Making the Case for Wellness

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One early morning as I was driving to my job at the New Jersey Attorney Generals Office, I found myself pounding the steering wheel. At home, I had already hit the snooze button countless times so the “pounding the wheel” portion of my morning was the final “wake up call” that I needed to do something different.

For many of you, your signs of stress and unhappiness aren’t as dramatic, but are no less impactful. You realize at some level that you need to change something about your work and how you approach self-care. Some of you listen, but many more ignore the message.

Fortunately, the legal community, often resistant to change, is beginning to seriously acknowledge the importance of wellness. An increasing number of jurisdictions in the U.S. and Canada have a wellness/mental health/substance abuse CLE requirement or at least allow wellness programs to satisfy CLE hours. This is important not only on the human level, but also for more practical reasons.

Christopher Newbold, Executive VP of ALPS says, “If lawyers are not taking care of themselves, they generally are more likely to commit malpractice, and our experience in claims handling supports that” (Christine Simmons, New York Law Journal at LawCom, November 28, 2008). Looking at systemic changes is outside the purview of this article, but law firms must get on board as well. Newbold says that “[w]e’re creating cultures in law firms that are misaligned with the values of taking care of one another.”

The recent National Task Force on Lawyer Well-Being report (The Path to Lawyer Well-Being: Practical Recommendations for Positive Change, lawyerwellbeing.net) concluded that “lawyer well-being issues can no longer be ignored” due to “an elevated risk for mental health and substance abuse disorders.” In addition, the report says that many lawyers are not “thriving” and are experiencing “a profound ambivalence” about their work.

Having “made the case” for wellness, the remainder of this article offers interventions for improved well-being.

Challenge Automatic Negative Thoughts

Billable hours, financial strains and life events are well known stressors. Add to that the human foibles of perfectionism and intolerance for weakness/hypercriticism and unrealistic standards of achievement and can lead to negative thoughts (“I’m a failure,” “I always [or shouldn’t] make mistakes,” “My life’s [or better] which impact mood and behavior.

Also called self-talk, these negative thoughts often go unchallenged. The thoughts sometimes have great power and can warp our perceptions of reality. Some common categories of negative self-talk are below from David Burns, Feeling Good Handbook 1989, 1999 and John Grohol, PsychCentral.com).

Consider whether you fall into some of these traps, as many of us do.

• Filtering: Magnify the negative details of a situation while filtering out all positive aspects.
• Polarized Thinking: Also called “all or nothing” thinking. You are either perfect or a complete failure.
• Overgeneralization: Arrive at a general conclusion based on a single incident or piece of evidence. You see a single, unpleasant event as part of a never-ending pattern of defeat.
• Catastrophizing: Expect disaster to strike, no matter what. You use “what if” questions to imagine the absolute worst occurring.
• Shoulds: Ironclad rules about how every person including yourself should behave. You feel angry when others break the rules and guilty or ashamed when you violate your own rules.
• Emotional Reasoning: Whatever a person is feeling is believed to be true automatically and unconditionally. If you feel stupid and boring, then you conclude you are stupid and boring.

Since these thoughts often go unchallenged, a common intervention is to dispute the negative self-talk with questions such as: What is the evidence for this thought or belief? Am I confusing a thinking habit with a fact? Is this a thought a habit I learned from my parents? Would I speak with a close family member or friend with the same language I use on myself?

The next step is to replace the old thought with a more realistic one. Here is a more detailed example (from Stress Management for Lawyers, How to Increase Personal & Professional Satisfaction in the Law, Aniram Elworm, Ph.D. Vorkell Group 2007).

Self-Talk: “I am going to totally blow this trial!”

Disputing questions:
• How do I know this will happen before the trial even starts?
• How many times have I actually blown a trial before?
• How many times have I said that before, but it never happened?
• What is a possible truth? I need to prepare a little more because I think my opening performance is weak.

