

Improving **lawyer performance**  
through personality science



# Increasing Lawyer Resilience:

## New Remedies from the Front Lines

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**2013 NALP Annual Educational Conference**

**Concurrent Session (2:00 – 3:15 pm)**

**Tampa, FL • April 25, 2013**

## Agenda

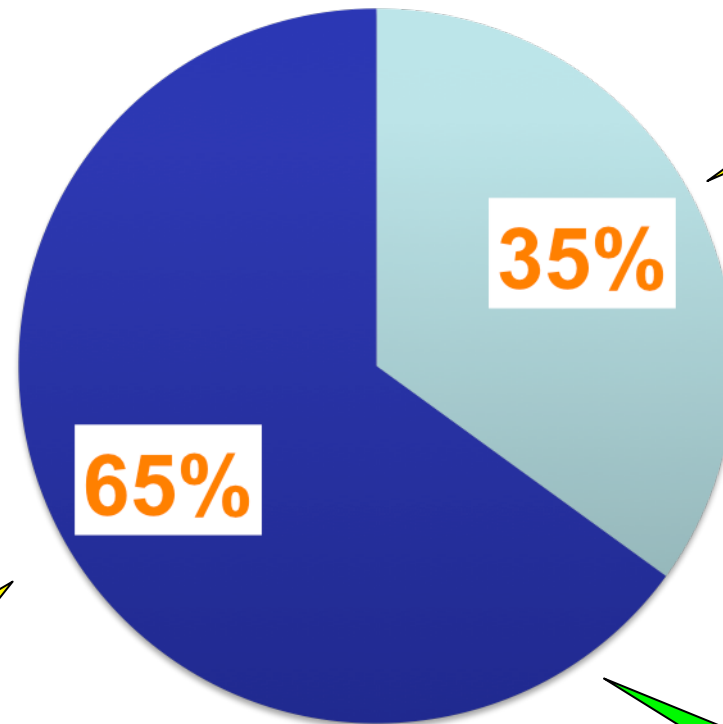
- **Change and its psychological consequences**
- **Why lawyers are particularly vulnerable**
- **What you can do about it**

## Change

- Rapid, accelerating, unstoppable change
- Change has important psychological consequences:
- ***Uncertainty* →**
  - Stress
  - Mood changes
  - Errors of omission
  - Negative climate
  - Pushes people to behave at the lesser end of their normal spectrum of behavior

# Personality

## Impact of Personality



**Personality**

**Everything else**

**But this is mostly onesies & twosies**

# The Lawyer Personality



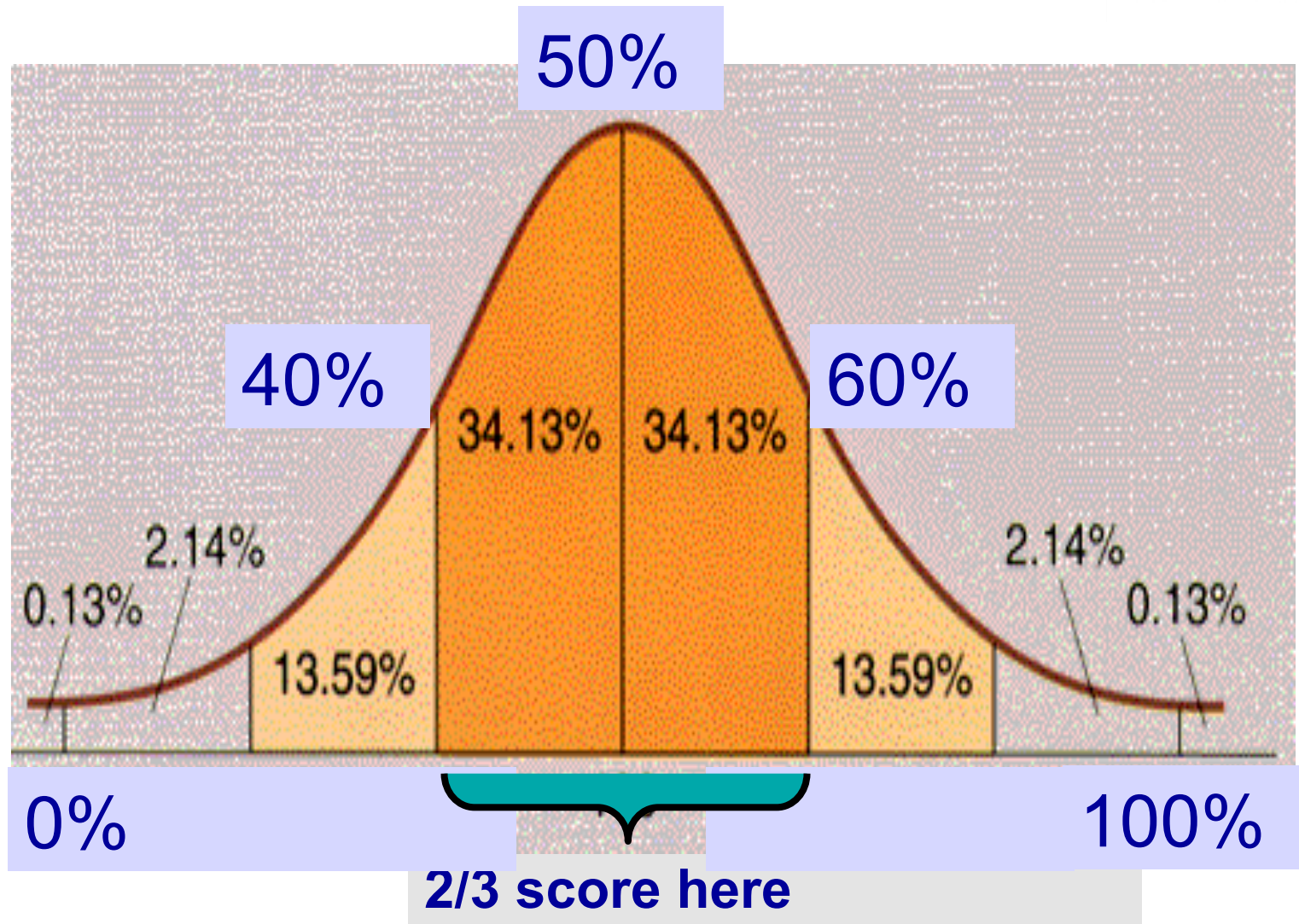
## The Lawyer Personality

- Lawyers' personalities are more intense
- Atypical traits are modal
- Helps lawyers be more effective . . . as *lawyers*
- . . . but *less* effective in “people” roles  
e.g., leader, manager, supervisor, rainmaker, etc.

