

JacksonLewis



# Well-Being in Law:

Redefining What It Means to Work in the  
Legal Profession One Breath at a Time

ACC San Diego MCLE

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# Agenda

- Studies Regarding Lawyer Well-Being
- How Stress Affects Lawyer Competence
- Why Lawyers are Prone to Stress-Induced Disease
- Strategies to Improve Well-Being

**2016 Study of  
12,825 Attorneys  
Across U.S.**

# **Substance Abuse / Psychological Disorders**

**21–36 %**

Qualify as  
problem  
drinkers\*

**28 %**

Have  
depression

**19 %**

Have  
anxiety  
disorder

**23 %**

Have  
stress  
disorder

Men have  
higher  
proportion of  
positive screens

Attorneys in  
private firms  
experience  
highest rates of  
problem  
drinking and  
depression

\*Of licensed,  
employed  
attorneys

# ABA Task Force

- ABA's National Task Force on Lawyer Well-Being
  - August 14, 2017 Report
- <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFINAL.pdf>

## The Well-Being Pledge for Legal Employers



American Bar Association Working Group to Advance Well-Being in the Legal Profession



## The Mind of a Lawyer

Need well-functioning executive capacities to make good decisions and evaluate risks, plan, prioritize, cope with new situations

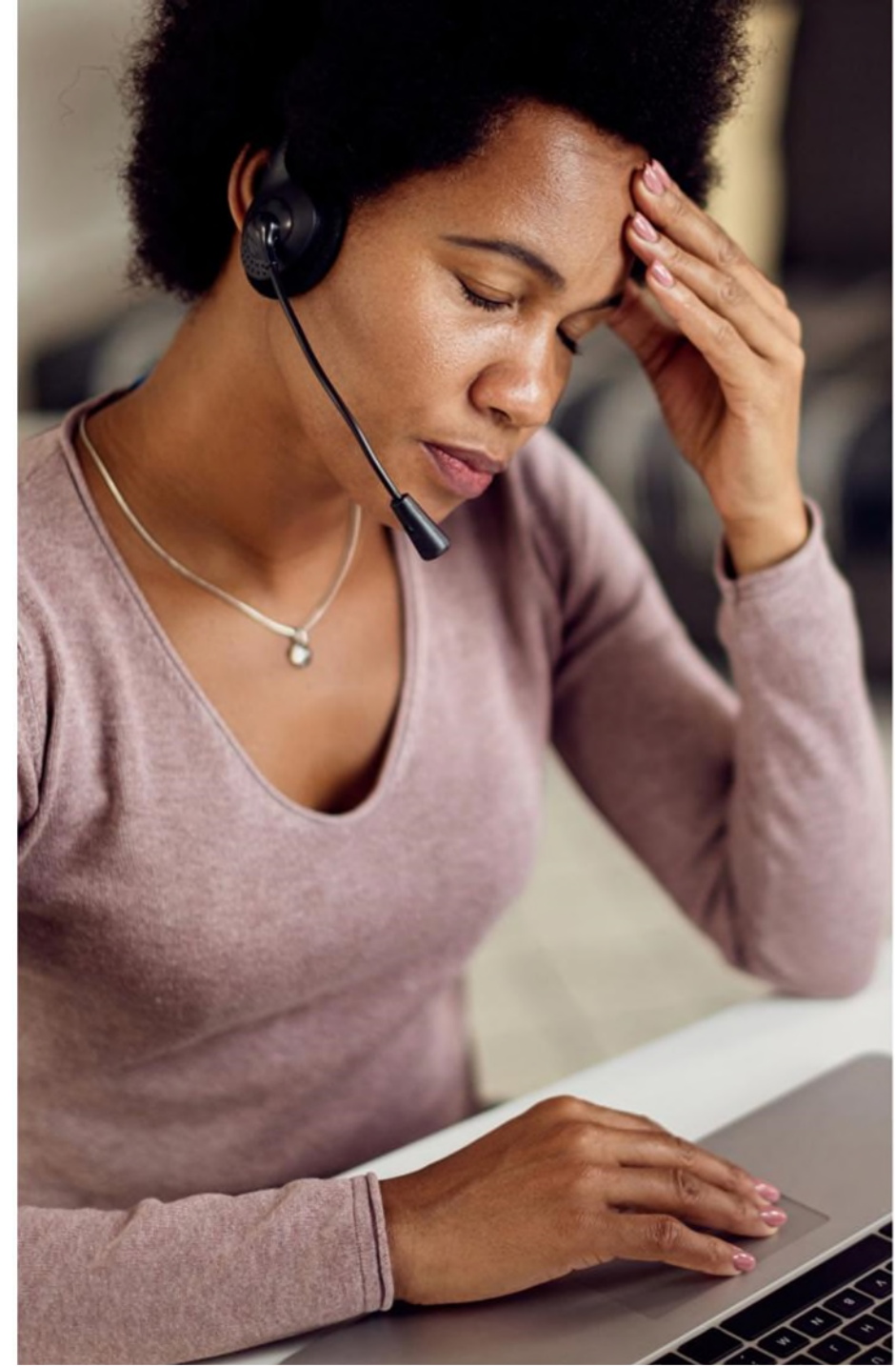


# The Mind Under Stress

- Impaired:
  - memory
  - creativity
  - problem-solving ability
  - language processing
  - concentration
  - ability to learn
- We are emotionally reactive

# *Physiological Effects of Chronic Stress*

- **Chronic stress** increases risks of:
  - headaches
  - hypertension
  - heart disease
  - digestive disorders
  - susceptibility to infection
- **Anger** increases blood pressure
- **Anxiety** damages arteries, kills brain cells, increases risk for osteoporosis, and suppresses immune system





## Why are we like this?

- 3 P's:
  - Perfectionism
  - Pessimism
  - Pressure to:
    - Manage time
    - Bill
    - Be responsive
    - Be knowledgeable
    - Obtain clients
    - Retain clients
    - Advance
    - Be a good firm citizen
    - Compete with others
    - Get results clients expect



## As a result...often

- Inflated ego
- High expectations of self and others
- Imposter syndrome

- Patience is often low
- Tolerance for disappointment is low
- Potential for persecution complex

