

# WELL-BEING TOOLKIT FOR LAWYERS AND LEGAL EMPLOYERS

Created By Anne M. Brafford For  
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# WELL-BEING TOOLKIT

For Lawyers & Legal Employers

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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. 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.
- An 8-Step Action Plan for Legal Employers.
- 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.



## Reasons to Improve Attorney Well-Being

- ✓ Good for business
- ✓ Good for clients
- ✓ The right thing to do



## Defining Lawyer Well-Being: A Multi-Dimensional Approach

**W**ell-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

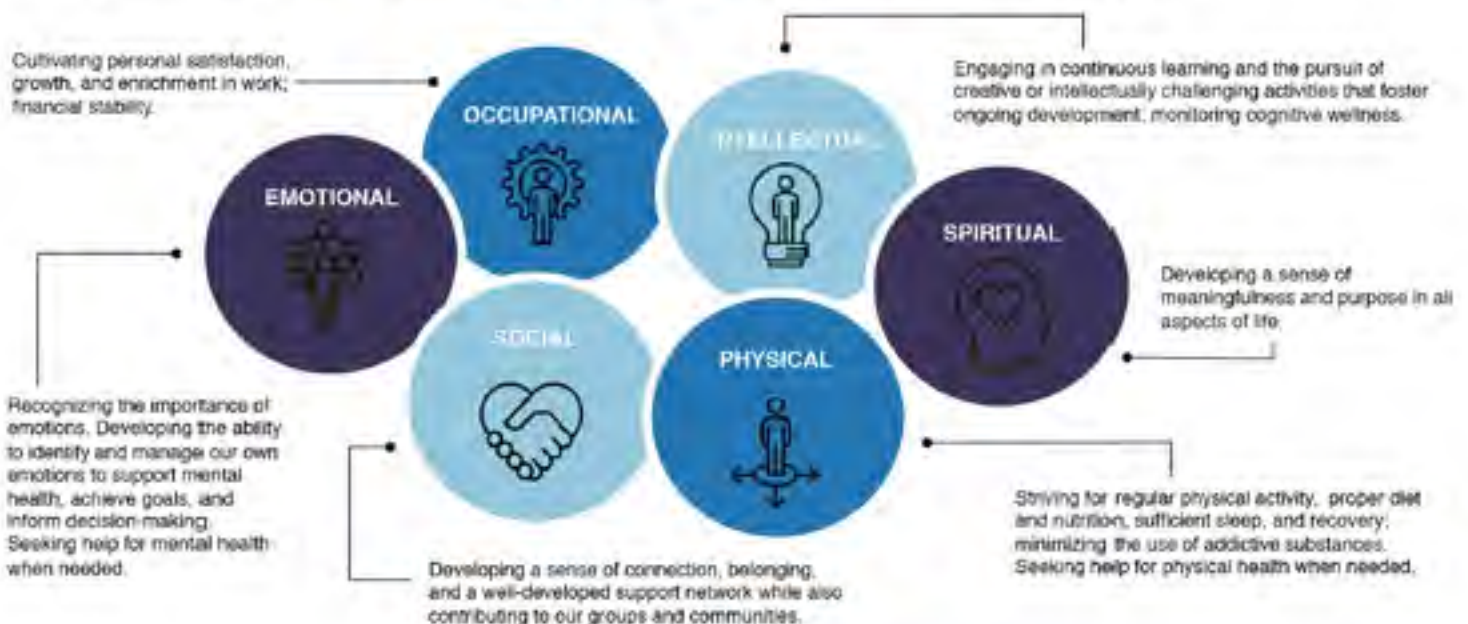
Developing a sense of meaningfulness and purpose in all aspects of life.

### 6. SOCIAL

Developing a sense of connection, belonging, and a well-developed support network while also contributing to our groups and communities.

### Defining Lawyer Well-Being

A continuous process in which lawyers strive for thriving in each dimension of their lives:





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 coworkers 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 contributes to the organization, and whether there are impending changes.

### Healthy Workplace Dynamics







## 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.





**M**any 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 place 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.

## 8-Step Well-Being Action Plan





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?
- Does the firm monitor the hours billed by its attorneys and follow up with lawyers whose hours are persistently and significantly higher or lower than typical? Abnormal hours sometimes reflect deeper issues that might warrant further questions.
- **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.