## The normal lawyer personality

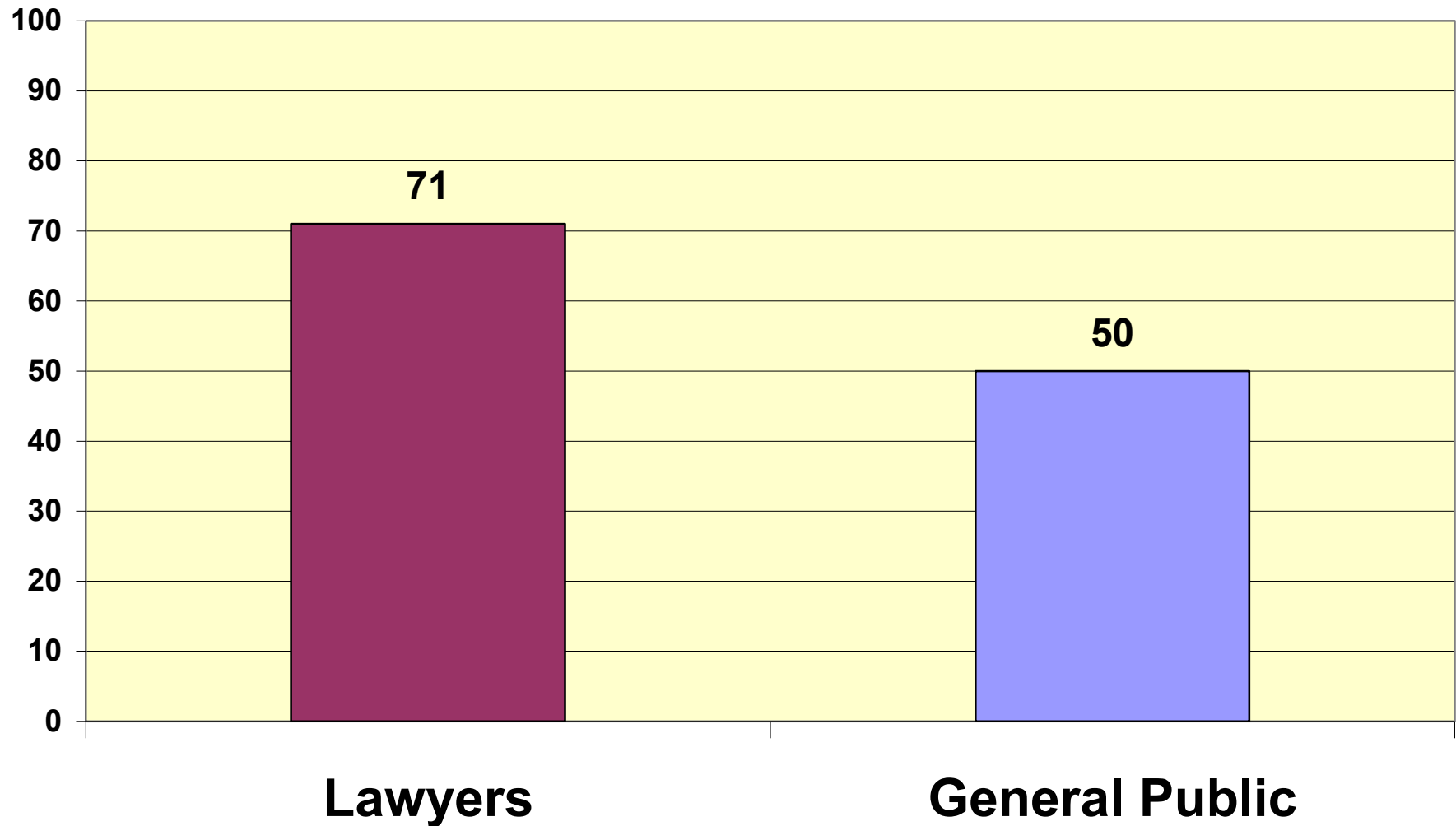
- People who become lawyers are outliers
- Let's look at data
- Many of you have seen these data before
- New implications and insights
- Caliper Profile
- 48 years
- 4.5 million+ college-educated subjects
- Over 5000 lawyers, including 150 MP's