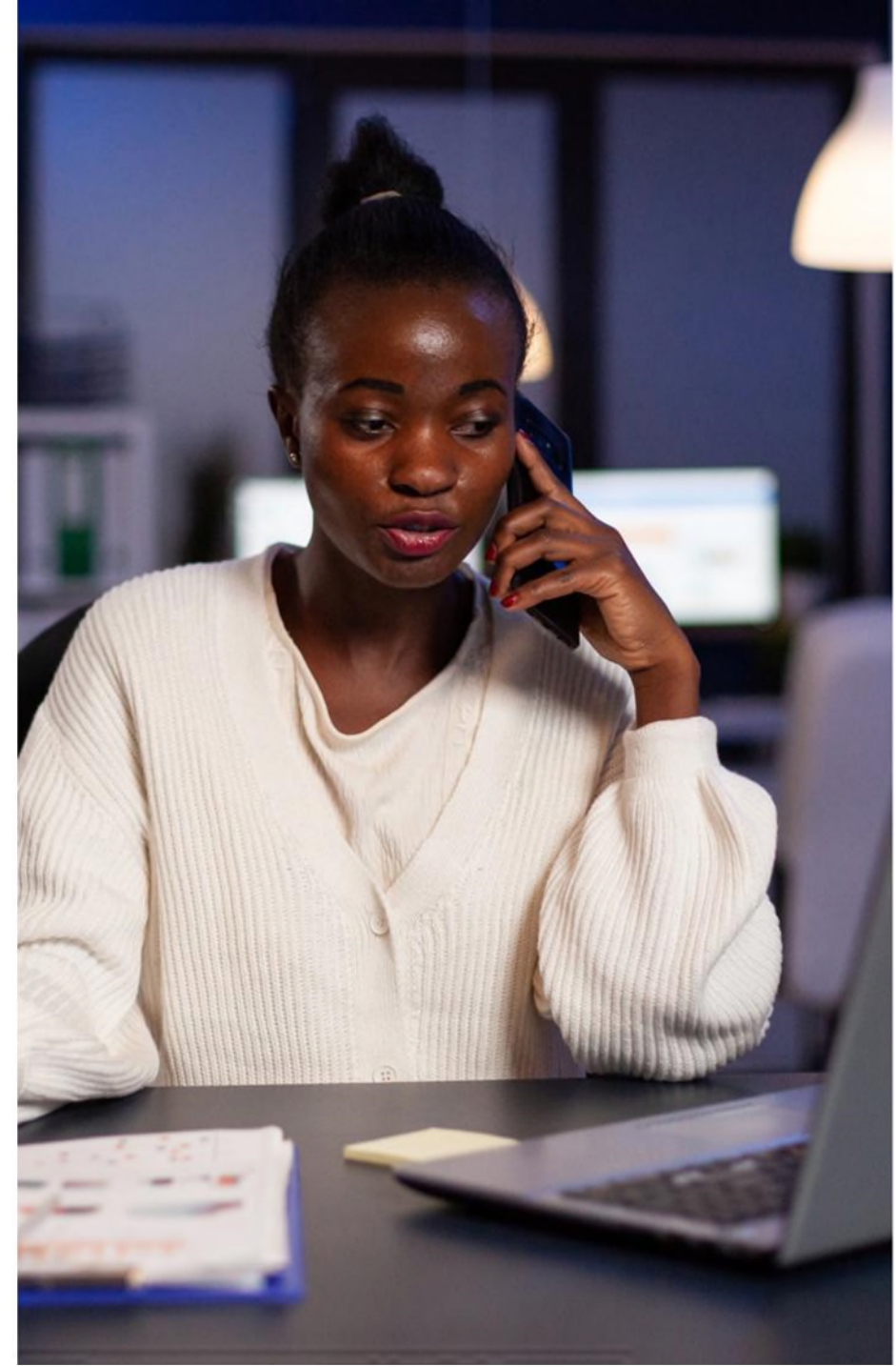
**And that was before the  
pandemic!**

# Impact of COVID and the Past Two Years on Well-Being

- Fear of the unknown
  - Personal/Family's health
  - Political Turmoil
  - Racial Strife and Increased Activism
  - Increased struggles/awareness with mental health, isolation and depression
- Less control over work and life-uncertainty about the future
- Remote work challenges
  - Loss of separation between home/work
  - Kids/pets
  - Home internet
- Reduced opportunities for exercise

# Unique Challenges for Diverse Employees

- Isolation based on in-groups and out-groups
- Lost momentum in overcoming workplace bias
- Potential for working too much or withdrawing
- Uncertainty over employer DEI commitment



**Reasons to  
Address  
Well-Being in  
the Law**



**Organizational Effectiveness**



**Ethical Integrity**



**Humanitarian Concerns**

**More  
Reasons to  
Address  
Well-Being in  
the Law**

**1.1** Competence

**1.2** Scope of Representation

**1.4** Communication

**2.1** Professional Judgment

**4.1** Truthfulness

# Good News: Science and the Mind

- We can change our brains and the way we respond to our conditions
- Shift in brain activity
  - 90 days to create a new neural pathway
    - Sense of balance that comes from wisdom
  - Ultimately leads to sense of fulfillment

# ABA Task Force – Call to Action for the Legal Profession

Reduce level of toxicity in the profession

End the stigma surrounding help-seeking behaviors

Emphasize that well-being is indispensable part of a lawyer's duty of competence

Educate lawyers about well-being



# ABA Task Force Recommendations

- Work-Engagement
- Challenge (v. stress)
- Resilience
- Mindfulness Meditation
- Leadership Development
- Conflict Management
- Periods to Recover from Stress



A wooden lounge chair with a yellow fabric seat is positioned on a sandy beach. The background features a clear blue sky, turquoise water, and distant mountains. The text "Rest & Vacation" is overlaid in the center.

