motivation among followers and all the trouble that flows from that.

Research has found that, no matter what your natural tendencies, you can learn to use a more autonomy-oriented style. Below are some fairly simple research-backed behaviors that you can adopt to start championing autonomy right away:

**Autonomy-Supportive Communications**

**Behavior**

Use language that doesn’t sound controlling or coercive. (Avoid bossiness.)

Take followers’ perspectives and acknowledge their feelings.

Give rationales for requests.

Tailor motivation strategies to account for followers’ interests, preferences, work-related values, and to boost their confidence in their abilities to be effective and master new skills.

Maximize followers’ sense of choice and self-initiation.

**Example**

“Can you please ___? It would be really helpful if you could ____.”

“I’m sorry about this short turn-around t. I know it’s a pain and I’m sorry about that.”

“The client just asked for this by tomorrow.”

“I wouldn’t ask just anyone to do this, but I know you can handle it. And the upside is that it might give you a chance to take a deposition.”

“I know it’s getting late and it’s fine if you want to go home and work there. What time do you think is reason-able to get me a draft?”
5. Use Participatory Leadership

In participatory management styles, leaders invite others’ suggestions, solicit input, and spur open discussions for identifying new solutions. This type of leadership demonstrates that leaders value others’ opinions, contributions, and talents. When people are involved in making decisions, they feel more autonomous when carrying them out. This tactic boosts followers’ sense of meaningfulness because they feel valued and that their opinions matter. On the other hand, people who are left out of decision-making have a higher risk of burnout.

Won’t This Take More Time & Effort?

It’s true that autonomy-oriented leadership often requires investment of extra effort compared to directive or controlling styles. It can be easier to boss people around than inspire them. But research indicates that it’s worth it. It will pay off by enhancing motivation and engagement.

Autonomy-Support Checklist:

- √ Foster a Sense of Control
- √ Optimize Independence
- √ Give Flexibility in Time & Place
- √ Make Non-Controlling Requests
- √ Use Participatory Leadership

RESOURCES

Book Recommendations

- Anne Brafford, Positive Professionals: Creating High-Performing, Profitable Firms Through The Science of Engagement
- Liz Wiseman, Multipliers: How the Best Leaders Make Everyone Smarter
- Jane Dutton & Gretchen Spreitzer (Editors), How to Be A Positive Leader
- Daniel Pink, Drive: The Surprising Truth About What Motivates Us
- Paul J. Zak, Trust Factor: The Science of Creating High-Performance Companies
- Bruce Avolio, Leadership Development in The Balance
- John Mackey & Raj Sisodia, Conscious Capitalism: Liberating the Heroic Spirit of Business
Do you want to feel more healthy and energetic? Don’t we all? Physical activity can help:

- Engaging in physical activity helps build positive resources and promotes health, vibrancy, and flourishing lives (Mutrie & Faulkner, 2004).
- Physical activity, movement, and play are essential to our physical, social, emotional, cognitive well-being and for our development at every age.
- Epidemiological data and considerable research indicate that physical activity is a major factor in reducing the risk of disease and disability, and for improving our well-being.

**CALL TO ACTION**

A “critical call to action” was made at the United Nations High-Level Meeting on Physical Activity and Non-Communicable Diseases that I attended in 2011. This summit identified physical activity as “a fast-growing public health problem contributing to a variety of chronic diseases and health complications, including obesity, heart disease, diabetes, hypertension, cancer, depression and anxiety, arthritis, and osteoporosis.” Three urgent, guiding principles were articulated:

1. Exercise and physical activity are important to health and the prevention and treatment of many chronic diseases.
2. More should be done to address physical activity and exercise in different settings, including at home and at work.
3. Multi-organizational efforts to bring a greater focus on physical activity and exercise across settings are to be encouraged.

**LIFESTYLE MEDICINE**

In Spring 2018, at the inaugural American College of Lifestyle Medicine Summit, leaders in health, medicine, fitness, and well-being, joined forces. They sought to define the empirical, fast-growing science of Lifestyle Medicine. As defined, Lifestyle Medicine directly encourages:

- Healthful eating of whole plant based foods
- Developing strategies to manage stress
- Forming and maintaining positive relationships
- Improving your sleep
- Cessation of smoking
- Increasing physical activity.

The rationale is that Lifestyle Medicine not only has the power to prevent, treat, and reverse disease, but it may also contribute to real health care reform.
INFUSING PHYSICAL ACTIVITY AND PROMOTING HIGH PERFORMANCE LIVING

This worksheet offers strategies and information on how you can become more positively self-determined to infuse more physical activity, vibrant health, and positive energy into your life.

Our bodies are important to how we think, feel and behave. Vibrancy is a quality of harnessing zest, enthusiasm, and vitality. A focus on the somatopsychic, how our body impacts our mind, as well as the psychosomatic, raises our whole experience of living.

“Our bodies are important to how we think, feel, and behave.”

We have the ability every day to heighten our proprioception: the amazing knowledge of our body in space. With this, we positively impact vibrant health, usually manifested in uplifted energy, confidence, and enhanced performance (Teixeira, 2012). It also feels great.

TIPS TO GET MOVING MORE AND WELL

Is there a way you can increase your motivation to move well and more at home and at work? Can you take your levels of physical activity and fun in frequency, intensity, duration, creativity and enjoyment. Here are some tips to help you get going:

1. **Set Goals.** Create a strategy that will set you up for success. Write down an action plan that is simple, realistic, and optimistic. Tweak it as needed and as you like. Some people like the SMART goal model: Systematic, Measurable, Action Oriented, Realistic, Timed. Think about and write your short term/long term goals.

2. **Prioritize Activity.** You action plan should consider how you can prioritize physical activity in your busy schedules. In the 1440 minutes of your day, give at least 30 minutes, 5-6 days per week to physical activity, especially aerobic fitness.

3. **Start Small and Progress.** If you’ve been inactive, find simple ways to get moving more and well. Take the stairs and frequent short walks. Gradually increase your activity to 30 minutes (non-consecutive minutes are ok), on most days. For example, start by challenging yourself to power walk for 20 minutes. As you progress, increase the intensity so that you’re working in your target heart rate zone alternating with easy and challenging intervals of walking--and, if you want, some running. Try this for 4 to 5 days per week for 8 weeks, alternating with a light, and then a more challenging day. Note your progress, and aim to mark your feelings in a journal at least once a week.

4. **Straighten Up.** As you get moving, remember to “posture check” yourself. Think of lifting your heart, opening up and increasing your postural awareness: Crown of the head to the sky, tall neck, rib cage lifted up, shoulders down and in, abdominals in and up, hips in alignment, knees in line with hips and ankles, good, balanced foot placement. Then give yourself a big whole hearted forward and backward hug. It’s a great stretch, feels good, and can prime your senses.
5. **Learn to Love Change.** Mixing up your routine keeps it fun, reduces the risk of overuse injuries, and boosts your skill levels. Practice Cross Training (not Cross Fit®), which incorporates a variety of activities (e.g., exercises, dance, sport, recreational moves). This activates different muscle groups, keeps training interesting, and helps reduce the risk of boredom.

6. **Pick a Partner(s).** Having trusted accountability buddies can boost adherence, motivation, and success, and research shows that being part of a group can positively impact health and well-being (Putnam, 2000). Having social support can offer us companionship, strength, and can give us a sense of purpose around our commitment to train. Start a walking club at work, walk with family members, and/or check your local community center, church, or park/recreation program for activities you might enjoy.

7. **Break a Sweat.** Incorporate aerobic movement --“the key to fitness” (Cooper, 1977)--to improve your physical, emotional, social, and neural health and protect you against non-communicable diseases (Ratey, 2008; O’Brien, 2013).

8. **Be Safe.** Create a SAFE, effective training space, even in your office, with a warm, welcoming atmosphere, encouraging positive connections (O’Brien, 2015; Peterson, 2007).

9. **No Pain, Just Gain.** Create an exercise plan that promotes injury-free health. Even in moderation, physical activity, exercise, and movement enhance positive health and well-being. You do NOT need to feel pain to get great benefits. Listen to your body’s cue, and move with good form and safety first. Avoid the weekend warrior syndrome. Don’t overdo it! Listen to your body, challenge yourself, and have fun.

10. **Aim For Exhilaration.** Leave your training session feeling great, wanting a little more. Feel exhilarated, not exhausted.

11. **Reward your Achievements.** Savor your successes. Find meaningful ways to celebrate your accomplishments.

12. **Get Out in Nature.** The term “green exercise” emerges from a growing body of research that shows that interacting with nature can positively affect our health and well-being, relieving stress, and promoting lucidity and clearer concentration (Archer, 2007). Breathing fresh air and being exposed to the land, sky, and nature’s panoply of colors offers refreshing sensory stimulation. The awe of our surroundings bolsters our appreciation of the beauty of nature. We can reenergize by getting away from stress giving us time to reflect and gain clarity in thinking.