# The Percentile Curve



# Lawyers: Outliers on 6 of the 18 traits!

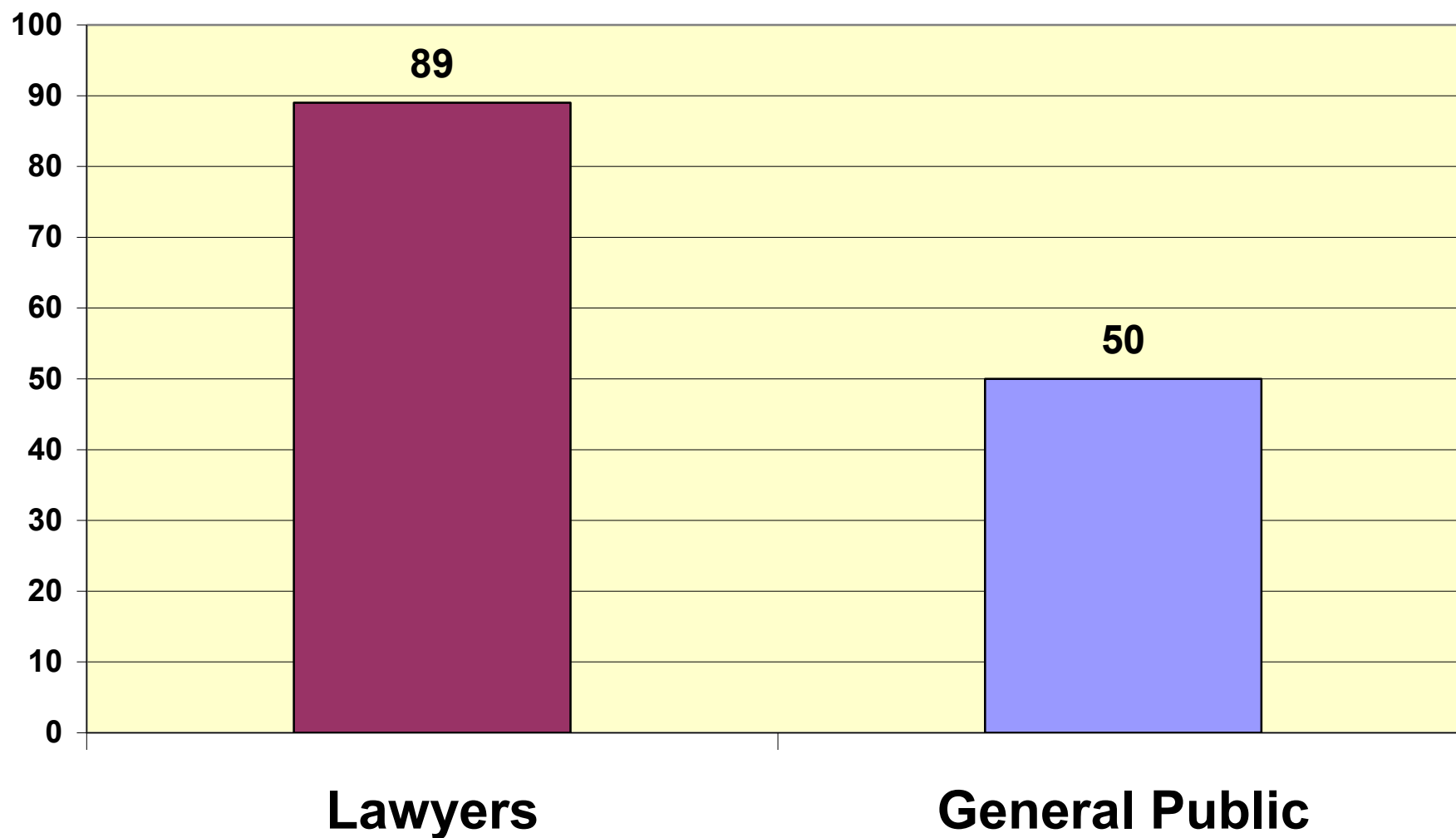
# Urgency



## Urgency and Meaning

- “Cut to the chase” mindset
- High Urgency incompatible with making meaning

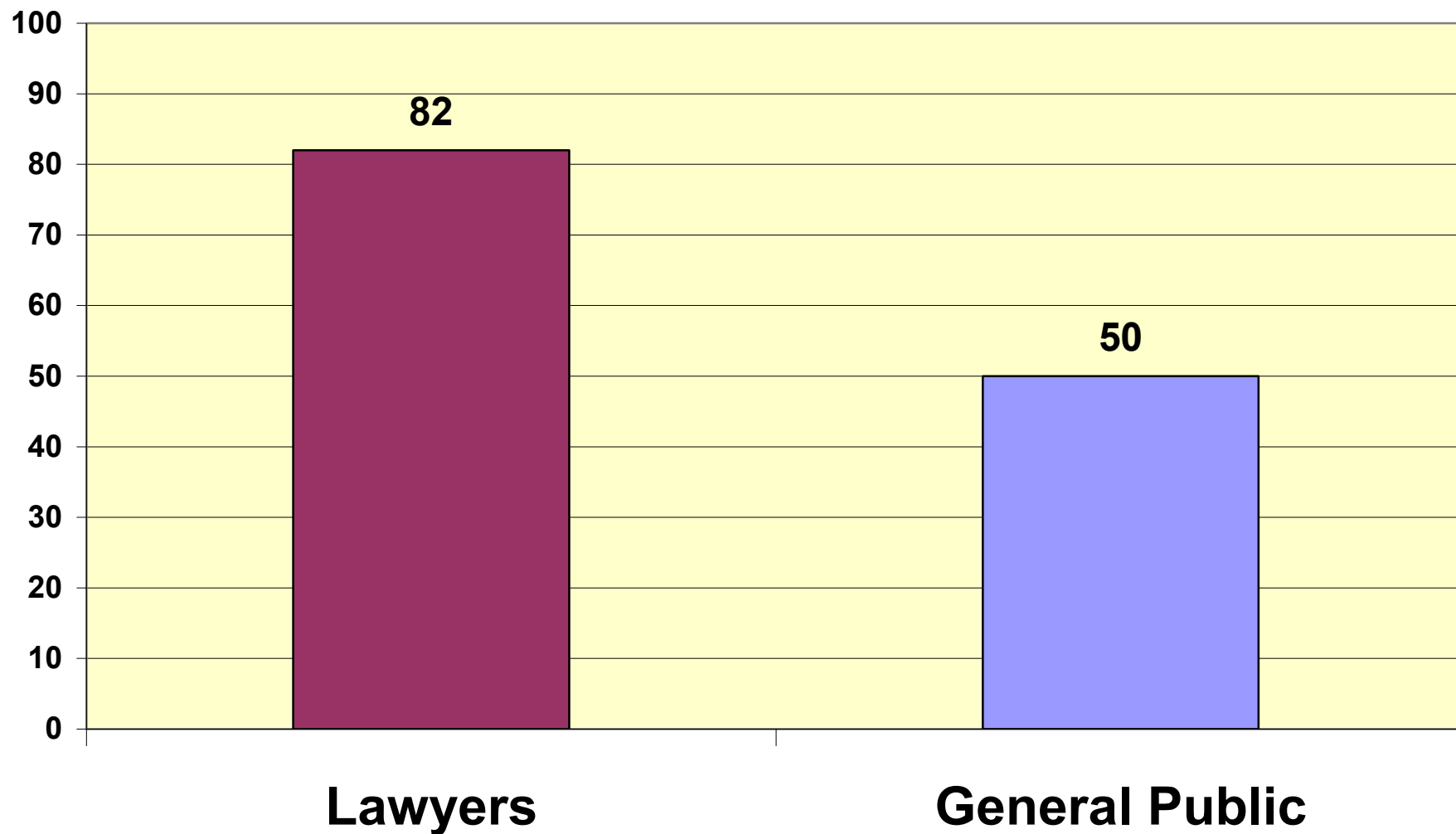