# Rest & Vacation

# Other Strategies to Improve Lawyer Well-Being

**L.E.A.R.N**

**Small**

**Steps**

# L

## is for Laughter

- Relaxes the body
- Boosts immune system
- Releases endorphins
- Connects us
- Seek out opportunities
- Don't take yourself



# EA

## is for Exercise Aerobically

- Every study = positive effects
- Moderate exercise throughout the week
- Exercise “snacks”
- Increase breathing & heart rate



# R

## is for Recreation

- Healthy people have many interests and hobbies
- Too little balance
- Go outside and play
- Impact of nature



# N

## is for Nutrition

- You are what you eat
- Hurried/distracted eating is often poor eating
- Chew 25-30 times
- *The Game Changers* 80/20 Rule
- Reduce alcohol consumption



# S

## is for Sleep

- We need 7½ to 8½ hours per night
- Less can induce psychotic-like symptoms
- Hidden Brain podcast *“Eyes Wide Open”*





# S

## is for “Self-Reflection”

- Know Thyself
  - Understand what your stress triggers/signals
- Develop tools for stress
- Self-care first
- Explore meditation
  - Small bites
- Reach out for support
  - Drowning/swamped/buried





“Habit is the most powerful influencer in life. If you want better results, adopt better habits.”

Vala Afshar

Chief Digital Evangelist, Salesforce

## Mindfulness as a Tool

- Observing your physical, emotional and mental experiences with deliberate, open and curious attention
- When we are mindful we are engaged
- Use wise effort to recognize thoughts that are not beneficial; learn to choose where to place our attention
- Practice discernment v. criticism
- Balance “doing” with “being”
- Mindfulness apps...“Calm”



# Mindfulness Impact on Well-Being

Study by Jeena Cho, author of “*The Anxious Lawyer*” in partnership with the National Association of Women Lawyers (NAWL) and Seyfarth Shaw LLP.

- Online 8-week mindfulness and meditation program
- First study specifically measured the impact of mindfulness and meditation practice for lawyers.
- Summary of the findings:
  - **Job effectiveness: increased by 6.15%**
  - Depression: decreased by 28.84%
  - Anxiety: decreased by 30.29%
  - Stress: decreased by 32.45%.
- The attorneys experienced these benefits by practicing 57.98 minutes per week (approximately 9 minutes/day)

# E-Mindfulness with Jon Krop

Live Each WednesdayOn-Demand Anytime

**MINDFULNESS for LAWYERS**

## E-Mindfulness (US) - Wednesdays, 3 PM Eastern

This webinar meets 121 times.

Wed, Apr 27, 2022 3:00 PM - 3:30 PM EDT

**May**

Wed, May 4, 2022 3:00 PM - 3:30 PM EDT

Wed, May 11, 2022 3:00 PM - 3:30 PM EDT

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# How to Be Mindful



Actively observe one thing at a time




Be curious about everything



Avoid becoming judgmental



Be kind to yourself



Listen constructively



Communicate consciously

# Don't Believe Everything you Think

- Our thoughts are not reality
- Move away from a sense of perpetual fear and anxiety and become able to see objects/events/emotions as they are arising
  - Notice what causes stress and anxiety;
  - When you experience stress and anxiety just notice it and label the experience as that: “I am experiencing anxiety.”
  - Bring your attention to this present moment and notice that you are ok. This calms the mind.
  - Instead of focusing on the stress and anxiety, turn your attention to the task at hand and begin establishing a new pattern.
- Respond instead of react – allows us to stay with what is actually occurring versus catastrophizing.

# Taking Care of Others

## Recognizing potential issues in colleagues

Behavioral

Physical

Psychological

Work Changes



**Final Thought** what you **think**, you **become**  
What you **feel**, you **attract**  
What you **imagine**, you **create**  
-Buddha

Thank **you.**