13. **Get Moved By Music.** Being “moved” by music is an ancient, global tradition. Music can enhance our performance, increase our motivation, boost our stamina, and reduce exercise recovery times. What music moves you? Can you think of and play-list tunes from your peak years to boost your energy and your inclination to move? Music is a great way to quickly enhance mood (O’Brien, 2014; Langer, 2009).

14. **Adopt a Play Mindset.** To boost your motivation to move, think of play. What did you enjoy as a child. Are any of those interesting, modifiable, or viable now?

15. **Laugh!** Bring humor, smiles, and laughs to your training (O’Brien, 2013; Seligman, 2011).
PSYCHOLOGICAL BENEFITS OF EXERCISE

The investment into daily activity boosts not only physical health but also psychological well-being. For example, exercise:

• Acts as a relief from tension, depression, and fatigue. “It’s an ideal antidepressant” (Ornish, 2018). Tal Ben-Shahar has stated, “Not exercising is like taking a depressant!”

• Helps create a sense of independence/self-care/positive self-determination.

• Helps cultivate experiences of joy, self-worth, mastery, possibility, and fulfillment.

• Can result in experiences of “flow” (as defined by Mihaly Csikszentmihalyi).

• Fulfills a need to play and have fun.

• Inspires others by being a positive role model.

• Builds confidence and kinesthetic awareness.

• Creates change in values generally as well as positive feelings about your body.

• Boosts greater sexual appreciation (Ornish, 2018).

HEALTH BENEFITS OF AEROBIC ACTIVITY

“Aerobics is the key to fitness.”
– Dr. Ken Cooper

Aerobic activity has special benefits. “Aerobics” means “with oxygen.” Aerobic exercise, in the presence of oxygen, trains the heart and lungs (cardiopulmonary system), the brain, and all bodily systems. Some examples of aerobic activities for you to incorporate include:

• Brisk walking (100 steps/minute)
• Dancing
• Running
• Water Fitness/Swimming
• Cross Country Skiing
• Bicycling
• Hiking
• Skating
• Skiing
• Surfing
• Basketball

Important benefits of aerobic activity include:

1. Boosts Your Energy. An important benefit of aerobic activity is that it gives you more energy. As your heart strengthens, it will pump more blood with less work, and your resting pulse will drop, as your body’s amazing efficiency improves.

2. Boosts Your Brain Power. A growing body of research has demonstrated that aerobic exercise boosts our brain power, increasing brain derived neurotropic factor, which is like Miracle Grow for your brain’s synaptic connectivity. Ratey (2008) discusses how aerobic exercise benefits the brain:
   • Generates new brain cells, which is called “neurogenesis”
   • Strengthens between cell connections
   • Promotes neuroplasticity: restoring, repairing, and building resilience in the brain.

Boosting our executive function is important because it helps us plan, organize, and initiate action. It helps us learn from mistakes and maintain focus, and improve working memory. On the other hand, dysfunction in the executive function leads to a disruption in the organization and control of behavior. Additionally, aerobic exercise in the middle years has been shown to greatly reduce the risk of cognitive disorders later in life (Aamodt & Wang, 2007).

In short, aerobic exercise makes us smarter daily and for the long haul, while also making us look better, feel better, do better, and boost our mood.
Fitting In More Physical Fitness Everyday

The many benefits of physical activity should have us all feeling inspired to get moving. But how do we fit it into our busy schedules? Most of us are sitting way too much. Changing this will take time and perseverance, but it will be worth the effort.

Creating more ways to incorporate physical activity into your work day is a good place to start. Below are some strategies for doing so:

• Standing or walking meetings
• Treadmill or standing desks
• Energy breaks during meetings
• Exercises at your desk like seated push ups, seated jumping jacks, knee raises
• Joining forces to train together with colleagues in meaningful activities. You can Race for the Arts, Walk for the Cure, and find ways to be a positive role model.
• Have an office mini Dance Break – take turns picking music and coming up with cool moves.

For more ideas and encouragement, check the Exercise is Medicine website.

Relaxation Training

While being more physically active is essential for our health, so is calming the high physiological arousal that our stressful work often generates.

“Arousal” generally is not a bad thing, but arousal that triggers our stress response can be harmful if not “shut off.” “Arousal” is simply the physiological and psychological state of being awake. It is also the stimulation of our sensory organs. Arousal is important in regulating consciousness, attention, alertness, and information processing. Arousal can be learned and with intention, and practice, we can consciously regulate, maintain, and establish better, more consistent performance.

Green and Green (1977) studied autonomic function control. Their findings demonstrated how, with training, individuals can alter their:

• Brain waves
• Heart rate
• Respiration
• Blood pressure
• Body temperature
• Other bodily processes generally associate with the autonomic nervous system.

Relaxation Training is a practice used to increase calmness or otherwise reduce pain, anxiety, stress or anger. Because we are often faced with many demands, and a deluge of overstimulation, here are some tools to help you breathe and relax:

Easy Belly Breath for Calming, Reorganizing, and Energizing. Sit in a comfortable spot. Close your eyes. Imagine your belly is the ocean, and your breath, the waves. As the waves roll in, breathe in, and as the waves roll out, breathe out. Allow your breath to be natural and easy, flowing effortlessly like the waves onto the beach. Enjoy becoming more relaxed, nurtured, peaceful, and clear.
**Methods of Breathing:** All breaths start with a deep exhalation; then breathe in through the nose, and out through the mouth. All breaths are executed with excellent posture, form, with your eyes open or closed, honoring the self and others.

1. **Complete breath/diaphragmatic breathing:** Place one hand on your abdomen, and the other on your upper chest. Slowly, and while visualizing the lungs as 3 chambers, breathe in, and fill your belly, chest cavity, and then the top of your lungs (by your collarbone, expanding the shoulders) with air. Exhale and repeat.

2. **Rhythmic breathing, & sigh of exhalation:** Breathe in for a count of 4, hold the breath for a count of 7, and exhale audibly for a count of 8. **Relax and repeat.**

3. **1:2 ratio: Breathe in and out fully.** Breathe in for a count of 4, out for a count of 8. With practice you can change the count to 5:10, or 6:12.

4. **5-to-1 count:** Say and visualize the number “5: as you take in a full deep breath in and out. Mentally count and visualize the number “4,” saying to yourself, “I am more relaxed than I was at 5.” Continue the countdown until you get to “1,” and are totally relaxed.

5. **Concentration Breathing:** Breath of Thanks: Breathe in for 7 counts, hold for 7 counts, and exhale out for 7 counts. Relax and repeat.

**Incorporating Calming Activities at Work.** Taking moments to engage in beneficial breathing is one way to incorporate more calming, relaxation activities into our work days. Others include:

- Siesta pods for a little necessary and beneficial rest time.
- Mats for prayer, rest, or meditation
- Availability of good, clean, fresh, (plant based) food
- Flex, time, and shorter or variable hours

**Positive Embodiment: Care for Your Body, Heart and Mind**

“Embodiment” is a field of study dedicated to exploring and understanding the subjective experience of the body. Embodiment has to do with things like our proprioception: awareness of our body in space, and our comportment: how we carry ourselves, mentally and physically, during the day.

The hope is that this worksheet will inspire you to find ways to elevate your well-being for a lifetime. Taking moments for self care and reflection are important. So is appreciation for yourself. Here are questions around physical activity, embodiment, and vibrancy to consider in lovingly tending for your body, heart, and mind:

**Appreciative Questions and Reflections on Your Body and Vibrancy:**

1. What aspects of my body can I notice or appreciate that I may take for granted?
2. When do I tend to have the most energy, or feel best during the day?
3. How can I incorporate more of this good energy into each day?
4. Think back to an experience when you really felt good physically. What was going on during this peak time? What can I apply in my life now?
5. Imagine optimal health. How does it feel? How can I create that?
6. How might I infuse more passion and zest into my life today?

**Resources and References**

Want an Energy Boost; Making Positive Psychology Work: Podcast with Elaine O’Brien and Michelle McQuaid:


RESOURCES

Contributed by Anne Brafford

Book Recommendations

• Tom Rath, Eat, Move, Sleep
• Tom Rath, Are You Fully Charged? The 3 Keys to Energizing Your Work and Life
• John Ratey, Spark: The Revolutionary New Science of Exercise and the Brain
• John Ratey, Go Wild: Eat Fat, Run Free, Be Social, and Follow Evolution’s Other Rules for Total Health and Well-being
• Eva Selhub & Alan Logan, Your Brain on Nature: The Science of Nature’s Influence on Your Health, Happiness, & Vitality
• David Carless & Kitrina Douglas, Sport and Physical Activity for Mental Health
• Mihaly Czikszentmihalyi, Flow: The Psychology of Optimal Experience

Videos

• Wendy Suzuki, The Brain Changing Benefits of Exercise, TED Talk
A key strategy to help increase our daily physical activity is to increase the physical challenge of activities that we’re already doing. Golf is one such activity that many lawyers already enjoy.