# Really High Autonomy



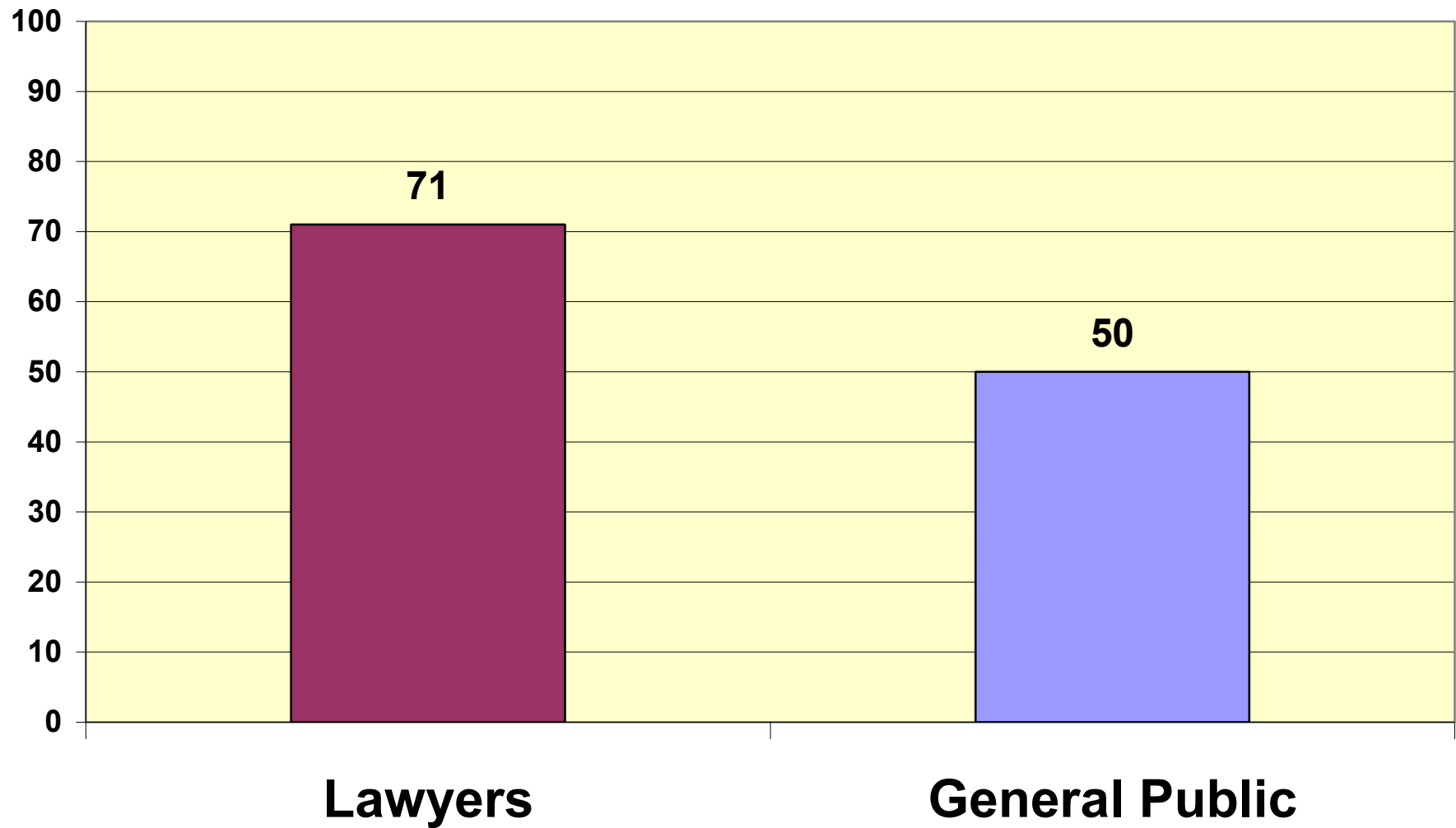
## Autonomy: The “cowboy” culture

- “I make the rules . . . I don’t have to follow them”
- “Don’t tell *me* what to do!”
- High Autonomy people *like* control and *don’t* like change – especially change that’s imposed on them

