

LIVE LEGAL WELL

EXPLORING MENTAL HEALTH & WELL-BEING IN THE LEGAL PROFESSION



**Visualization
Replacing Worry
with Resiliency**

**Living with ADHD
and Tips for
Lawyers**

**Willpower: The
Unsung Hero in the
Legal Profession**

**Lawyer like an
Athlete & Lessons
from the LFMI**

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LETTER FROM THE Editor in Chief

Welcome to the inaugural issue of Live Legal Well. We are grateful that you visited us and hope you stop by frequently. At the start of every quarter, we will bring you an magazine (ezine) filled with insightful articles and content focused on mental, physical, and emotional health. Many of our articles will address issues specific to the legal field, and others will be more general.

This month's articles cover everything from visualization to applying principles from the sports world to help legal professionals perform at the highest levels sustainably. Legal professionals are intellectual athletes, and when performing deep work, the brain consumes an enormous amount of the body's energy. Sally Jenkins explores this in detail in her bestselling book, "The Right Call, What Sports Teach Us About Work and Life." I recommend that everyone drawn to this magazine read it.

People in business cannot achieve sustained greatness without the right mental and physical training, and law firms and legal departments must embrace these principles to thrive in our overstressed, and overstimulated peripatetic culture. Manu Kanwar and Stu Woollard discuss ways for legal services providers to benchmark their organization's well-being using the Law Firm Maturity Model Index.

Mark Yacano, Senior Consultant at Unbiased Consulting, LLC. and Editor in Chief of Live Legal Well



People in business cannot achieve sustained greatness without the right mental and physical training, and law firms and legal departments must embrace these principles to thrive in our overstressed, overstimulated peripatetic culture. Manu Kanwar and Stu Woollard discuss ways for legal services providers to benchmark their organization's well-being using the Law Firm Maturity Model Index.

Every issue will feature an interview with someone in the mental or physical wellness space. In this month's issue, I interviewed Annie Little, one of the career premier coaches for lawyers at an inflection point in their careers. We have an open and candid discussion about living with ADHD and tips for lawyers and other legal professionals who have it. Data suggests that a much higher percentage of lawyers have ADHD than the general population, and that does not even account for those who remain undiagnosed.

Now more than ever, we need to become educated on the challenges faced by people with ADHD and other neurodiverse conditions. We hope that struggling readers will learn that they are not alone in dealing with this condition and there are steps they can take to get help. We hope that peers and leaders will become more aware of how people learn and work and, instead of judging and negatively labeling neurodiverse people, recognize that there are ways to

bring out their greatness. In the coming months, we will share more details about the global wellness community we are building for professionals across the legal services ecosystem. We are building a warm and loving village where you can ask questions, share stories, connect, support each other, and find resources. We understand that the entire legal profession is under extreme pressure, and wherever possible, we attempt to eradicate the distinction between lawyers and other legal professionals regarding wellness and performance. No ecosystem can thrive if we only tend to the health of selected parts of it. Our approach is holistic and inclusive. We hope you will join us on this journey when the time is right.

Happy Reading! We hope you enjoy learning. Please send us feedback and suggestions! We welcome submissions of articles for consideration, and if you would like to write one, we are happy to work with you to brainstorm about the content. We have created Live Legal Well for you and encourage your participation.

Best Regards,

Mark Yacano


Mark Yacano, Editor in Chief

VISUALIZATION: A SCIENCE-BASED TOOL FOR REPLACING WORRY WITH RESILIENCY

By Jarrett Green and Rebecca Simon Green. Authors, Consultants, Law Professors, Keynote Speakers, Thought Leaders, and Change Agents to the Legal Industry

*This article is an excerpt from the authors' forthcoming book, **Happiness and Peak Performance in the Law**, to be published by the ABA later this year.*



A woman with curly hair is shown in profile, looking upwards. The background is a vibrant, abstract, colorful scene of a cityscape with falling confetti or paper, suggesting a celebratory or hopeful atmosphere.

Have you ever engaged in visualization while preparing for or performing a high-stakes project in your legal career? While we cannot hear your answer (unfortunately articles tend to be unilateral in their communication!), we believe that over 95% of you would answer this question with a definitive “no.” That is what we have found from asking this question to thousands of lawyers across the globe. When you think of “visualization,” the image that probably comes to mind is of a new-age mystic named Blaine in a tie-dye t-shirt waiving healing crystals and a sage stick while claiming to “manifest” his goals in the future. Not exactly your cup of tea. But what if this is not what real visualization is?

If you in fact answered the above question by saying you do not engage in visualization, we would like to respectfully disagree with you. We are quite certain you have engaged in visualization. Why is this? Because you have worried about a high-stakes legal project before. In fact, like all lawyers, you have worried about countless projects, tasks, and deadlines. And what is occurring neuropsychologically when you are worrying? You are thinking of that professional event unfolding in the future in an unsuccessful way. Your brain is actually seeing it go badly: you are envisioning yourself struggle as you complete it or you are envisioning yourself performing poorly on it or failing in some way.