First, golf can be an aerobic activity if you play a fast game and without a golf cart. Adding a golf conditioning program is another great way to help raise your fitness level. It also can improve your game and add yardage to your drive. To get started, below are some stretching and strengthening moves to help you improve your health, stability, and vitality and also improve your game:

1. **Dorsi flex:** This is a simple toe tap that can improve flexibility. It stretches the gastrocnemius (calf) and strengthens the tibialis anterior (shin area). This simple, but effective stretch helps us with balance, flexibility and injury prevention. It’s easy to do at the office, at home, or at play. Do 12 toe taps, each foot, 3-4 times per day.

2. **Calf stretch:** Put your feet parallel in a stride position with one foot in front of the other. Lower your back heel to the floor, and hold the stretch, static (not bouncing) for 15-20 seconds. Then switch. Repeat throughout the day to increase your flexibility.

3. **Quadricep Stretch:** Bend your leg gently at the knee with your foot towards your buttock until you can feel a gentle stretch on the front of the thigh. To increase the stretch, tilt your hips slightly backwards. Hold for 20-30 seconds and repeat 3 times. Do this at least 3 times a day.

4. **Seated Hamstring Stretch:** Bring your hands behind the back upper thigh, (not behind the fragile kneecap, but the belly of the hamstring muscle); extend your leg, and lift it up, alternately pointing and flexing the feet. Hold for 20-30 seconds, and repeat 3 times. Do this at least 3 times a day to reduce your risk of low back pain.

5. **The Plank.** This is a slightly advanced, simple, but effective bodyweight exercise. Holding the body (light as a feather) and stiff as a board develops strength primarily in the core—the muscles that connect the upper and lower body—as well as the shoulders, arms, and glutes. There are variations on this, and like other exercises and skills, it’s good to build progression.

6. **Push-ups:** Wall push ups, which can be done anywhere, boost chest and arm strength.

7. **Squat:** Targeting the legs and gluteals, squats are an excellent way to warm up your core, especially prior to stretching, and power up your energy and strength.

In a golf swing, 33 major muscles are activated. Also, the nature of golf is that is a highly repetitive activity, often at a relatively high level. Because golf involves core flexion and rotation in the swing, and bending over and over again and again to pick up the ball (up to 200 times/game), there tend to be higher incidences of chronic low back pain among golfers. Light rhythmic strength training, and stretching can help reduce the risk of aches and pains. It’s a good idea to speak with your golf pro or a kinesiologist about ways you can improve your swing, and your biomechanics.
To make it easy to contact your local Lawyer Assistance Program (LAP), below is a list of Directors or other leaders of the state LAPs whom you can contact for support with your well-being initiatives.

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Mindfulness and Legal Practice: A Preliminary Study of the Effects of Mindfulness Meditation and Stress Reduction in Lawyers

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Abstract

Research has shown that lawyers often experience symptoms of depression, anxiety, and stress in their lives. Mindfulness meditation may be an effective way to reduce the many negative effects associated with work stress. We asked a group of 46 lawyers to participate in an eight week mindfulness meditation program that was designed for lawyers. The mindfulness program was based on *The Anxious Lawyer* by Cho and Gifford (2016) and guided audio meditations were made available online. Participants were assessed before beginning the program and again when the program was completed. The results indicated that the mindfulness meditation program significantly reduced self-described depression, anxiety, stress, and negative mood. The meditation program also increased positive mood and psychological resilience. As well, participants in the program viewed themselves as being more effective at their work. Despite the strong effects observed in this study, we argue that much more research is needed to understand these benefits.

*Keywords:* mindfulness, stress reduction, psychological well-being, meditation, lawyers
Mindfulness and Legal Practice: A Preliminary Study of the Effects of Mindfulness Meditation and Stress Reduction in Lawyers

One of the most interesting developments in psychology over the past 20 years has been the mainstream embrace of mindfulness meditation. Although mindfulness practice has its roots in Buddhist traditions, many of the ideas and techniques from this practice have been adapted to contemporary secular life. In particular, there has been widespread interest in the benefits of mindfulness in the workplace (Glomb, Duffy, Bono, & Yang, 2011). This is a natural extension of mindfulness practice because most adults spend considerable time and effort at work. Workplace identity and culture is an integral part of who people are. As mindfulness becomes more widespread and more well known, it is only natural that it becomes part of the fabric of working life. This paper describes the results of a preliminary investigation into how a group of highly-trained professionals (in this case, lawyers) can learn to practice mindfulness and can benefit from a mindfulness program that is delivered online. We describe an eight-week program designed for lawyers and discuss how certain benefits of mindfulness practice can be measured and assessed. Our results, though tentative, suggest that there may be several clear mental health benefits that are associated with mindfulness meditation training. We also consider several ways to generalize and extend our research.

STRESS AND ANXIETY IN THE LEGAL PROFESSION

Lawyers, like other highly trained professionals, often experience high levels of stress and anxiety. As a result, lawyers report engaging in a variety of coping behaviours to deal with the stress and anxiety associated with their positions. In many cases, these may not always be healthy coping behaviors. For example, lawyers dealing with work-related stress may engage in alcohol and drug use and may experience sleep disturbances and relationship problems. Only a handful of research has examined this systematically, however. A pivotal study by Benjamin and colleagues (Benjamin, Darling, & Sales, 1990) surveyed 1148 attorneys from Washington and Arizona and found evidence of depression that was much higher than the population at large (19% in the lawyers compared to 3-9% in the general population). They also noted that approximately 18% of their sample were described as problem drinkers. A more recent and much larger study (Krill, Johnson, & Albert, 2016) surveyed over 12,000 practicing attorneys in the United States about their rates of stress, anxiety, depression and substance use abuse. They found an even higher rate of depression (20% or more scoring outside the normal range as measured by the DASS-21 (Lovibond & Lovibond, 1995). As well, fully 20.6% of their participants scored at a level consistent with problem drinking on a substance abuse scale. The conclusion from these two studies, even 25 years apart, is that negative emotions, stress, and anxiety are still very much a problem for lawyers. Negative emotions and stress could lead to these problematic coping mechanisms like alcoholism, and the problem has not decreased since 1990. This is one of the motivations behind this current study. If lawyers are dealing with elevated levels of depression, anxiety, and stress, one possible solution is the consideration of mindfulness meditation.
MINDFULNESS IN THE WORKPLACE

Mindfulness is a psychological state that involves paying purposeful attention to the present moment in a non-judgemental way (Kabat-Zinn, 2009). This requires open awareness to internal and external stimuli (Brown & Ryan, 2003). A state of mindfulness can be achieved in several ways but the most common way is through the practice of meditation. Mindfulness meditation takes many forms but one of the most prevalent forms of meditation stems from the influential work of Kabat-Zinn, who developed the Mindfulness Based Stress Reduction (MBSR) program in the 1970s (Kabat-Zinn, 2003, 2009). MBSR has since become one of the standard forms of mindfulness practice and is the basis for many other mindfulness programs.

Clinical work has suggested that (among other things) mindfulness reduces stress and anxiety (Miller, Fletcher, & Kabat-Zinn, 1995), boosts immune function (Davidson et al., 2003) and even enhances the effectiveness of phototherapy as a treatment for psoriasis (Kabat-Zinn et al., 1998). Mindfulness has also been shown to be useful in the management of symptoms associated with depression (Ramel, Goldin, Carmona, & McQuaid, 2004) and post traumatic stress disorder (Kearney, McDermott, Malte, Martinez, & Simpson, 2012). Of particular interest to the broader public, however, are reports that mindfulness meditation is beneficial for everyday cognitive functioning: mindfulness practice has been associated with improved attention (Moore & Malinowski, 2009), cognitive flexibility (Greenberg, Reiner, & Meiran, 2012), insight problem solving ability (Ostafin & Kassman, 2012), and general decision making (Hafenbrack, Kinias, & Barsade, 2014; Kiken & Shook, 2011).

Given the numerous clinical and non-clinical psychological benefits associated with mindfulness meditation, it is not surprising that meditation programs have been introduced in many companies as an employee wellness option (Gelles, 2015). Within this context, meditation has been shown to reduce negative reactions to stress and to improve reactions to depression and overall workplace satisfaction (Aikens et al., 2014; Glomb et al., 2011; Reb, Narayanan, & Chaturvedi, 2012). Company-based mindfulness meditation programs, however, are relatively novel. As a result, few studies have been conducted to assess their effectiveness.