- 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.



**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](mailto: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





- 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 video-taped 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](mailto: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.

Our capacity for resilience derives from a host of factors, including a collection of psychological, social, and contextual factors that we can change and develop. These include, for example, optimism, confidence in our abilities and strengths (self-efficacy), effective problem-solving, a sense of meaning and purpose, flexible thinking, impulse control, empathy, close relationships and social support, and faith/spirituality.

Aside from individual-level skills and strengths, developing “structural resilience” also is important, if not more important.

This requires leaders to develop organizations and institutions that are resource-enhancing to help give people the wherewithal to realize their full potential. Individual resilience is highly dependent on the context in which people are embedded. This means that initiatives to foster lawyer well-being should take a systemic perspective.

### 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) 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.





## CDC HEALTHY CLIMATE SURVEY

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  $\leq 2$  (no symptoms of burnout) vs.  $\geq 3$  (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.
- 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.

## 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.



## 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.
- Globoforce's [Ten-Step Guide](#) to Working More Human.
- [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.

- Psychological Health and Safety: [An Action Guide for Employers](#). A handbook created by the Mental Health Commission of Canada for employers wanting to launch a workplace well-being initiative.

## 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.



## 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*

Jeena Cho & Karen Gifford, *The Anxious Lawyer: An 8-Week Guide to a Happier, Saner Law Practice Using Meditation*

Andrew N. Elowitz & 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

Michael F. Melcher, *The Creative Lawyer: A Practical Guide to Authentic Professional Satisfaction*

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*

Suzann Pileggi Pawelski & James O. Pawelski, *Happy Together: Using the Science of Positive Psychology to Build Love That Lasts*

Christine Porath, *Mastering Civility: A Manifesto for the Workplace*

Jason Powers, *Positive Recovery Daily Guide: Thrive in Recovery*

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*



**B**elow 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](mailto: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](mailto: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](mailto: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](mailto:abrafford@aspire.legal)**





**B**elow 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](mailto: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](mailto: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](mailto:jbeitner@jenner.com).

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[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](mailto: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](mailto: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](mailto:bree.buchanan@texasbar.com).

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## **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](mailto:Scallahan@seyfarth.com).

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## **JEENA CHO, JD**

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## **ANDREW COHN, JD, MA**

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## **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



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[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, LL.M., MS, APC, NCC

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## TAL FAGAN, 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.

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[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



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[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

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## 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](mailto:ResolutionWorks@msn.com).

## CAROLINE ADAMS MILLER, MAPP

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## RONDA MUIR, JD

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## 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](mailto:cnewbold@alpsnet.com).

## ELAINE O'BRIEN, PHD, MAPP

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## **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@buildhappytogether.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**

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## **BECKY REICHARD, PHD**

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

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**Do You Have A Well-being  
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To Recommend?**

Please contact us:  
[abrafford@aspire.legal](mailto:abrafford@aspire.legal)

A photograph of a spiral-bound notebook with a blue pen resting on it, set against a dark background with a blue geometric shape in the top right corner. The text 'ACTIVITY WORKBOOK' is overlaid in white.

# ACTIVITY WORKBOOK

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## WHAT IS THE WORKBOOK?

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.

## PERMISSION FOR USE

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## How To Be Happier? Make it a Priority

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**W**hile 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 do-able 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:

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
8:00 am								
9:00 am								
10:00 am								
11:00 am								
12:00 pm								
1:00 pm								
2:00 pm								
3:00 pm								
4:00 pm								
5:00 pm								
6:00 pm								
7:00 pm								
8:00 pm								

- 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



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."

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## High-Quality Happiness Activities



### Connection & Belonging

Supportive relationships and a sense of belonging or fit with groups we care about.



### Mastery Activities

Continually learning, growing, and gaining confidence in our ability to make things happen.



### Autonomy

Feeling that our choices are self-authored and aligned with our own preferences. The opposite of feeling controlled, forced, or guilt-driven.



### Helping Others

Having a positive impact on others or the common good.



### Meaningfulness

Feeling that our activities are significant within our own values system.





# 6 Sources of Well-Being: Create Your PERMA-H Formula

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**P**ERMA 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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**B**ecause 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 Happytapper), 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.