More specifically, you are experiencing a split-second image in your mind of the fear manifesting into reality (which feels like it is happening), which triggers you into a state of stress or anxiety. This visualization occurs unconsciously and rapidly (in as little as one-tenth of a second), so you are usually unaware that an actual visualization is occurring. But make no mistake about it, it is happening. If you don't believe us, go ahead and worry about something right now, but do not allow any images to pop into your mind. See how that's impossible?

The truth is that we are all visualizing constantly; we are just visualizing negative outcomes. And then we call it "worrying." (This negative visualization is caused by our negativity bias, a cognitive bias hardwired into the brains of all mammals and reptiles that causes us to mentally conjure up possible bad outcomes that can threaten our lives, so that we can effectively anticipate and survive them. The negativity bias is great for survival when an actual threat of death is looming in the future, but it's terrible for well-being and resiliency on a day-to-day basis.) So, as we navigate the constant influx of non-lethal challenges in our career and life, our brain nevertheless generates images of the bad outcome occurring, and then stress floods our system. This fight-or-flight response in turn causes our cognition to become impaired, as the low-level survival thinking of our amygdala hijacks the high-level thinking of our prefrontal cortex.

Since you are already visualizing undesirable

outcomes in your career (and life), we would like to invite you to continue to visualize – except with desirable outcomes. Don't worry, it's nothing new: Just do the same thing you do when you worry, except see yourself succeeding rather than failing. When you engage in positive visualization, you will induce feelings of resilience, rather than stress, and you will enhance your cognition, rather than impair it.

*do the same thing you do
when you worry except see
yourself succeeding rather
than failing*

The World's Greatest Athletes Depend on Visualization

Virtually all of the greatest professional athletes of the last couple of decades have one thing in common: they all swear by visualization. Rather than waiting until the actual championship game, or the Super Bowl, or the NBA Finals, or the Wimbledon Final to mentally and emotionally navigate the high-stakes pressure and overwhelming stress, they begin doing it in advance. They use their mind to pre-experience the event in great detail and see themselves flourishing and succeeding.

Then, when the actual game arrives, their brain responds with a level of confidence, resiliency, and poise that primes them for maximal success.

Here are some of the greatest athletes in history who have publicly discussed their vital use of visualization: Michael Jordan, Serena Williams, LeBron James, Lionel Messi, Ronda Rousey, Kobe Bryant, Tom Brady, Simone Biles, Stephen Curry, Mia Hamm, Aaron Rodgers, Alex Rodriguez, Diana Taurasi, Michael Phelps, Muhammad Ali, Mike Trout, Misty May-Treanor, Patrick Mahomes, Carli Lloyd, Cristiano Ronaldo, Billie Jean King, Usain Bolt, and countless others whose addition would make this already-lengthy sentence far longer.

As stressful as your legal work is, imagine if you were drafting that document with 50 million people watching every sentence you write in real time, and then tweeting about every error you make. “OMG, she wrote that damage to the plaintiff is an element of trespass to chattels but it is NOT! LOL!! #loser.” That is a whole new level of pressure. We lawyers have much to learn about stress resiliency and peak performance from the world’s greatest athletes – who have decoded how to mentally, emotionally, cognitively, and physically excel under the most stressful circumstances. Unsurprisingly, visualization is probably the most common non-physical tool that superstar athletes rely upon. Following in the footsteps of these masters of peak performance would be a prudent decision for any lawyer.

The Science of Positive Visualization

Modern science reveals that the human brain struggles to differentiate between visualized experience and actual experience – which is

why visualization yields such potent results. One study, for example, used brain scans to measure the brain activation of individuals when they performed an activity and when they visualized performing the activity.[1] The study found that visualization produced regional brain activation that was similar to, and highly overlapped with, actually performing the activity.

This is why picturing yourself struggling during a high-stakes presentation or client pitch induces a stress response. You haven’t even entered the location of the event yet, but your brain’s visualization mechanism is replicating the experience. It’s also why even a split-second thought of losing this case or negotiation causes a jolt of dread. The ultimate outcome is still months away, but your brain doesn’t seem to know that in the moment. These are examples of your brain engaging in automated visualization by spontaneously forming an image of some bad outcome that you desperately want to avoid. Which, of course, triggers an unpleasant emotional reaction.

Since, as we mentioned above, all lawyers (and humans) are already engaging in visualization throughout the week, we might as well begin using visualization to optimize, rather than undercut, our well-being, resiliency, and cognition. Instead of allowing automatic, negative visualizations to monopolize our visualization experience, we would be wise to add deliberate, positive visualizations to the mix.

The science shows that this sort of visualization

can yield major benefits. Perhaps our favorite visualization study was conducted by the Cleveland Clinic, one of the most prestigious medical institutions in the country.[2] The researchers sought to determine whether visualization can build muscle strength – without any associated muscle movement. You read that correctly: they wanted to see if visualization, alone, could strengthen our muscles.