# Very High Abstract Reasoning



# Pretty High Urgency

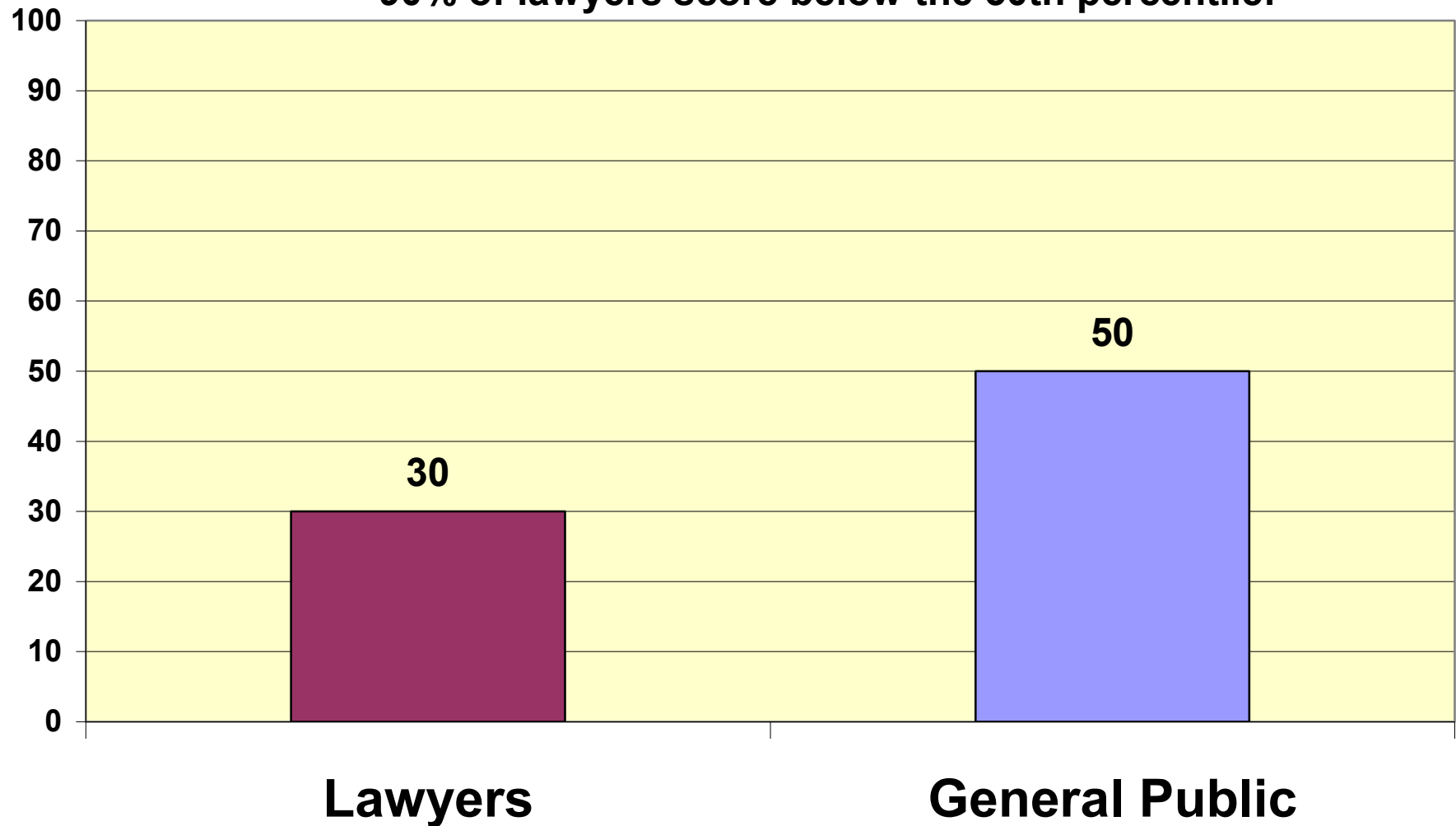


## Abstract Reasoning & Urgency

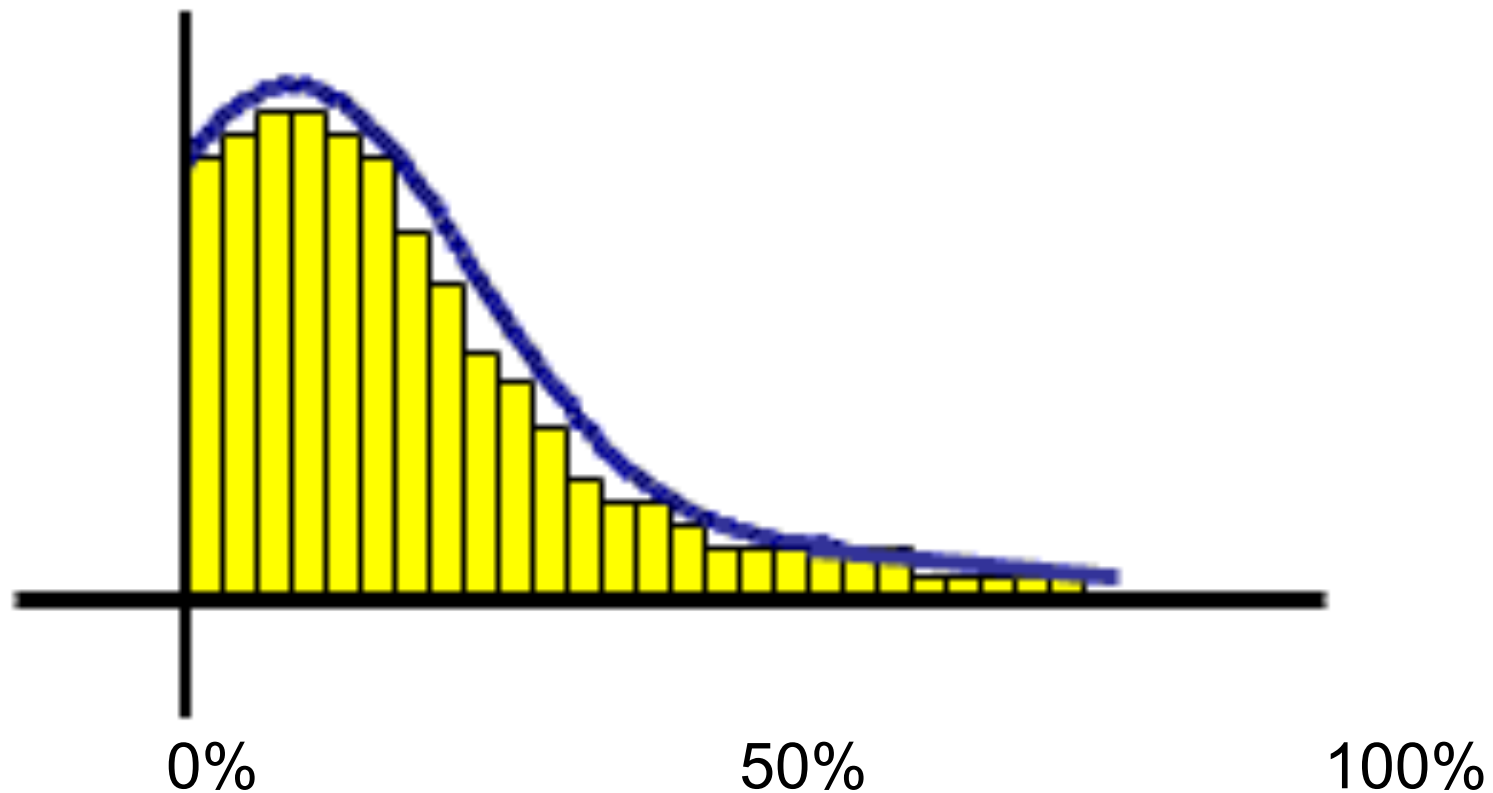
- “I’m a quick study”
- “I like to find the holes in your argument . . . and I’ll only give you 8 seconds to make it”
- Hard to have a conversation about managing change

# Really Low Resilience

**90% of lawyers score below the 50th percentile!**



## How Resilience is Distributed: Skewed Distribution





## Low Resilience

- Lawyers are change-averse
- (But actually no more risk-averse than average)
- Low Resilience explains why they sometimes avoid risk

## Consequences of Low Resilience

- Change and uncertainty → stress, risk, mistakes
- Low Resilience amplifies these effects
- Impact can be severe
  - Narrowing of focus
  - Cognitive mistakes more likely, especially errors of omission
  - Health claims (physical and mental) on the rise
  - Professional liability claims on the rise

