

The Resilient, Balanced Lawyer: *Mastering Your Craft with a Focused, Light Heart*

*“Courage is not the absence of fear or despair, but
the strength to conquer them.”*

Tibetan prayer flag

Cameron G. Stout

cstout@wiandlaw.com

415 595-5409

Professional Development Consortium



RECENT CHILLING STATISTICS

The ABA - Hazelden Betty Ford Study:

- One in three lawyers has a drinking problem.
- Over 20% use alcohol in “hazardous, harmful ways.”
- 28% are depressed.
- Attorneys in their first 10 years have the highest incidence.

Patrick Krill:

“Any way you look at it, this data is very alarming, and paints the picture of an unsustainable professional culture that's harming too many people...the stakes are too high for inaction.”



RESILIENCE CAN BE DEVELOPED AND NURTURED

The Ethos:

Resilience is the virtue that leads “to a path through pain to wisdom, through suffering to strength, and through fear to courage.”

Eric Greitens, *Resilience*



Common Attributes of the “Resilient”

- Faced adversity.
- Possess an internal “locus of control.”
- They, not circumstances, affect their achievements.
- Embrace failure.
- Refuse to perceive potentially traumatic events as such.
- Have found spiritual/religious support.

Long-term Techniques and Mind-sets

- Like and trust yourself.*
- Assemble a SEAL Team.*
- Develop and maintain perspective.*
- Stop Chasing Perfection.*
- Recharge*

When A Crisis Arrives: Strategies & Pledges

- *I will calmly turn the helm of my ship over to my “Sage,” and lock my “saboteurs” in the hold.*
- *I will gain strength by recalling how I overcame past adversity.*
- *I will seek counsel from those who know the terrain.*
- *I will let go, lean into this new problem, and focus on what I can influence, control and fix.*
- *I will work flat-out in harmony with my team to get the best solution.*
- *I will treat whatever the final result is as another welcome chance to grow, learn and to further forge my resilience.*

IDENTIFYING COLLEAGUES AT RISK

The DSM V Diagnostic Factors

Depression:

- *Depressed mood with sadness, excessive crying.*
- *Diminished interest in activities.*
- *Low energy and slowness of movement and thought.*
- *Unexplained guilt and shame.*

Substance Abuse:

- *Cravings.*
- *No off switch.*
- *Broken pledges.*
- *Failure to fulfill key roles and do important activities.*

The Outward Manifestations

- ***Just not themselves.***
- ***Tardiness/unexplained absences.***
- ***Missed deadlines, meetings and other important appearances.***
- ***Inappropriate behavior.***
- ***Excessive drinking at firm events.***
- ***Denial.***
- ***Anger and blame-shifting.***
- ***Dishonesty.***

Managing Mental Health and Substance Abuse Issues

- ***These are ILLNESSES, not weaknesses.***
- ***They are not your fault!***
- ***Push back against shame and contemptible stigma.***
- ***You are not alone!***
- ***1 in 5 adults will face a diagnosable mental health condition.***
- ***See a health care provider. Early diagnosis and treatment are key.***
- ***Research medications and other therapies, and stay with them.***
- ***Get on the hotline to the SEAL team.***
- ***Find recovery programs if needed.***
- ***Link arms with Churchill: “Never, never, never give up.”***



GETTING MANAGEMENT BUY-IN

Economic, Risk Management and Compliance Benefits:

- ***Strong firm cultures attract top associates and high value clients.***
- ***Costly, demoralizing attrition rates will be cut significantly.***
 - ***20% of associates leave their firms annually.***
 - ***The annual turnover cost to firms is over \$9 billion.***
- ***Effective risk and other aspects of firm management will result.***
- ***Compliance with the ABA Model Rules will be ensured.***



IMPLEMENTATION

There is no substitute for a strong mentoring system.

(The ABA Model Rules essentially require one.)

- ***Model Rule 5.1(a), comment 3:***
- *Firm must adopt practices and procedures to provide “reasonable assurances” that its lawyers conform to the Model Rules.*

- ***ABA Formal Opinion 03-429:***
- *Firm duty to supervise and accommodate its attorneys whose “mental impairment” puts them and the Firm at risk to Rule violations.*



Designing an Effective Mentoring Program

- ***Designate one senior partner as Ombudsman.***
- ***Recruit and train other partners to form a mentoring team.***
 - ***The honor of furthering the Firm's history of integrity and inclusion.***
 - ***Financial incentives?***
- ***Pair mentors and associates appropriately.***
- ***Create an absolutely confidential forum.***
- ***Bring in workplace wellness experts on best practices for recognition and effective handling of potential mental impairment issues.***
- ***Make associates integral members of the team on every aspect of the matter.***



THE END RESULT:

An inclusive, collegial law firm that is admired not for its rankings on the AmLaw 100 lists, but rather for its caring team of mentors, its diversity, its unmatched expertise, its respectful and highly successful teamwork, its treatment of all just as each would wish to be treated, and its dedication to the ethical mastery of our wonderful craft with a light heart.



SOURCES AND RECOMMENDED READINGS

- **ABA-Hazelden Betty Ford Study**

http://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx

- **Maria Konnikova, *How People Learn to Become Resilient***

<http://www.newyorker.com/science/maria-konnikova/the-secret-formula-for-resilience>

- **Paula Davis Laack**

<http://www.pauladavislaack.com/resilience/>

- **Shirzad Chamine, *Positive Intelligence***

- **Jordan Metzl, *The Exercise Cure***

- **Eric Greitens, *Resilience***

- **Elyn Saks, *The Centre Cannot Hold***

- **Andrew Solomon, *The Noonday Demon* and *Far From the Tree***

- **Richard Rohr, *Breathing Underwater***