One such study, administered to employees of Dow Chemical Company, noted increases in workplace satisfaction and decreases in stress (Aikens et al., 2014). In this study, Aikens et al. recruited 89 participants from Dow: 44 were randomly assigned to a mindfulness meditation program and 45 were assigned to a wait list control group. The mindfulness intervention was a seven-week program that was delivered online via a series of webinar meetings and a custom designed set of basic meditations based on MBSR but tailored to Dow. Participants first completed five assessments of psychological well-being: the Five Facet Mindfulness Questionnaire, the Perceived Stress Scale, the Connor-Davidson Resilience Scale, the Shirom Vigor Scale, and a series of lifestyle questions. Analyses showed that, compared to the group of wait listed controls, participants in the mindfulness group showed significant post intervention reductions in perceived stress, as well as improvements in resilience, vigor, and mindfulness (measured by the Five Facet Mindfulness Questionnaire).
THE PRESENT STUDY

Research suggests that high levels of stress, anxiety, and depression are common among those who work in the legal profession (Krill, Johnson, & Albert, 2016). Consequently, this study sought to examine the use of mindfulness meditation as a strategy for improving the psychological and emotional well-being of lawyers. Using convenience sampling, we selected a group of lawyers and asked them to participate in an online, eight-week mindfulness meditation program. Participants were asked to complete a series of self-assessments prior to the eight-week program and again at the end of the eight-week program. The pre/post design allowed us to measure changes in behaviour as a result of the mindfulness program. Based on prior studies that have adapted MBSR programs for use in the workplace (Aikens et al., 2014), our hypothesis was that participants would show increases in positive affect, resilience, and mindful cognition, as well as decreases in negative affect, depression, anxiety, and stress. We also predicted that participants would show improvements in self-reported indices of job competency.

We designed this study as part of a preliminary investigation into the effectiveness of mindfulness meditation programs for different kinds of professionals and leaders. In particular, this study was designed to evaluate the practicality of using online methods to disseminate a comprehensive and fulfilling mindfulness program and to collect data in a way that would allow us to detect measurable changes in behaviour. This study has several clear caveats, such as the lack of a randomized control group. This precludes us from drawing strong conclusions, the implications of which will be discussed in the General Discussion.

Method

PARTICIPANTS

Participants were recruited from the National Association of Women Lawyers (NAWL) via a virtual book club meeting in the fall of 2016. The club arranged to read and discuss The Anxious Lawyer by Cho and Gifford (2016) and to discuss how mindfulness meditation can be applied within the context of a legal practice. The Anxious Lawyer contains an eight-week program that includes weekly guided meditations and mindfulness practices.

The book club was sponsored by the NAWL and by Seyfarth Shaw LLP, a law firm with over 900 attorneys across the United States, Europe, and Asia. Participants were asked to attend three webinars for Continuing Legal Education (CLE) credit. The first webinar took place on September 7, 2016 and featured a representative from NAWL, a partner from Seyfarth and two of the study authors. The webinar was primarily a discussion about what mindfulness is, how to practice mindfulness, and how to integrate meditation into a legal practice. Attendees were presented with the option to participate in the present study and those that indicated an interest were contacted by a research assistant from the first author’s lab.

Out of several hundred webinar attendees, 89 indicated interest in the study. Of these, 46 enrolled in and completed the study. The demographic information of these participants is presented in Table 1.
MATERIALS

Meditation guide. The primary guide for participants was Cho and Gifford’s The Anxious Lawyer (2016). Participants were encouraged to buy the book or the ebook for the study, though this was not required. It was possible for participants to be enrolled in the study and not read the corresponding book.

Guided meditation audio. Weekly guided meditations were provided to registered participants via email and were also accessible on The Anxious Lawyer website (http://theanxiouslawyer.com/syllabus/). These meditations varied in length from 2-24 minutes and were narrated by the book’s authors. The guided meditations are described in Table 2 and links to the audio are provided. These meditations were comparable to meditations that are used in other MBSR courses, though some of the surrounding context was specifically relevant to lawyers.

Self report assessments. Self reports included a short questionnaire about personal demographic information, five psychological inventories, and a set of questions about workplace effectiveness. The five, primary measures (i.e. the psychological inventories) were selected based on their use in prior mindfulness-based studies. All measures were transcribed by the first author into Qualtrics, which is a platform that allows for rapid online data collection. Questionnaires that were designed specifically for this study (i.e. the demographic and job effectiveness questionnaires) are available in Appendix A.

Perceived Stress Scale. The Perceived Stress Scale (PSS, Cohen, Kamarck, & Mermelstein, 1983) is a short questionnaire designed to ascertain one’s perceived occurrence of stressful events. Participants read the following instructions:

“The questions in this scale ask you about your feelings and thoughts during the last MONTH. Although some of the questions are similar, there are differences between them and you should treat each one as a separate question. The best approach is to answer fairly quickly. That is, don’t try to count up the number of times you felt a particular way, but rather indicate the alternative that seems like a reasonable estimate.”

Participants then read 14 items such as “How often have you been upset because of something that happened unexpectedly?” Each item was rated on a five-point scale ranging from 1 (“Never”) to 5 (“Very Often”). Items were presented on a single screen.

Positive and Negative Affect Schedule. The Positive and Negative Affect Schedule (Watson, Clark, & Tellegen, 1988) consists of 20 mood descriptors (10 positive and 10 negative) that ultimately provide a measure of both positive and negative affect. Participants first read the following instructions:
“This scale consists of a number of words that describe different feelings and emotions. Read each item and then use the scale to indicate the extent you have felt this way over the past month, on average.”

Participants then saw 20 words like “Excited” or “Upset” and rated their feelings as directed by the instructions on a scale of 1 (“Very slightly or not at all”) to 5 (“Extremely”). All items were presented on the same screen and positive and negative words were intermixed.

**Brief Resilience Scale.** The Brief Resilience Scale (BRS; Smith et al., 2008) is a six item index of psychological resilience. Participants were instructed to simply answer all six items. These items, such as “I tend to bounce back quickly after hard times” were rated on a five-point scale ranging from 1 (“Strongly Disagree”) to 5 (“Strongly Agree”). All items were presented on the same screen.

**Five Facet Mindfulness Questionnaire.** The Five Facet Mindfulness Questionnaire (FFMQ; Baer et al., 2008) is a 24 item scale that measures changes in thinking related to five aspects of mindfulness: observation ability, descriptive ability, acting with awareness, nonjudging of inner experience, and nonreactivity to inner experience. Participants read the following instructions:

“Below is a collection of statements about your everyday experience. Using the scale below, please indicate how frequently or infrequently you have had each experience in the last month. Please answer according to what really reflects your experience rather than what you think your experience should be.”

Participants then read items such as “I'm good at finding the words to describe my feelings.” Items were rated on a five-point scale from 1 (“Never or very rarely true”) to 5 (“Very often or always true”). All items were presented on the same screen.

**Depression, Anxiety, and Stress Scale.** The Depression, Anxiety, and Stress Scale (DASS-21; Lovibond & Lovibond, 1995) is a 21 item non-clinical scale for measuring thoughts and attitudes related to depression, anxiety, and stress. Participants read the following instructions:

“Please read each statement and indicate how much the statement applied to you over the past week. There are no right or wrong answers. Do not spend too much time on any statement.”

Following the instructions, participants read 21 items related depression, anxiety and stress, such as “I found it hard to wind down,” “I was aware of dryness of my mouth,” and “I couldn’t
seem to experience any positive feeling at all.” Items were rated on a four-point scale from 0 (“Never”) to 3 (“Almost Always”). All items were presented on the same screen.

**Job effectiveness questionnaire.** After the psychological assessments, participants were asked to complete a series of questions designed to measure their perceived ability to effectively display or demonstrate various job-related competencies. This questionnaire was designed specifically for this intervention; it is not part of a standardized psychological assessment. Participants first read the following instructions.

> “Carefully read the definition of each job-related competency below and select the rating, from 1 to 7, that best represents your judgment of how effectively you perform this work behavior. Keep in mind the following: It is important to be as accurate as possible with your ratings. There can be a tendency to want to use only the top end of the rating scale. Please reflect carefully on the accuracy of your ratings and consider the whole scale when you rate each behavior.”

Following the instructions, participants read items such as “Decisiveness. The ability to make clear-cut and timely decisions with the appropriate amount of information.” Participants then rated themselves on a scale of 1 (“low”) to 7 (“high”). There was also an option for “not observed” if they did not observe this behaviour at all. Items were presented in sets of three to a screen. Items were presented on the screen three at a time.

**PROCEDURE**

The procedure took place according to the following schedule: recruitment, pretest, mindfulness practice, and posttest.

**Recruitment phase.** Initial recruitment was carried out at the end of the first webinar on October 5th, 2016. The first author described the nature of the study, what would be tested, and how long the study would take. Potential participants were then provided with a study email address and were informed that, if they were interested in being recruited for the study, they should contact the first author to indicate this interest. A research assistant or graduate student in the first author’s research lab then sent a link for the secure study site to the participant. The link to the study provided potential participants with a letter of informed consent. Participants were asked to read this letter and to click an “accept” button if they agreed and accepted the terms and conditions of the study. Upon accepting the letter, they were formally enrolled in the study and were asked to provide an email address to which study material could be sent. Email addresses were not stored with the collected data for confidentiality reasons.