## Low Resilience Lawyers

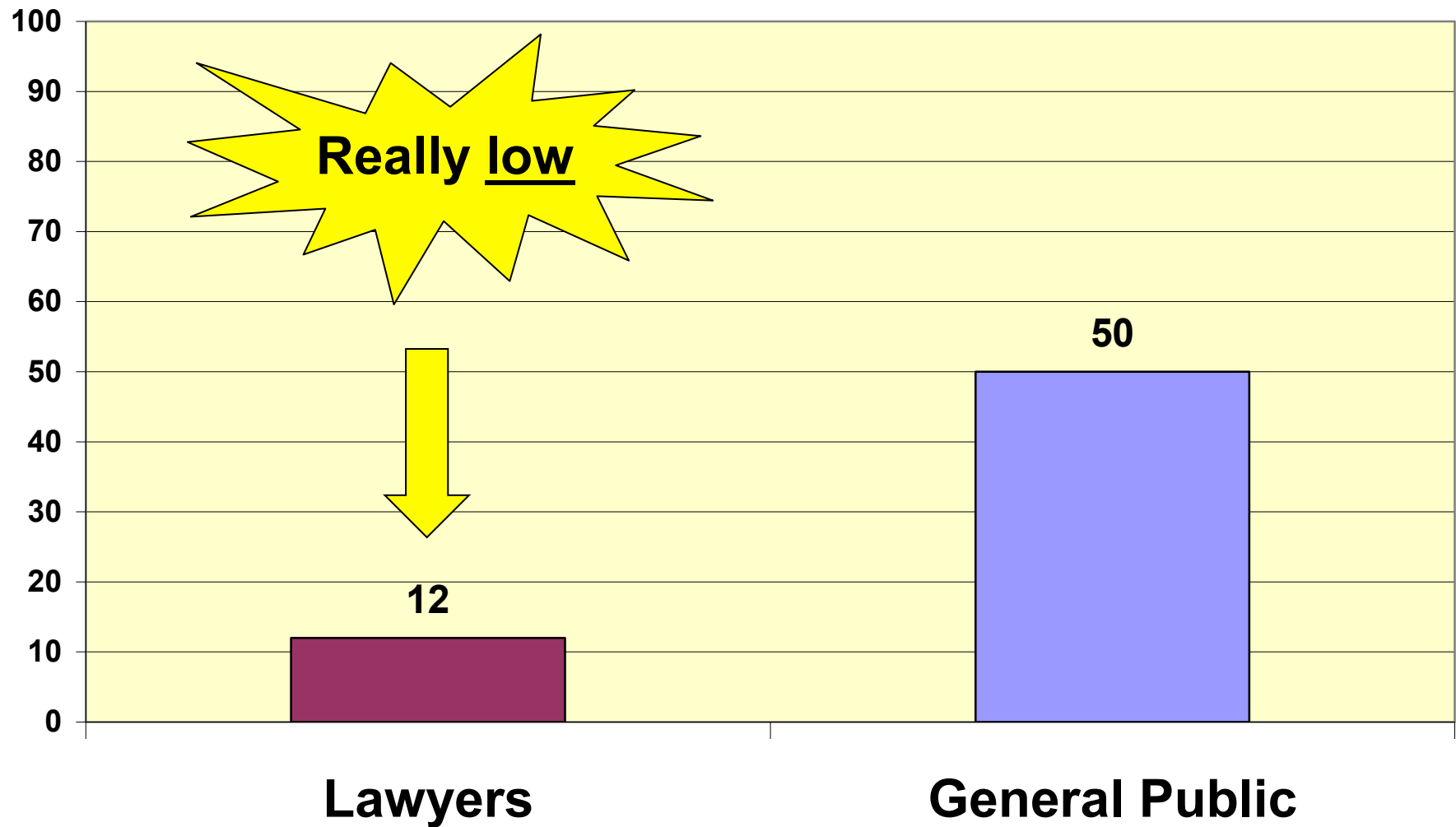
1. More vulnerable to setbacks in the first place
  2. Suffer deeper effects of setbacks
  3. Have a harder time getting back to baseline
- **MORE VULNERABLE TO STRESSES OF CHANGE**
  - **Manage Resilience and you manage change**

## Personality and Resilience

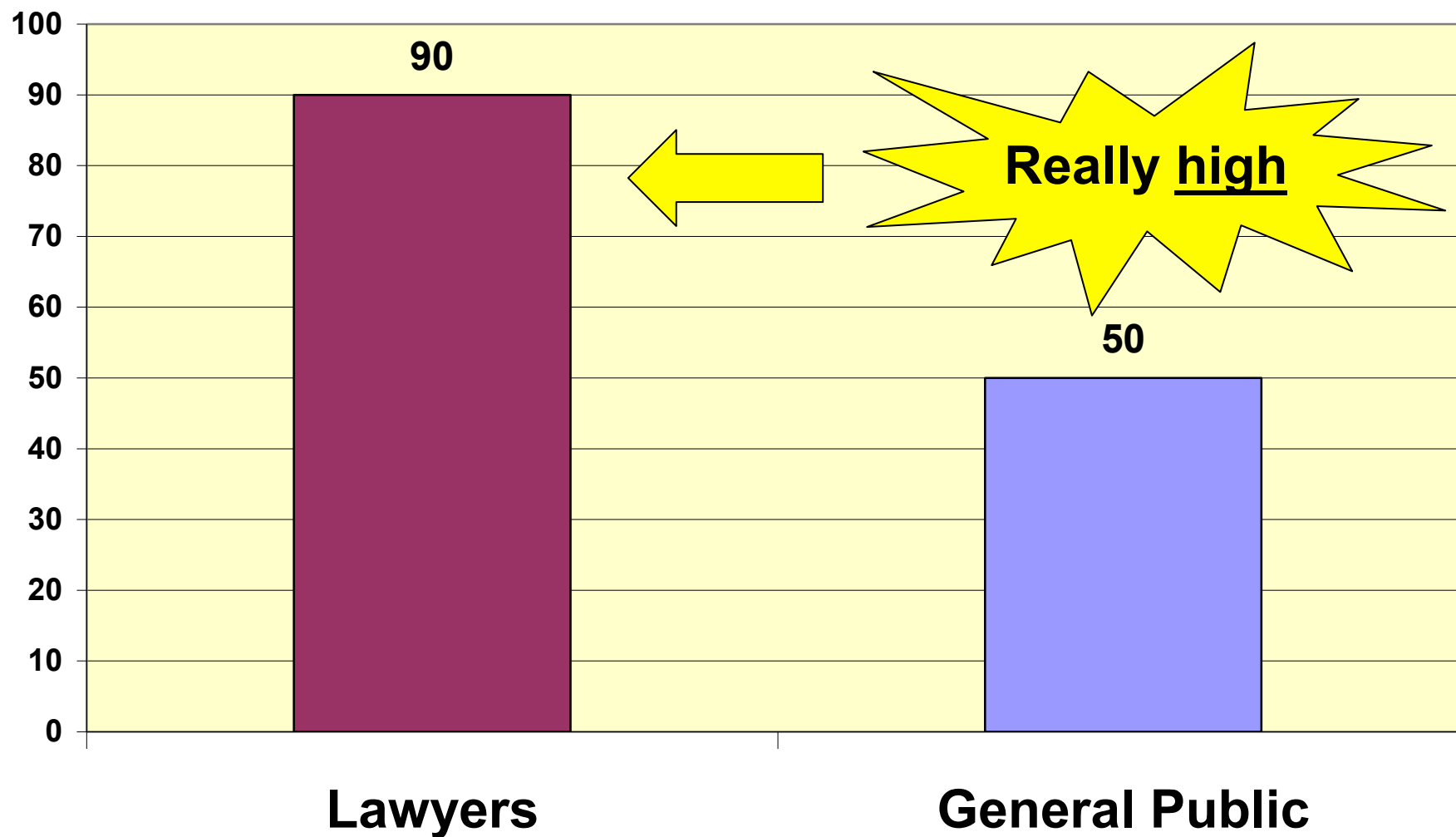
- High Resilience:
  - a) Good social connection
  - b) Optimistic thinking style

(Science, not mindless “happy talk”)
- Where are lawyers on these?