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# Do Acts of Kindness

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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.

## 43 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 a 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 out 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.

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# Psychological Capital: Build Your Mental Strength & Flexibility

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**P** 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?



## 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!

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## 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*
- Katty Kay & Claire Shipman, *The Confidence Code: The Science and Art of Self-Assurance--What Women Should Know*
- 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:

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## STEP 2: LIST...

The aspects of the situation you can control or influence:

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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:

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*(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](http://www.TED.com))

### Web Resources

- [www.happify.com](http://www.happify.com)
- [www.superbetter.com](http://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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**M**editation 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.”



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## RESOURCES

*Contributed by Anne Brafford*

### Book Recommendations

- Jeena Cho & Karen Gifford: *The Anxious Lawyer: An 8-Week Guide to a Happier, Saner Law Practice Using Meditation*
- Rick Hanson, *Buddha's Brain*
- Daniel Goleman & Richard Davidson, *Altered Traits: Science Reveals How Meditation Changes Your Mind, Brain, & Body*
- Cal Newport: *Deep Work*

### Videos

- Andy Puddicombe, **All It Takes Is 10 Mindful Minutes** ([www.TED.com](http://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

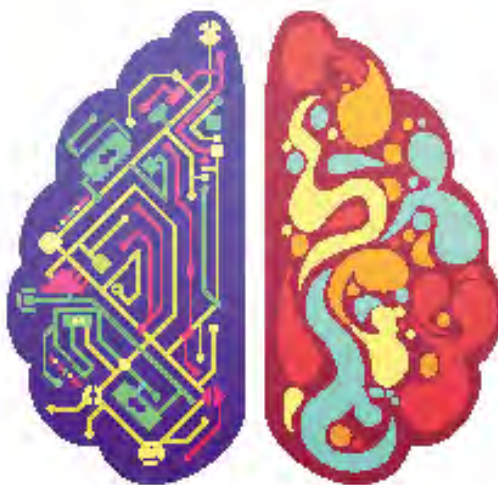
Contributed by Ronda Muir, JD

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## 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.



## 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.

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## Take Charge of Your Well-Being With Confidence

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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?

Take some time with these questions and try to recall your past experiences. When you realize you have done this same endeavor successfully in the

past, you will quickly shift into believing you can do it again. If you haven't done exactly the same thing, contemplate similar parts of the experience that you mastered in the past. (For example, many years ago, I was asked to deliver my first ever keynote address. I had already delivered numerous workshops, but never a keynote. I was not feeling confident about it.

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.

Commit to taking that step.



## Use Your Strengths

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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, & Gурpal, 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, & Gурpal, 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](#) (Rashid & Anjum, 2008),

- 1.
- 2.
- 3.

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# Investigating & Capitalizing on Our Introverted Strengths

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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?
- **Perceiving:** Do you consider yourself a perceptive person? Do you notice details that your extroverted friends miss? Sights? Street signs? Landmarks? Facial expressions? Smells? Tastes? Patterns? Textures? Sounds?
- **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?





- **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.

Trait:	Scenario:
Trait:	Scenario:
Trait:	Scenario:

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.

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# Overcoming Public Speaking Anxiety & Amplifying Our Authentic Lawyer Voices

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**M**any 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.



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.

## 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

## 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?



Grit your teeth? Clench your fists? Grip an object? Avert eye contact? Did you feel anything different internally? Did you gulp, take a deep breath, or lose your breath? Is your heart beating faster? Does your stomach hurt? Does your head ache? Are you noticing any external clues? Are your hands or knees shaking? Are you blushing? Sweating? Do you feel hot? Cold? Numb? When/if you speak, does your voice sound different? Is your voice shaking? Is it higher or lower pitched than usual? Are you swallowing more? Or less? What else do you physically feel or notice?

## 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!

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## Mind Your Marriage (& Similar Relationships)

Contributed by Aileen Reilly, JD, CPCC, ACC, ORSC-Trained

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**A**s 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



- 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

- John Gottman, The Seven Principles For Making Marriage Work.
- Gary Chapman, The 5 Love Languages.
- Harville Hendrix, Getting the Love You Want.
- Amir Levine, Attached: The New Science of Adult Attachment.
- Marshall Rosenberg, Non-Violent Communication.
- Byron Katie, Loving What Is.
- Kerry Patterson, Crucial Conversations.
- Esther Perel, Mating in Captivity.
- 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**



## Managers, Don't Forget Your Own Well-Being

Contributed by Andrew Elowitz, JD MBA PCC  
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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 it 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!"