**Pretest phase.** Upon providing informed consent, participants were asked to complete the pretest. The first set of questions related to demographic items such as age, sex, level of education, what kind of law firm they were employed in, and for how long they had been employed in their current position. The second set of questions asked about prior personal
experience with meditation, yoga, and any other contemplative practices. After answering these questions, participants completed the previously described self assessment measures in the following order: PSS, PANAS, BRS, FFMQ, DASS-21, job effectiveness questionnaire. The order of tests was selected randomly prior to the study and the same order was used for all participants.

**Mindfulness practice phase.** After completing the pretest, participants began the mindfulness program. They were encouraged to read a section of *The Anxious Lawyer* each week and were provided with a link to a guided meditation audio file (see Table 2). Instructions on how often to meditate were not overly prescriptive but participants were encouraged to find a time that allowed them to practice as often as they could. Weekly e-mail correspondence from the researchers reminded participants to make a note of when and for how long they meditated each week. At the 4-week mark, a second webinar was conducted and participants who were enrolled in the study were encouraged to attend. At the end of the 8 weeks, a final webinar was conducted.

**Posttest phase.** After the final week of the mindfulness program, participants were contacted by the first author via email and were provided with a link to the posttest survey. The posttest was nearly identical to the pretest except that we did not include questions about demographics or prior contemplative experience; instead, the posttest survey included several questions about how many days per week participants meditated and how many minutes, on average, that they meditated each time they practiced.

**Results**

The results section is organized into two subsections. First, we examine psychological changes in participants as a function of the mindfulness manipulation on each of the primary dependent measures. The second analysis examines the relationship between participant scores on each measure and how many minutes, on average, participants meditated per week.

**SCORING**

Each psychological assessment was scored according to the method described by the authors in each corresponding original article. For each participant, we calculated a single pretest score and a single posttest score for every measure. These pre and posttest measures were submitted to paired samples t-tests. In cases where the assessment has multiple subscales (e.g. the DASS-21) we used a Bonferroni correction to adjust the alpha level to account for the number of comparisons being done. This was done in an effort to reduce the probability of Type I errors. Where $m$ is the number of comparisons, the new alpha level ($\bar{\alpha}$) is given by: $\bar{\alpha} = \frac{\alpha}{m}$. Both the exact $p$ values (unless they are less than .001) and effect sizes (Cohen’s $d$) are reported.

**PRE- AND POSTTEST COMPARISONS**

Refer to Table 3 for the pre and posttest descriptive statistics of each measure, as well as the associated t-test statistics.
**Perceived Stress Scale.** Pre- and posttest PSS scores were compared with a paired-samples t-test using $\alpha = .05$. This analysis revealed a significant decrease in PSS scores between the pretest and posttest phases. This decrease amounted to a 22.73% reduction in the scores.

**Positive and Negative Affect Schedule.** For both the Positive and Negative affect subscales, pre- and posttest PANAS scores were compared with a paired-samples t-test using $\alpha = .025$. This analysis revealed a significant increase in scores on the Positive affect subscale (a 13.65% change) and a significant decrease in scores on the Negative affect subscale (a 17.78% change) between the pretest and posttest phases.

**Brief Resilience Scale.** Pre- and posttest BRS scores were compared with a paired-samples t-test using $\alpha = .05$. This analysis revealed a significant increase in BRS scores between the pretest and posttest phases, or a 10.36% change.

**Five Facet Mindfulness Questionnaire.** For each of the five subscales, pre and posttest FFMQ scores were compared with a paired-samples t-test using $\alpha = .01$. This analysis revealed a significant increase in scores on every subscale (i.e. Observing, Describing, Acting with Awareness, Nonjudging of Inner Experience, and Nonreactivity to Inner Experience) between the pretest and posttest phases. This was an average change of 15.61% across the five subscales.

**Depression, Anxiety, and Stress Scale.** For each of the three subscales, pre- and posttest DASS-21 scores were compared with a paired-samples t-test using $\alpha = .02$. This analysis revealed a significant decrease in scores on every subscale (i.e. Depression, Anxiety, and Stress) between the pretest and posttest phases. Depression scores decreased by 28.84%, anxiety scores decreased by 30.29%, and stress scores decreased by 32.45%.

**Job effectiveness questionnaire.** The job effectiveness questions were not designed to assess any specific psychological construct and they are not part of a published psychological test. Instead, these items were included for qualitative insight into how participants perceived their own ability to perform on the job. As such, there is no standard way to interpret the results. In order to obtain an overall idea of workplace effectiveness, we averaged across the items to obtain a mean job effectiveness score for each participant. Pre- and posttest effectiveness scores were compared with a paired-samples t-test using $\alpha = .05$. This analysis revealed a significant increase in effectiveness scores between the pretest and posttest phases, or an increase of 6.15%.

**MEDITATION DURATION**

In the posttest phase, we asked participants about how many days per week they meditated and how many minutes, on average, they meditated each time that they practiced. From this, we calculated the number of minutes per week (approximately) that each participant meditated. It was calculated that, on average, participants meditated 57.98 minutes per week.
(min = 0, max = 315, SD = 63.89). This is comparable to what has been observed in other studies (Aikens et al., 2014). Although we did not have an explicit prediction regarding the relationship between the amount of time that people spent meditating and their scores on the measures of interest, we examined the correlations between these variables to see if any relationships did, in fact, exist. These correlation scores are presented in Table 4. Although there were some modestly sized correlations, most were not significant. Those that were found to be significant possessed relatively high $p$ values, suggesting that these relationships were not especially strong. Overall, there does not appear to be a systematic relationship between the number of minutes spent meditating per week and the outcomes on the measures that we considered.

**Discussion**

Results from this study provide preliminary evidence that an online mindfulness meditation program may be an effective strategy for improving the psychological and emotional well being of those who work in the legal profession. At the beginning of this study, participants scored fairly high on measures of depression, anxiety, and stress. Scores on each of these measures were significantly reduced following the eight-week mindfulness intervention. The intervention was also associated with decreases in negative mood and increases in both positive mood and psychological resilience. Importantly, pre and posttest comparisons revealed significant increases in five different facets of mindful cognition; this suggests that the observed changes are likely to be related to mindfulness, specifically, rather than general relaxation.

**HIGHLIGHTS OF THE PRESENT STUDY**

This is the first study of its kind looking at the possible benefits of mindfulness meditation in lawyers. As noted in the introduction, stress, anxiety, and depression occur at high levels among those in the legal profession (Krill et al., 2016). Consistent with earlier research by Krill and colleagues, we observed fairly high levels of depression, anxiety, and stress in our sample. In fact, our sample generally scored higher on these variables than the sample of lawyers assessed by Krill et al. Table 5 presents a comparison of the pre and posttest DASS-21 scores obtained from our sample with DASS-21 scores reported by Krill et al. Scores on this measure can be assigned to diagnostic categories of severity. For each of the three subscales, we have listed the proportion of our respondents who fell within each of the five diagnostic categories: Normal, Mild, Moderate, Severe, and Extremely Severe. Compared to Krill et al.’s sample, our sample is characterized by a higher pretest proportion of participants falling in the Moderate, Severe, and Extremely Severe ranges. Table 5 also shows that the mindfulness intervention shifted our respondents from the more severe categories to the less severe categories.

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1 The minimum of 0 hours is the result of a single participant who indicated that they never meditated. In order to determine if that one participant’s data affected our results, all the analyses were run without that participant’s data and the effects still held.

2 It is important to note that these are not clinically diagnostic categories but are used for illustrative purposes. See (Lovibond & Lovibond, 1995) for detail on the DASS 21.
There are several reasons why our sample might have shown more severe scores relative to the participants in Krill et al. First, theirs was a very large sample (12,825) which implies that their observed scores will be closer to a true mean. Second, our sample was collected from a subset of lawyers who belonged to the National Association of Women Lawyers. Krill et al. found that women lawyers scored higher than men on the Anxiety and Stress (though not Depression) subscales of the DASS-21. As such, our sample of primarily female lawyers may have had elevated levels of anxiety and stress. Third, our study was conducted during the 2016 US presidential election, which was noted to be a stressful time for many Americans (American Psychological Association, 2016). In particular, our posttest concluded during the week of the election. Our sample comes from a group likely to be aligned with the Clinton candidacy. It is possible, therefore, that the rancour of the election may have elevated levels of stress and anxiety, though clearly not to a degree that would have prevented us from observing a reduction in these variables during the posttest. Finally, our sample was a convenience sample of participants who wanted to enroll in a mindfulness study. As such, it is possible that these individuals enrolled specifically because they were experiencing high levels of stress, anxiety, etc. This is a possible shortcoming of our design that future studies will address through the use of randomized controls.

A second key feature of this work is that supports the general idea that mindfulness meditation programs can be effectively delivered via a web-based platform. As such, this study provides support for the work of (Aikens et al., 2014). Our program was based on a popular book, The Anxious Lawyer by Cho and Gifford (2016), and the meditations were hosted on SoundCloud (see Table 2). Participants meditated on their own and were reminded to practice on a weekly basis. This differs from the gold-standard MBSR program which would have required a greater investment of both time and money from participants. In addition, MBSR programs have been designed to work most effectively with persons suffering from acute stress and anxiety. Our participants showed elevated levels of stress and anxiety but many others showed levels that were consistent with baseline levels that have been observed in lawyers. The use of a customized online platform, therefore, allowed for the development of a program that was context-specific and convenient yet, nevertheless, effective.

