Managing Rapid Change

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Johns Hopkins Study

- Attorneys are **three times** more likely to suffer from depression than the general public

- Suicide is the **third leading cause of death** for attorneys (after cancer and heart disease)

- Suicide rate is **six times** the rate of the general population
Substance Abuse/Psychological Disorders

- 2016 Study of 12,825 Attorneys Across U.S.
  - Between 21 - 36% licensed, employed attorneys qualify as problem drinkers
  - 28% have depression
  - 19% have anxiety disorder
  - 23% have stress disorder
  - Men higher proportion of positive screens
  - Attorneys in private firms experience highest rates of problem drinking and depression

The Mind of a Lawyer

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

But...
The Mind Under Stress

- Impaired language processing
- Impaired memory
- Reduced creativity
- Limited problem-solving ability
- Impaired concentration
- Reduced ability to learn
- Emotionally reactive

Physiological Effects of Stress

- Brain isn’t very good at discriminating between real and imagined danger
- Body reacts by increasing flow of blood and oxygen to muscles
- **Chronic stress** increases chances of hypertension, heart disease, digestive disorders, headaches, susceptibility to infection – causes physiological damage.
- **Anger** causes greatest increase in blood pressure; **Anxiety** damages arteries, kills brain cells, increases risk for osteoporosis and suppresses immune system
Why Are We Like That?

- Attorneys tend to be perfectionists
- They have higher incidence of depression and suicide than many other professionals
- Lawyers like to have questions answered...now
- Lawyers are struggling to manage their hours and sometimes stress out
- Often minority lawyers feel an extra pressure to ‘represent’

Why Are We Like That?

- Pressure to bill, get clients, keep clients, partners, and colleagues happy
- Be a good firm citizen and engage in firm service
- Worrying about what others are doing in comparison to self (imposter complex meets wondering how you stack up)
- Being responsive
- Being knowledgeable
Unique Challenges for Diverse Attorneys

- Isolation based on in-groups and out-groups (real and perceived);
- Lost momentum in overcoming workplace bias;
- Potential for working too much;
- Increased fear of adverse consequences in asking for help;
- Getting in task mode instead of thinking how to add value; and
- Diversity of knowledge, thought, experience, and problem-solving abilities, tend to get undervalued when leaders are under stress when research shows it leads to better solutions.

As A Result...Often

- Ego is outsized
- Expectations (of self and others) are exceedingly high
- Patience is often low
- Tolerance for disappointment is low
- Many lawyers deal with a slight persecution complex
And That Was **Before** The Pandemic!

Why Different In This Covid-19 Environment?

- Cannot control outcomes (loss of control)
- Everyone is vulnerable (perceived loss of status)
- Fear of the unknown (will there be enough work, will clients pay, will there be lay offs/salary reductions, will my company/firm survive the pandemic)
- Many working from home (loss of separation between home/work)
Why Different In This Covid-19 Environment?

- Concern about current state (enough toner, printer paper at home, toilet paper, money)
- Working under challenging circumstances (the extreme to just a general annoyance - working and home schooling, not being able to print, working in your kitchen/on your bed, spotty WiFi or computer systems)

Mindfulness as a Tool

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

- Study by Jeena Cho, author of “The Anxious Lawyer” in partnership with the National Association of Women Lawyers (NAWL) and Seyfarth Shaw LLP.
  - Online 8-week mindfulness and meditation program.
  - First study specifically measured the impact of mindfulness and meditation practice for lawyers.
- Summary of the findings:
  - **Job effectiveness: increased by 6.15%**
  - Depression: decreased by 28.84%
  - Anxiety: decreased by 30.29%
  - Stress: decreased by 32.45%.
- The attorneys experienced these benefits by practicing 57.98 minutes per week (approximately 9 minutes/day).