## Low Sociability (Connecting is awkward)



# High Skepticism (Low Optimism)



**“We’re in the problem  
business”**

**-- Greg Jordan, Nov 15, 2013**



# Skepticism's Dark Side

- Common descriptors for lawyers:

- ✓ Cynical
- ✓ Skeptical
- ✓ Critical
- ✓ Pessimistic
- ✓ Negative

- Negative mindset

- Neural pathways and “riverbeds”

## Consequences of Lawyer Negativism

- Depression
- Suicide
- Divorce
- Substance Abuse
- Unhappiness

# We can do better

## What We Know About Resilience

- Resilient people do much better in life
- Resilience can be taught
- Has to do with cognitive skills
- Can both recover from setback, and can immunize against future events
- Of the 6 traits, most amenable to improvement
- US Army training: Increase Resilience in soldiers

# HBR.ORG Harvard Business Review



APRIL 2011  
REPRINT R1104H

**FAILURE: RECOVER FROM IT**

## Building Resilience

What business can learn from a pioneering army  
program for fostering post-traumatic growth  
*by Martin E.P. Seligman*

## 4 Strategies to Build Lawyer Resilience

1. Increase Meaning
2. Build positive cognitive neural riverbeds  
(optimism)
3. Build positive emotional neural riverbeds  
(Positivity Ratio)
4. Build social connection

1.

# Increase Meaning

## Increasing Meaning

- **Making meaning: A universal need**
- **Meaningful work → positive outcomes. Well established. Includes reductions in . . .**

### Reductions in . . .

- Stress
- Depression
- Turnover
- Absenteeism
- Dissatisfaction
- Cynicism

### Increases in . . .

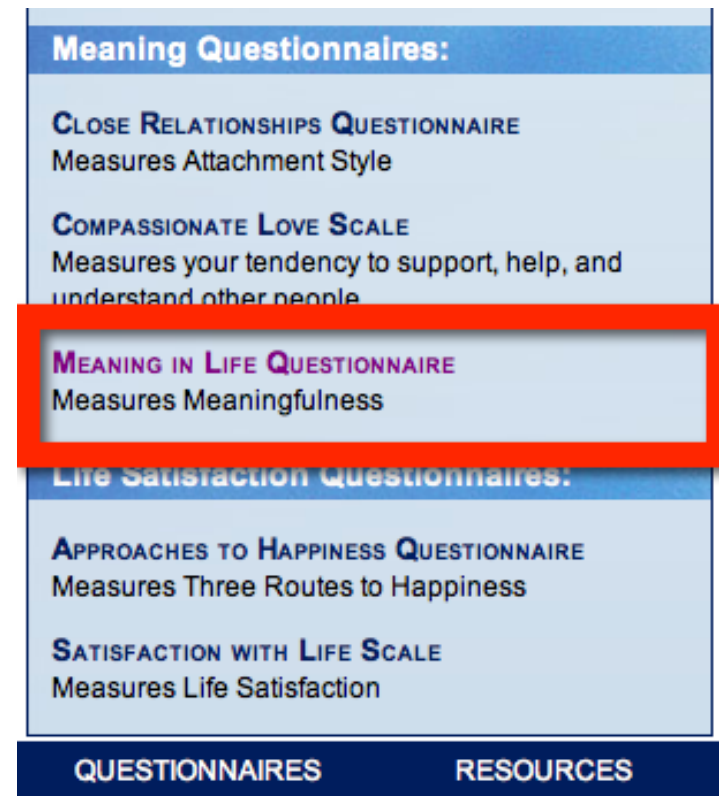
- Commitment
- Effort
- Engagement
- Empowerment
- Happiness
- Satisfaction
- Fulfillment

## How to Foster Positive Meaning?

1. Provide work that has a positive impact on the well-being of human beings
2. Provide work that is linked to an important virtue or personal value
3. Provide work that has a lasting impact (legacy) or a ripple effect
4. Provide work that builds supportive relationships or a sense of community

## Meaning in Life Questionnaire (free)

**Go to:**  
<http://www.authentichappiness.sas.upenn.edu/Default.aspx>



**Meaning Questionnaires:**

- CLOSE RELATIONSHIPS QUESTIONNAIRE**  
Measures Attachment Style
- COMPASSIONATE LOVE SCALE**  
Measures your tendency to support, help, and understand other people
- MEANING IN LIFE QUESTIONNAIRE**  
Measures Meaningfulness

**Life Satisfaction Questionnaires:**

- APPROACHES TO HAPPINESS QUESTIONNAIRE**  
Measures Three Routes to Happiness
- SATISFACTION WITH LIFE SCALE**  
Measures Life Satisfaction

**QUESTIONNAIRES      RESOURCES**

# Scott Westfahl: Example from a law firm

2.

## Build Positive “Neural Riverbeds” by Adopting an Optimistic Thinking Style

## Which is “resilient”?

- Someone who feels and acts...

A

Down, despairing  
unsure, unmotivated,  
withdrawn

B

Up, hopeful,  
confident, motivated,  
engaged

## **Activity: Generating Explanations Part 1**

- Imagine a lawyer who has gotten a poorer than expected result for a client.
- In the moment that result becomes evident, the lawyer's brain starts generating explanations as to what caused the event.
- With a partner, generate explanations that point to causes that will continue to operate far into the future and affect many areas of the lawyer's life.
- E.g., "I'm not smart," or "The judges hate me."

## Reflect

- Let's hear some examples.
- Thinking like this, how do you imagine this lawyer would feel and act?

A: Non-resilient

Down, despairing,  
unsure, unmotivated,  
withdrawn

B: Resilient

Up, hopeful,  
confident, motivated,  
engaged

## **Activity: Generating Explanations Part 2**

- Same scenario: a lawyer who has gotten a poorer than expected result for a client.
- But, this time, with your partner, generate explanations that might pop into the lawyer's brain that point to causes that are short-term and limited only to that event.
- E.g., "I had the flu and couldn't prepare like I normally do."

## Reflect

- Let's hear some examples.
- Thinking like this, how do you imagine this lawyer would feel and act?