Finally, the fact that there was no clear relationship between the amount of meditation and scores on the outcome measures suggests that meditation, in general, may confer a benefit on psychological well being. Scores on our self report assessments improved regardless of how much time that participants spent meditating. What mattered was just that they meditated.

SHORTCOMINGS OF THE PRESENT STUDY

There are two clear shortcomings to this study that must be addressed in subsequent work. First, our study did not make use of a randomized control group. Because of the way our sample was recruited — as a part of a larger initiative to expose individuals to mindfulness and how it can be useful to lawyers — we were not able to recruit a comparable control group. This reduces our ability to attribute, with certainty, significant changes to our mindfulness intervention. Instead, changes may have been the result of a retest effect (i.e. completing the measures a second time) or happenstance (i.e. levels of depression, anxiety, and stress simply
happening to be higher at the time that the pretest was administered than when the posttest was conducted). The lack of a control group reduces our ability to make strong conclusions about the nature of these effects. However, there are two arguments that favour the experimental hypothesis and suggest that the lack of a control group is not necessarily problematic in this case. First, the effects that we observed were quite strong and robust and, based on prior research, all were in the predicted direction. This argument is especially compelling given that these directional predictions were confirmed despite the posttest being administered during the week of the presidential election when, presumably, levels of stress may have been higher than normal. Second, if some of the effects were simply due to chance, we might have observed some significant predictions in the opposite direction than what was expected. Given that all of our effects were in the predicted direction, these results should hold under a more rigorous design.

A second concern is that all of our participants enrolled in this study because they wanted to learn about the possible benefits of mindfulness meditation. This raises the possibility of expectancy effects whereby, because they expressed a desire to learn about mindfulness, changes may have occurred simply because participants expected to see improvements in these key areas. Consequently, we are not able to claim conclusively that the observed effects were a result of the mindfulness intervention. This issue is exacerbated by the fact that our primary dependent measures were self reports. Participants may have answered the questions differently between the pre and posttests because they expected their answers to change. Again, however, we counter these concerns by noting that the effects we observed were quite strong (with high Cohen’s $d$ values) and were consistent with other studies on mindfulness meditation (Aikens et al., 2014).

Clearly, there are some serious limitations to this study. Although we observed strong effects in only the predicted directions, our results should be interpreted with caution. We suggest that these be taken as preliminary results and that a fully randomized study be carried out to verify the results that were observed in this study. Ideally, a followup study would have high power (i.e. a large sample size) and would employ a randomized, delayed control group design. This would address both the concern associated with the lack of a proper control group and the possibility of expectancy effects.

CONCLUSIONS

Despite the limitations in our design, our study is the first to examine the possible psychological effects and benefits of an MBSR program for lawyers. We examined a sample of lawyers and found high levels of depression, anxiety, and stress. Following the completion of an eight-week mindfulness program, participants reported lower levels of depression, anxiety, stress, and negative mood, as well as increased levels of positive mood, resilience, and workplace effectiveness. Because we did not observe a strong relationship between how often our participants meditated and these observed changes, we suggest that these improvements are available with varying levels of meditation. What matters is that people simply engaged in the meditations. We also suggested several possible avenues for future research, namely a fully randomized, delayed control group design.
Compliance with Ethical Standards

**Funding.** This work was supported by an Insight Development grant awarded to the first author by the Social Sciences and Humanities Research Council of Canada, #RES000162.

**Ethical approval.** All procedures performed in studies involving human participants were in accordance with the ethical standards of the institutional and/or national research committee and with the 1964 Helsinki declaration and its later amendments or comparable ethical standards. The research was approved by the lead author’s Institutional Research Ethics Board.

**Informed consent.** Informed consent was obtained from all individual participants included in the study.
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Table 1. Participant characteristics.

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<th>Value</th>
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<tr>
<td>Total N</td>
<td>46</td>
</tr>
<tr>
<td>Females; n (%)</td>
<td>38 (83%)</td>
</tr>
<tr>
<td>Age; M (SD)</td>
<td>46.39 (11.25)</td>
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<tr>
<td>Years in Current Position; M (SD)</td>
<td>9.12 (9.21)</td>
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<td>Hours/Week Worked; M (SD)</td>
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<td>5 (11%)</td>
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<td>Master’s Degree; n (%)</td>
<td>1 (2%)</td>
</tr>
<tr>
<td>Professional Degree; n (%)</td>
<td>38 (83%)</td>
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<tr>
<td>3-4 Year University Degree; n (%)</td>
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<td>2-Year College Degree; n (%)</td>
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<td>Am Law 200 or Similar; n (%)</td>
<td>9 (20%)</td>
</tr>
<tr>
<td>Small firm; n (%)</td>
<td>13 (28%)</td>
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<tr>
<td>In-house counsel; n (%)</td>
<td>5 (11%)</td>
</tr>
<tr>
<td>Solo practitioner; n (%)</td>
<td>12 (26%)</td>
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<tr>
<td>Other; n (%)</td>
<td>7 (15%)</td>
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<table>
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<tr>
<td>Partner; n (%)</td>
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<tr>
<td>Attorney - not partner; n (%)</td>
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<tr>
<td>Other; n (%)</td>
<td>15 (33%)</td>
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<table>
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<tr>
<td>20+ Years; n (%)</td>
<td>6 (13%)</td>
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<tr>
<td>1 - 3 Years; n (%)</td>
<td>8 (17%)</td>
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<tr>
<td>6 - 12 Months; n (%)</td>
<td>6 (13%)</td>
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<td>3 - 6 Months; n (%)</td>
<td>2 (4%)</td>
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<tr>
<td>1 - 3 Months; n (%)</td>
<td>7 (15%)</td>
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<tr>
<td>None; n (%)</td>
<td>17 (37%)</td>
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### Table 2. Guided meditations.

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<th>Meditation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Beginning to Meditate</td>
<td>Body Scan (6 or 24 min)</td>
</tr>
<tr>
<td>2</td>
<td>Mindfulness</td>
<td>Breathing Focus (12 min)</td>
</tr>
<tr>
<td>3</td>
<td>Clarity</td>
<td>Following Your Thoughts (12 min)</td>
</tr>
<tr>
<td>4</td>
<td>Compassion Towards Others</td>
<td>Compassion Towards Others (12 min)</td>
</tr>
<tr>
<td>5</td>
<td>Self-Compassion</td>
<td>Self-Compassion (12 min)</td>
</tr>
<tr>
<td>6</td>
<td>Mantra Repetition</td>
<td>Mantra (two different 6 min)</td>
</tr>
<tr>
<td>7</td>
<td>Heartfulness</td>
<td>Heart Focused (two different 6 min)</td>
</tr>
<tr>
<td>8</td>
<td>Gratitude</td>
<td>Repeat Week 6 or 7</td>
</tr>
</tbody>
</table>
Table 3. Results from key measures.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Pretest</th>
<th>Posttest</th>
<th>t</th>
<th>df</th>
<th>p-value</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Perceived Stress Scale (PSS)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Score</td>
<td>31.57</td>
<td>24.39</td>
<td>8.22</td>
<td>45</td>
<td>&lt; .001</td>
<td>1.21</td>
</tr>
<tr>
<td><strong>Positive and Negative Affect Schedule (PANAS)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Positive Affect</td>
<td>29.28</td>
<td>33.91</td>
<td>6.53</td>
<td>45</td>
<td>&lt; .001</td>
<td>-0.73</td>
</tr>
<tr>
<td>Negative Affect</td>
<td>28.37</td>
<td>23.33</td>
<td>8.09</td>
<td>45</td>
<td>&lt; .001</td>
<td>0.73</td>
</tr>
<tr>
<td><strong>Brief Resilience Scale (BRS)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Score</td>
<td>3.01</td>
<td>3.36</td>
<td>0.88</td>
<td>45</td>
<td>.001</td>
<td>-0.51</td>
</tr>
<tr>
<td><strong>Five Facet Mindfulness Questionnaire (FFMQ)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Observing</td>
<td>12.83</td>
<td>13.80</td>
<td>3.64</td>
<td>45</td>
<td>0.004</td>
<td>-0.44</td>
</tr>
<tr>
<td>Describing</td>
<td>17.11</td>
<td>18.89</td>
<td>3.58</td>
<td>45</td>
<td>&lt; .001</td>
<td>-0.56</td>
</tr>
<tr>
<td>Awareness</td>
<td>13.17</td>
<td>16.33</td>
<td>3.40</td>
<td>45</td>
<td>&lt; .001</td>
<td>-0.88</td>
</tr>
<tr>
<td>Nonjudging</td>
<td>13.20</td>
<td>16.48</td>
<td>4.47</td>
<td>45</td>
<td>&lt; .001</td>
<td>-0.77</td>
</tr>
<tr>
<td>Nonreactivity</td>
<td>11.20</td>
<td>14.41</td>
<td>3.75</td>
<td>45</td>
<td>&lt; .001</td>
<td>-0.89</td>
</tr>
<tr>
<td><strong>Depression, Anxiety, and Stress Scale (DASS-21)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depression</td>
<td>11.61</td>
<td>8.26</td>
<td>8.33</td>
<td>45</td>
<td>0.002</td>
<td>0.48</td>
</tr>
<tr>
<td>Anxiety</td>
<td>9.04</td>
<td>6.30</td>
<td>5.08</td>
<td>45</td>
<td>0.006</td>
<td>0.43</td>
</tr>
<tr>
<td>Stress</td>
<td>19.57</td>
<td>13.22</td>
<td>8.78</td>
<td>45</td>
<td>&lt; .001</td>
<td>0.87</td>
</tr>
<tr>
<td><strong>Job Effectiveness Questionnaire</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Score</td>
<td>5.10</td>
<td>5.43</td>
<td>0.79</td>
<td>45</td>
<td>&lt; .001</td>
<td>-0.55</td>
</tr>
</tbody>
</table>