Notice exceptions to the problem (or learn more about the individual) but one thing: the last of the 21 days. They can be big things like your health and family and “smaller” things, such as a sunny day (an important one for me since I live in the Northwest), a good piece of pizza or having a friendly conversation with a stranger. As lawyers, we are trained to look for potential problems, which is helpful on the job, but can also impact well-being. This exercise helps you train the brain to look for positive things in your life rather than scanning for what’s wrong.

Generosity. Richard Davidson, PhD from The Center for Healthy Minds says, “The best way to activate positive-emotion circuits in the brain is through generosity.” (There are systematic changes in the brain that are associated with generosity). Consider concrete ways that you can be generous to people and animals. For me, it is regularly volunteering at an animal shelter.

Go outside. To me, this is a no-brainer. If you need proof, one study (Brotman et al., Nature Experience Reduces Dumination and Subgenun-Prefrontal Cortex Activation, Proceedings of the National Academy of Sciences of the United States of America) concluded that walking in nature reduced participants’ rumination on negative aspects of their lives, as evidenced by self-report and a change in brain activity.

Notice exceptions to the problem for learning from the past and the present). When Atlanta Braves first baseman Freddie Freeman is in a batting slump, it is probably helpful for him to review records of his swing when he is hitting well and identify what he is doing differently. Your slump looks different, but the same lesson applies. If you are unhappy with your job or feeling stressed, ask yourself: When in the past have I enjoyed this or any job? Been more released? Engaged in better self-care? Also focus on the present. Pay attention to when things are going well with your job and well being. In other case, whether it is past or present exceptions to the problem, note what’s different and how you made it happen. Basically, you are going to school on yourself.

Talk with someone. Discussing concerns with someone is often helpful even if the other person says little. Leverage available resources such as colleagues, mentors, family, university counselors, friends, spouse/partner or a religious advisor. This suggestion should not be discounted. Getting something off your chest can be incredibly helpful whether you are simply “venting” or problem solving.

Micro self-care. Micro self-care is defined as quick, self-replenishing practices throughout the day, every day, that are simple, free and doable. In other words, don’t wait for your next vacation. Incorporate small habits into your day and throughout the week. You can start the day with a grounding tool (i.e., listening to music in the car on the way to work, practicing an energizing tool after lunch, walking outside) and implement something relaxing at the end of the day to transition out of work (i.e., on the way home sit at a local lake for 10 minutes). During a workshop, one lawyer said that to avoid bringing work issues home he would imagine putting it in a duffle bag and tossing them by the side of the train tracks he crossed on the way home. He would “pick up the duffle bag” in the morning on the way back to work.

Strategy for Keeping Your Commitments

At the end of one of our CLE programs a lawyer participant said, “This is in all well and good, and I am pretty pumped up now, but I have been trying to do these kinds of things for years and yet I always seem to drift back into my old ways. How is any of this really going to make a lasting difference?” Fair point! Here are suggestions for keeping your commitment to improved well-being.

Pick one key desired change.
• Make sure the goal is SMART (Specific, Measurable, Attainable, Relevant and Time Bound). I will listen to classical music during my commute to work for three of the five days (you can eventually increase the days, but it is important for you to experience success first).
• Write down the goal.
• Tell someone you trust.
• Ask that person to follow up with you.

So, to avoid the “drift back into your old ways,” write down one thing you can commit to NOW to improve your well-being AND identify who are you going to tell. Michael Kahn is co-founder of ReelTime Creative Learning Experiences (www.reeltimemuscle.com), as well as a therapist and personal coach. He was a Deputy Attorney General with the NJ Attorney General’s office for six years before leaving the law in 1991 and becoming Career Services at Tulane Law School. ■

Did You Know?

ReelTime CLE currently has 4 programs available in the LB’sCLE OnDemand library:
• Illumination of Bias
• Nobody Told Me There’d Be Days Like These! (Marriage, Divorce, Custody)
• Passing the Torch...While Its Still Got Heat!
• The Accidental Lawyer: Terms of Engagement

Check them out at www.loubar.org/online-de/