A: Non-resilient

Down, despairing,  
unsure, unmotivated,  
withdrawn

B: Resilient

Up, hopeful,  
confident, motivated,  
engaged

## Explanations Matter

- When bad things happen (setbacks, criticism, failure, rejection)
- Short-term, specific explanations of causes lead to resilience – feeling and acting in ways that lead to success. (“Optimistic Thinkers”)
- Long-term, broad-acting explanations lead to non-resilient ways of feeling and acting, including depression. (“Pessimistic Thinkers”)

## Optimistic Thinkers (100s of studies)

1. are happier and less depressed
2. are healthier (fewer illnesses and faster recovery time when sick)
3. live longer – by on average 9 years
4. are seen as better leaders
5. have stronger relationships
6. perform better under pressure
7. are more successful in school and in work
8. Are more “pro-social”

## Try this for the next week

- There is more to resilient thinking than we can cover here, but you have the foundation.
- Over the next week, when you run into an adversity, bump-in-the-road, or setback, write down what thoughts your brain popped up about why that event happened. Do this as soon as possible.
- If you notice a pattern of long-term, broad-acting explanations, write out more short-term, narrow causes. Notice the effect on your mood and motivation.

# De-Brief

# Scott Westfahl: Example from a law firm

3.

**Build Positive “Neural Riverbeds” by Adopting More Positive Feelings Than Negative**

## Activity: Optimism & Positivity at Work



- At your table, brainstorm ways that you could increase the Positivity Ratio—for individuals, groups, meetings, teams, etc.
- List the steps and be prepared to report out
- 6 minutes

# De-Brief

# The Positivity Ratio

"Positively wonderful!...Offers sure-fire methods for transforming our lives from so-so to joyous."  
—DANIEL GOLEMAN, author of *Emotional Intelligence*

# POSITIVITY

Top-Notch Research  
Reveals the 3 to 1 Ratio  
That Will Change Your Life

"Read one or two  
chapters daily as needed  
or until grumpiness subsides."  
—DANIEL GILBERT,  
bestselling author of  
*Stumbling on Happiness*

**BARBARA L. FREDRICKSON, PH.D.**

KEMAN DISTINGUISHED PROFESSOR, UNC-CHAPEL HILL,  
AWARD-WINNING DIRECTOR OF THE PEP LAB

## Increase the Positivity Ratio

- **Barbara Frederickson: Broaden-and-build**
- **3:1 ratio in individuals and dyads →**
  - take in more info
  - make richer interpretations
  - higher levels of creativity & productivity
  - greater intellectual complexity
  - greater intellectual interest
  - Less fear, anger, sadness & anxiety
  - enhanced decision-making
  - more pro-social behaviors
- **5:1 in groups and organizations**

## Try this for the next week

- **Individuals:** Monitor your own thinking. Twice a day, during a 5-minute interval, count how many positive thoughts vs. how many negative thoughts you're having (aim for > 3:1)
- **Dyads:** Count how many positive statements vs. how many negative statements (aim for > 3:1)
- **Groups:** Same as dyads (aim for > 5:1)

# Scott Westfahl: Example from a law firm

4.

# Build Social Connection

# Scott Westfahl: Example from a law firm

## Dean Ornish: Social Connection

- Patients: open-heart surgery
- 2 questions:
  - 1) "Do you draw strength from your faith?" What ever that faith was did not matter.
  - 2) "Are you a member of a group that gets together on a regular basis?"
- Results—Mortality 6 months after surgery:
  - “Yes” to both: 3% died
  - “No” to both: 21% died

# Active-Constructive Responding (ACR)

## Increase Social Connection

- Dr. Shelly Gable:
- Constructive vs. Destructive
- Active vs. Passive
- 4 response styles to good news—only *one* of them builds the relationship
- “Will you be there for me when things go right?”
- **How you respond to the *good news* of others** is the single best predictor of an effective long-term relationship

# The 4 Response Styles

|                                                                                                                        |                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| <b>Active Constructive Responding</b><br><br>(the sharer gets to re-live their good news; produces + emotion for both) | <b>Active Destructive</b><br><br>(the sharer is a parade of good news and you are the rain)            |
| <b>Passive Constructive</b><br><br>(you offer quiet, understated support essentially stopping the conversation)        | <b>Passive Destructive</b><br><br>(you take over the conversation and make it about you and your news) |

# What Are Your Patterns?

| Active Constructive              | Active Destructive               |
|----------------------------------|----------------------------------|
| Tom – 20%      Parents – 40%     | Tom – 50%      Parents – 10%     |
| Brother – 60%      Friends – 70% | Brother – 20%      Friends – 20% |
| Passive Constructive             | Passive Destructive              |
| Tom – 30%      Parents – 40%     | Parents – 10%                    |
| Brother – 20%                    | Friends – 10%                    |

What prevents me from ACR: Stress/Lack of Sleep/Too Much Work

## **Activity: Active-Constructive Responding (ACR)**

- Do this activity on your own. Your responses are private and confidential. No one will ask to see them.
- Write down the names of 5 people whom you are really close to—family, friends, colleagues, clients, etc.
- For each individual, think back over the past 3 months—when that person tells you good news, how do you typically respond? Write that individual's name in the appropriate ACR quadrant on slide #16.
- When done, pair up with one other person and discuss any insights you had.
- < 5 minutes

# De-Brief

# Thank You

## Recommended Books

- ***The Resilience Factor* by Karen Reivich & Andre Shatte.** Describes 7 steps, based on cognitive psychology, that can enable an individual to increase his/her Resilience. The basis for the “mental toughness” component of the U.S. Army program that I mentioned.
- ***Flourish* by Martin Seligman.** His most recent book. A good introduction to positive psychology.
- ***Learned Optimism* by Martin Seligman.** One of his earlier books, but a very important one. Describes his original model of “optimism” or “explanatory style”, and how it can be learned.
- ***Positive Leadership* by Kim Cameron.** A synopsis of the empirical research in positive psychology as applied to organizations, as of 2008.

## Recommended Books, cont' d

- ***Positivity* by Barbara Frederickson.** Describes her original research on the “positivity” model and why we need a 3:1 ratio of positive to negative communication.
- ***StrengthsFinder 2.0* by Tom Rath.** Tom is a psychologist with the Gallup Organization. This book describes the 34 strengths that they measure. If you purchase the hardbound version of the book, it comes with one free coupon to take the StrengthsFinder test online. Find out your top 5 strengths.
- ***The Happiness Advantage* by Shawn Achor.** A very readable summary of the latest principles of positive psychology.



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## LawyerStrong<sup>sm</sup> Resilience Services

- Paula, Dave & Larry are partners in LawyerStrong, consultants to law firms
- We design and deliver practical, science-based Resilience training programs for lawyers
- Our goal is to teach lawyers Resilience skills that can lead to outcomes like the following:
  - ✓ increased work satisfaction
  - ✓ higher work engagement
  - ✓ increased life satisfaction
  - ✓ reduction in episodes of depression
  - ✓ increased collaboration
  - ✓ better firm citizenship behavior
  - ✓ increased kindness
  - ✓ increased gratitude
  - ✓ less distractibility and greater focus
  - ✓ better health and well-being