Solutions

- You don’t have to die or be unproductive
- There is a way to manage stress
- Consider accessing EAP groups
- The following is the most effective way to make sure that you stay healthy AND productive—even with a high-powered career and other obligations
Stress Prescription

- L*
- EA*
- R*
- N*
- S*

Stress Prescription

- L is for LAUGHTER
Stress Prescription

- EA is for EXERCISE AEROBICALLY
- 30 minutes or more
- 4 times per week (5 is better)
- Break a sweat

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Stress Prescription

- R is for RECREATION
- Healthy people have many interests
- Many of us have little or no balance in our lives
- Get away from work friends
Stress Prescription

- N is for NUTRITION
- We typically do not replenish what we use
- Hurried eating is often poor eating

Stress Prescription

- The S is for SLEEP
- Adults need 7½ to 8½ hours per night
- Less will eventually catch up
- Less can induce psychotic-like symptoms
Tips for Diverse Attorneys

- If you live alone, think about “working” with a friend (work on individual projects separately but chat here and there).
- Consider white noise machines and apps to simulate background noise of a café (Coffivity is one)
- Develop a Routine; set Appointments for Self Care and for Taking Breaks
- Connect with your community outside of work
- Connect with your co-workers via virtual happy hours or check-in calls
- Be mindful of exposure to too much Covid-19 related information

Tips for Diverse Attorneys

- Leverage ERG groups and Mentors;
- Take ownership of your assignments with regular communication
- Learn to pivot your practice (learn and contribute to hot topics i.e., Cal-WARN etc.)
- Contribute to marketing and business development
- Learn something new that will be helpful post Covid-19 (if you don’t have billable work)
- Build Resiliency (develop a practice that allows you to be present and not become overwhelmed by stress, anxiety, and fear (mindfulness apps, meditation, yoga)
**Tips for Managing Diverse Attorneys**

- Understand Your Own Biases/Worldview (affinity bias, halo/horn and confirmation, etc.)
- Leverage ERG groups to identify needs of attorneys (i.e., needs of those parenting)
- Identify employer resources and benefits that could assist impacted groups (parents/caregivers, seniors, veterans, etc. and make sure the resources are available.)
- **Create Psychological Safety**: If an employee feels a part of the team, the environment is safe to learn and take risks and contributions are valued, the employee feels safe to contribute his or her unique perspective without fear, judgment, or embarrassment.
  - Inclusion Safety: Reach out so diverse attorneys feel a part of the team.
  - Learner Safety: Create opportunities for the attorney to participate and stay engaged (co-author a blog article.)
  - Contributor Safety: Value and promote diverse attorney contributions.
  - Question the Status Quo: Listen and act upon feedback.

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**Tips for Managing Diverse Attorneys**

- If partners/shareholders think of something that the legal industry needs, harness the power of associates to build it. Otherwise it will probably remain a thought because you’re too busy managing and working to get it done.
- Start asking associates to learn new things (see above point for associates.)
- **Build Leaders for the Post Covid-19 World.**
Why Be Mindful?

• Shown to measurably increase productivity.
• Increase your attention span and memory.
• Clarifies decision-making.
• Helps attorneys comply with ethical rules.

Rules of Professional Conduct

• Rule 1.1 (Competence)
• Rule 1.2 (Scope of Representation)
• Rule 1.4 (Communication)
• Rule 2.1 (Professional Judgment)
• Rule 4.1 (Truthfulness)
How to be Mindful

- Actively observe one thing at a time.
- Be curious about everything.
- Avoid becoming judgmental.
- Be kind to yourself.
- Listen constructively.
- Communicate consciously.

How Does Mindfulness Help?

- Keeps us in the present moment.
- Puts things in perspective in a practical way.
  and
- Allows us to save the energy of our thoughts for the important things when they happen.
Ethical/Mindful Communication

• Mindfulness allows us to navigate communication more effectively and to manage our own behavior by being more aware of what we say and how we say it, allowing us to act effectively and ethically in the process.

How Can We Remember to be Inclusive, Engaged, and Mindful?

Imagine a world
Where your every move matters.
Welcome to that world.
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