Notes: a critical $\alpha = .05$. b critical $\alpha = .025$. c critical $\alpha = .01$. d critical $\alpha = .02$. 
Table 4. Correlations between number of minutes spent meditating per week and scores on key measures.

<table>
<thead>
<tr>
<th>Variable</th>
<th>r-value</th>
<th>p-value</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Perceived Stress Scale (PSS)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Score</td>
<td>-0.32</td>
<td>0.03</td>
</tr>
<tr>
<td><strong>Positive and Negative Affect Schedule (PANAS)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Positive Affect</td>
<td>0.30</td>
<td>0.05</td>
</tr>
<tr>
<td>Negative Affect</td>
<td>-0.26</td>
<td>0.08</td>
</tr>
<tr>
<td><strong>Brief Resilience Scale (BRS)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Score</td>
<td>0.22</td>
<td>0.14</td>
</tr>
<tr>
<td><strong>Five Facet Mindfulness Questionnaire (FFMQ)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Observing</td>
<td>0.15</td>
<td>0.34</td>
</tr>
<tr>
<td>Describing</td>
<td>0.08</td>
<td>0.61</td>
</tr>
<tr>
<td>Awareness</td>
<td>0.22</td>
<td>0.15</td>
</tr>
<tr>
<td>Nonjudging</td>
<td>0.08</td>
<td>0.59</td>
</tr>
<tr>
<td>Nonreactivity</td>
<td>0.15</td>
<td>0.34</td>
</tr>
<tr>
<td><strong>Depression, Anxiety, and Stress Scale (DASS-21)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depression</td>
<td>-0.26</td>
<td>0.08</td>
</tr>
<tr>
<td>Anxiety</td>
<td>-0.06</td>
<td>0.69</td>
</tr>
<tr>
<td>Stress</td>
<td>-0.20</td>
<td>0.19</td>
</tr>
<tr>
<td><strong>Job Effectiveness Questionnaire</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Score</td>
<td>0.17</td>
<td>0.25</td>
</tr>
</tbody>
</table>
Table 5. Comparison of the data from Krill et al. (2016) with the present pretest and posttest DASS-21 data.

<table>
<thead>
<tr>
<th>Diagnostic Category</th>
<th>Depression</th>
<th></th>
<th>Anxiety</th>
<th></th>
<th>Stress</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Krill et al</td>
<td>Pre</td>
<td>Post</td>
<td>Krill et al</td>
<td>Pre</td>
<td>Post</td>
</tr>
<tr>
<td>Normal</td>
<td>71.7</td>
<td>50.0</td>
<td>65.2</td>
<td>80.7</td>
<td>41.3</td>
<td>65.2</td>
</tr>
<tr>
<td>Mild</td>
<td>9.5</td>
<td>17.4</td>
<td>13.0</td>
<td>8.6</td>
<td>8.7</td>
<td>15.2</td>
</tr>
<tr>
<td>Moderate</td>
<td>10.4</td>
<td>15.2</td>
<td>13.0</td>
<td>5.0</td>
<td>32.6</td>
<td>15.2</td>
</tr>
<tr>
<td>Severe</td>
<td>4.0</td>
<td>6.5</td>
<td>2.2</td>
<td>2.5</td>
<td>10.9</td>
<td>2.2</td>
</tr>
<tr>
<td>Extremely Severe</td>
<td>4.4</td>
<td>10.9</td>
<td>6.5</td>
<td>3.1</td>
<td>6.5</td>
<td>2.2</td>
</tr>
</tbody>
</table>

Note: Values in each cell represent the percentage of the total sample in each diagnostic category.
Appendix: Questionnaires Designed for the Present Study

Demographic Questionnaire
Please indicate your responses to the following demographic items.

1) Gender
   Male
   Female
2) Age:
3) Highest level of education obtained
   Less than high school
   High school/GED
   Some college
   2-year college diploma
   3-4 year university degree
   Master's degree
   Doctoral degree
   Professional degree
4) How long (in years) have you been employed in your current position?
5) How many hours do you work per week (on average)?
6a) Are you in a formal leadership position?
   Yes
   No
6b) If yes, how many people directly report to you?
7) Indicate your job title:
8) Indicate your functional area
   Partner
   Attorney (not partner level)
   Other
9) Indicate the size of your firm or company
   Am Law 200 or similar
   Small Firm
   Boutique Firm
   Solo Practitioner
   In House Counsel
   Other

The items below ask you to provide some information about yourself and your experience with activities related to mindfulness. Please take a few minutes to answer the following:

10a) Do you have any prior meditative or contemplative practice experience?
    Yes
    No
10b) If yes, how long have you practiced?
    1 - 3 months
3 - 6 months
6 - 12 months
1 - 3 years
3+ years (please indicate number of years) ____________________

10c) If you practice currently, how often do you practice?
1 - 2 times per day
1 - 2 times per week
3 or more times per week
A few times a month
Other (please indicate how often) ____________________

10d) Do you use any of the following apps or technologies to assist with your meditation (check all that apply)?
Insight Timer
Headspace
Muse
Buddhify
Calm
Mindfulness App
Other ____________________

11a) Do you practice yoga regularly (e.g., one or more times weekly)?
Yes
No

11b) If yes, how long have you practiced?
1 - 3 months
3 - 6 months
6 - 12 months
1 - 3 years
3+ years (please indicate number of years) ____________________

12a) Do you practice tai chi or any other mind-body practice (e.g., Qigong, Aikido, etc)?
Yes
No

12b) If yes, how long have you practiced?
1 - 3 months
3 - 6 months
6 - 12 months
1 - 3 years
3+ years (please indicate number of years) ____________________
Job Effectiveness Questionnaire

Carefully read the definition of each job-related competency below and select the rating, from 1 to 7, that best represents your judgment of how effectively you perform this work behavior. Keep in mind the following: It is important to be as accurate as possible with your ratings. There can be a tendency to want to use only the top end of the rating scale. Please reflect carefully on the accuracy of your ratings and consider the whole scale when you rate each behavior.

EXAMPLE: Risk Taking: The willingness to take sound, calculated risks, based on good judgment, in situations where the outcome is uncertain.

<table>
<thead>
<tr>
<th>How EFFECTIVE are you at performing each behavior?</th>
<th>1. Low</th>
<th>2.</th>
<th>3.</th>
<th>4. Moderate</th>
<th>5.</th>
<th>6.</th>
<th>7. High</th>
<th>Not Observed</th>
</tr>
</thead>
</table>

In this example, the respondent has indicated that he or she is MODERATELY EFFECTIVE at Risk Taking.

Read the description below and rate how EFFECTIVE you are at performing the behavior.

1) Decisiveness: The ability to make clear-cut and timely decisions with the appropriate amount of information.

2) Creativity: Demonstrating the ability to initiate original and innovative ideas, products, and approaches.

3) Thoroughness: The ability to attend to detail and develop a comprehensive approach to problems.

4) Objectivity: The ability to maintain a realistic perspective and keep personal biases to a minimum.

5) Prioritizing: The ability to quickly identify critical tasks and manage time accordingly to complete these tasks without getting distracted by less important matters.
6) Mental Agility: Generating multiple solutions to problems quickly and demonstrating the ability to comfortably and easily change topics during conversation and continue to offer penetrating insights.

7) Intellectual Horsepower: Quickly grasping complex concepts and relationships.

8) Emotional Depth: Applying a depth of understanding and emotional maturity that allows the appropriate amount of emotion to guide decisions and actions.

9) Making Tough Calls: Making difficult decisions in a timely manner.

10) Open-Mindedness: A willingness to consider new ideas and approaches, as well as input from others.

11) Interpersonal Relations: Relating to others in an outgoing, friendly, warm, and personable manner in order to establish and maintain effective interpersonal relationships.