Your limitation is simply that you are but one person. No matter how smart, talented, and energetic you may be—you are still one person with a finite amount of time in which to get everything done. Working harder and faster will only take you so far, and working longer hours may be an obstacle to your wellbeing. So what can you do to resolve this common leadership dilemma? By all means do the first activity listed below and then you will be ready to try one or more of the following ones.



### 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* (Elowitz & 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 (Elowitz & Wassermann, 2017, pp. 210-215):

√ **Who is making the decision?**

- You, as the manager?
- You with input from one or more individuals?



- You with input from a group?
- By group consensus?
- ✓ **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 Elowitz, 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).



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# Positive Leadership: Key Ingredients For Unleashing The Best In Others

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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.

## Ingredients For Thriving Firms



### Connection & Belonging

Supportive relationships and a sense of belonging or fit with groups we care about.



### Mastery Activities

Continually learning, growing, and gaining confidence in our ability to make things happen.



### Autonomy

Feeling that our choices are self-authored and aligned with our own preferences. The opposite of feeling controlled, forced, or guilt-driven.



### Helping Others

Having a positive impact on 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:

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### 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.”*

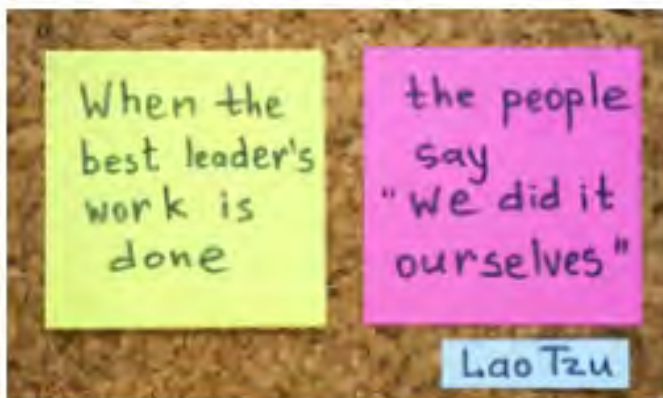
*“The client just asked for this by tomorrow.”*

*“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.

## 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*
- Michael Bungay Stanier, *The Coaching Habit: Say Less, Ask More, & Change The Way You Lead Forever*
- 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*

### Autonomy-Support Checklist:

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





# Promoting Health, Vibrancy, & Flourishing Lives

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**D**o 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.** Your 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 your self. 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:



<https://www.michellemcquaid.com/podcast/want-energy-boost-podcast-elaine-obrien/>

Redefining True Health Care: Inaugural Summit on Happiness Science in Health <https://positivepsychologynews.com/news/elaine-obrien/2018051038438>

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O'Brien, E. (2016). Move2Love and Vibrancy: Community Dance/Fitness. *Women & Therapy*, 39(1-2), 171-185. Abstract.

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Aamodt, S., & Wang, S. (2007, November 8). Exercise on the brain. *New York Times*.

Levitin, D. J. (2008). *The world in six songs: How the musical brain created human nature*. New York: The Penguin Group.

Dr Ding Ding et al, The economic burden of physical inactivity: a global analysis of major non-communicable diseases, *The Lancet* (2016). DOI: 10.1016/S0140-6736(16)30383-X.

## 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*
- Wallace Nichols, *Blue Mind: The Surprising Science That Shows How Being Near, In, On, or Under Water Can Make You Happier, Healthier, More Connected, and Better at What You Do*
- Mihaly Csikszentmihalyi, *Flow: The Psychology of Optimal Experience*

### Videos

- Wendy Suzuki, *The Brain Changing Benefits of Exercise*, **TED Talk**



## Fit Fore Golf: Dr. Elaine's PGA, Positive Golf Activities

Contributed by Elaine O'Brien, PhD, MAPP, CPT  
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**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 can do these anywhere and 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.



## Lawyer Assistance Program Contacts By State

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.

### ALABAMA

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### ALASKA

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### ARKANSAS

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