12) Social Astuteness: The ability to accurately read and respond diplomatically to organizational trends and norms, as well as effectively deal with organizational politics.

13) Conflict Management: The ability to mediate and resolve conflicts and disagreements in a manner best for all parties involved.

14) Communication: Keeping direct reports and leaders informed about decisions, events, and developments that affect them.

15) Persuasiveness: The ability to sell others on ideas, approaches, products, and services.

16) Negotiation: The ability to negotiate outcomes that further the interests of the organization, and when possible, also further the interests of opposing groups.

17) Listening: Taking the time to listen to others' questions, concerns, and viewpoints, identifying the relevant information, and conveying it to the other person.

18) Achievement and Motivation: Demonstrating the motivation to work hard, be successful, achieve difficult goals, and complete challenging tasks.

19) Independence: The ability to be self-starting and work independently of others when necessary.

20) Emotional Control: Maintaining personal composure during times of stress or pressure, when things are uncertain, or when faced with conflict or disagreement.

21) Dependability: The ability to be counted on to meet commitments and deadlines.

22) Integrity: Demonstrating a high quality of character including being honest, ethical, trustworthy, and sincere, and effectively representing and respecting company values.
23) Desire to Learn: Embracing new challenges and the opportunity to learn, as well as demonstrating the motivation to grow and develop by responding positively to constructive feedback.

24) Assuming Responsibility: The willingness to step forward and take charge of a difficult situation, without being asked to do so.

25) Vision: Seeing the "big picture" in the organization, industry, and economy, including having a clear sense of the company's ideal future state and communicating this to others in a compelling way.

26) Productivity: Accomplishing an above average quantity and quality of work.

27) Work/Life Balance: Maintaining a healthy and productive balance between work responsibilities and life outside of work.
ON WELL-BEING

Self-care is the key to stress and anxiety management

BY JEENA CHO

AUGUST 1, 2018, 2:10 AM CDT (MAGAZINE/ISSUE/2018/08/)

It’s paradoxical that even though most lawyers would say they would like to lessen the impact of stress and anxiety, only a small percentage of us utilize concrete strategies for doing so. As lawyers, we’re conditioned to work hard, putting our well-being second to our clients. And we tend to hold ourselves to impossibly high standards. We can falsely believe that every minute not spent billing is time being unproductive, therefore wasted. We can discount the importance of resting the mind and the body.

WHAT IS STRESS?

Simply defined, stress is a reaction to a stimulus that disturbs the body’s equilibrium. The stimulus can be anything from someone cutting you off on the highway to an unpleasant

Jeena Cho: “Keeping busy was a defense mechanism for not facing what’s not working in my life.”
Self-care is the key to stress and anxiety management

Photograph courtesy of the JC Law Group.

exchange with an opposing counsel. Often we place the blame for the stress on others or external circumstances, trying to change what we cannot control. We try to get others to see things from our perspective, act differently and change their behavior.

When we talk about managing stress, there are two obvious strategies. First, get rid of or change the stimulus; two, change our reaction. But there is a third way, which is to become more resilient so that the stimulus becomes less disruptive. Resilience is one’s ability to not only survive the many challenges in life but also learn and grow from the experience.

It’s important to recognize that each of us reacts to stimulus differently. One person may recover very quickly from an unexpected car cutting into their lane, whereas another may stew and continue to experience stress long after the danger has passed. Also, we may react to a stimulus differently based on how we’re feeling physically or emotionally. For example, you may react more strongly to an unpleasant conversation with your client if you’re sleep-deprived or already under a lot of stress.

WHAT IS ANXIETY?

Anxiety is the subjectively unpleasant feeling of dread over anticipated events. It’s similar to stress in that it’s also a reaction to a stimulus; but with anxiety, the stimulus is the anticipation of some future event. Anxiety can trigger rumination and persistent worrying, which can disturb one’s equilibrium.

With both stress and anxiety, we can get better at coping and lessen the impact through deliberate practices.

SELF-CARE, NOT SELFISH

Self-care is any activity or behavior you do to take care of your mental, emotional and physical well-being.

Consider these questions: What do you do on a regular basis to care for your own well-being? What activities do you engage in to give yourself a sense of joy? How do you reconnect with yourself?

The cornerstone of self-care is cultivating a friendly attitude toward yourself and treating yourself as you would someone you care about. Self-care need not take a lot of time or money. But it does take commitment and persistent effort. It’s also about drawing boundaries and putting your well-being ahead of the needs of others.
You may be thinking, “I can’t afford ‘me time.’ That’s being selfish.” Even though the words *self-care* and *selfish* sound similar, they are opposite in meaning. If I am being selfish, I am deliberately taking something away from others for my own profit or gain. If I am practicing self-care, I am engaging in behaviors that help charge my own battery. In other words, I am securing my own oxygen mask before helping others.

Here are some examples of self-care activities:

- Enjoying your lunch away from your computer.
- Engaging in a conversation with a loved one.
- Listening to your favorite song.
- Enjoying time in nature.
- Treating yourself kindly.
- Going to the doctor for a physical.
- Drinking more water.

When it comes to self-care, it’s not so much the activity itself that matters but the attitude you bring to the activity. Even a simple activity like washing your hands can be a practice in self-care. Rather than rushing and washing your hands on autopilot, you can slow down, pay attention to the sensation of the soap, the water, and take a moment to reconnect with yourself.

One common objection I get to self-care is the excuse of not having enough time. I too have felt this way, but over time I recognized it for what it was—a narrative created in the mind.

I realized the belief stemmed from thinking that if I am very busy, I must be doing something important—therefore I must in fact be very important. However, keeping constantly busy was also a defense mechanism for not confronting what is painful or not working in my life.

**USING MINDFULNESS**

Mindfulness means paying attention to the moment-to-moment experience with presence and compassion.

You may feel both stress and anxiety when you have to deliver bad news to a client. This is natural. You can approach the situation (and yourself) with compassion by recognizing that this is a difficult moment. You can also approach the situation with negative self-talk: “I am a bad lawyer” or “I am a failure.” These thoughts only heighten the stress and anxiety response. This is called the second arrow.

There is an oft-repeated saying: “Between stimulus and response there is space. In that space is our power to choose our response. In our response lies our growth and our freedom.”
With the increased connectivity and immediacy required in this digital age, it is becoming more crucial that we as lawyers learn to respond rather than react. Instead of immediately reacting and sending an angry email, we can slow down the reaction process so that we can show up as our best selves and respond wisely.

Finally, changing any behavior starts with awareness. You can’t change your reaction if you do not recognize the habitual behavior.

The first step I had to take in choosing to get better at managing stress and anxiety was to make it a priority. Rather than just complain about stress and anxiety, I decided to be proactive and take deliberate steps to increase my resiliency. Also, I learned that ultimately the only thing I have control over is my own reaction.

You can access a short guided meditation on letting go of stress at jeenacho.com/wellbeing (http://jeenacho.com/wellbeing).

Jeena Cho consults with Am Law 200 firms, focusing on strategies for stress management, resiliency training, mindfulness and meditation. She is the co-author of The Anxious Lawyer and practices bankruptcy law with her husband at the JC Law Group in San Francisco.

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What is SeyfarthLife?

Our Mission

• Where high performance meets well-being.

Our Goal

• Improve the well-being of our people. Any support, resources, tools and opportunities we can provide to help make the lives of those at Seyfarth better both professionally and personally.

• Way of working/support for working that focuses on the highest performance of our talent while recognizing the balance of work & life integration and respecting the health & wellness of each individual in the organization.

How to Accomplish

• Continue to focus on efforts in personal development, enhanced benefits, working efficiencies and community building.
SeyfarthLife - Actions & Activities

• **Inspiration Project**
  – Provides 6 participants (2 partners, 2 associates & 2 staff) a scholarship to be applied to their specific inspiration dream focused around health, wellness, lifelong learning or intended to make an impact in our communities or around the world.

• **SeyfarthLife Firm-Wide Highlight Stories**
  – Stories focusing on well-being and what employees do outside of the office.

• **Well-Being Photo Contest**
  – In our continued commitment to the ABA Wellness Pledge, SeyfarthLife hosted a virtual photo contest. All Firm members were encouraged to send in a photo & caption of what they do to manage stress, promote well-being and/or support mental health outside of work. 84 submissions.

• **LifeXT**
  – Training for attorneys and executive staff that creates mindfulness, resiliency and leading teams. The Firm has been engaged with LifeXT since 2017.

• **Firm Events**
  – Wellness Walk at Managing Associate Retreat in May 2019, healthier food options (ex. fruit, hummus and green juices) & non-alcoholic options at events & retreats.
  – Book club around “The Anxious Lawyer” by Jeena Cho and programs focused on meditation and mindfulness.

• **SeyfarthLife Introduction & Presentation**
  – Panel presentations on “Leveraging Resilience to Drive Productivity in the Law,” overviews at all our Firm retreats, education to our attorneys on mental health issues, substance abuse, suicide awareness, etc. in the industry conducted by various legal aid organizations.