The researchers intentionally selected a muscle that was underdeveloped in most people because this approach would yield the clearest scientific results across the research population. So they chose the pinky abductor muscle, which connects the first joint of the pinky with the edge of the palm. (Nobody walks around the most dangerous part of town late at night flashing their pinky abductor muscle, shouting out, “Don’t mess with me, my pinky abductor muscle is yoked!”)

The participants were broken into three groups: (i) a group that would perform 15 minutes of pinky abductor exercises five days per week for twelve weeks, (ii) a group that would perform 15 minutes of pinky abductor visualizations (but no actual pinky exercises) five days per week for twelve weeks, and (iii) a control group that did neither. The exercise group, using rubber bands, did a variety of pinky strength exercises each day, such as pinky curls, pinky squats, pinky raises, and of course, pinkie lunges. (Yes, those are real things.) The visualization group sat in a chair for those same 15 minutes while visualizing themselves performing those same exercises. The control group sat in in a chair for the

same 15 minutes while reading or doing any other non-pinky activity they chose. All of the participants’ pinky abductor strength was measured before and after the twelve-week period.

We will now point you to the results. (Sorry, terrible finger pun.) The actual exercise group experienced a whopping 53% increase in muscle strength in the pinky abductor muscle over the twelve weeks. But even more startling, the visualization group experienced a 35% increase in muscle strength. That’s correct, from pure visualization, they increased their muscle strength by 35%. And they didn’t even lift a finger! (Another awful finger pun, sorry, we couldn’t help ourselves.) The control group, unsurprisingly, experienced no change in their muscle strength across the twelve-week period. This study demonstrates the remarkable power of visualization: we can build physical strength in a muscle without even contracting or using that muscle. That is how potent the human mind is, and how potent the technique of visualization is.

Visualization Builds Mental and Emotional Muscle

More importantly for your purposes, visualization is effective at building mental and emotional muscle. According to Johns Hopkins, “[S]tudies have shown that imagery [aka visualization] can help the mind and body relax” and “can also help . . . manage anxiety, stress, and depression.”[3] Moreover, it can help “reduce pain,” “lower blood pressure,” and “give you a better sense of control and well-being.” One study found that people who

practice positive visualization about a future goal are far more optimistic and confident both in the present and as they approach that goal: “We found a robust relationship between vividness of positive imagery and optimism, indicating that the more vividly someone could imagine a future achievement, for example, the more optimistic the individual was.”[4] Another study asked half of the participants to visualize a positive future event that was described to them and asked the other half to think about the verbal meaning of the same description that was provided to them.[5] Both groups experienced an improvement in their emotional state, but the visualization group’s boost was even higher. Moreover, the visualization group had more positive interpretations of unrelated events that were subsequently described to them. In other words, by engaging in a short positive visualization about one event, their brains – at a later time – automatically interpreted unrelated events more positively without even engaging in visualizing regarding those events.

Visualization has also been shown to decrease exam anxiety among graduate and undergraduate students. One study found that first-year graduate students in nursing school experienced “significantly reduced” test anxiety after just one week of daily visualization, unlike the control group, who experienced no reduction in test anxiety over the same period.[6] Another study assessed whether a less-than-one-minute guided visualization practiced by undergraduate students right before taking an extra credit math test could affect


their test anxiety.[7] It did. Their test anxiety levels after the visualization were approximately half the levels of the control group, who were tested after completing an informed consent form that took about the same amount of time as the visualization.

A separate study found that individuals with moderate public speaking anxiety experienced reductions in their anxiety and distress about public speaking after practicing visualization, unlike the members of the control group, who did not engage in visualization.[8] Another study found that corporate employees suffering from intense stress and burnout experienced large reductions in stress levels and major improvements in well-being and overall mood as a result of visualization.[9]

How to Effectively Visualize

Considering the compelling scientific evidence that visualization is a powerful (yet drastically underused) tool for improving one’s emotions and mood, we highly encourage you to make visualization a standard part of your legal career. The ideal visualization contains two components: (1) imagery; and (2) emotion. First create detailed images in your mind of you flourishing in your performance, and then conjure up the palpable emotions that such flourishing would bring.

Regarding the second prong, truly allow (or force) yourself to feel the emotions you would feel if this flourishing were really happening. You may be surprised at how easy it is to evoke a specific emotion on command. Just suspend disbelief and pretend to feel the

A photograph of Tom Brady and his Tampa Bay Buccaneers teammates celebrating on the field. Tom Brady is in the foreground, wearing his white jersey with the number 12 and a black helmet with the Buccaneers logo. He has his right arm raised in a fist pump. Other players in white jerseys and black helmets are visible behind him, also celebrating. The background is a blurred stadium.

*Visualization helped
Michael Jordan,
Serena Williams and
Tom Brady achieve
greatness and
manage their stress
along the way*

vivid emotion. See yourself succeeding through each stage of the event. See any undesirable obstacles arise – and then see yourself overcoming those obstacles.

Feel your mental strength, feel your courage in the face of fear, and feel your inner power. See yourself performing with greatness. See yourself triumphing. See yourself smiling brightly after completing the event – glowing from head to toe. Feel the exuberance from all of your efforts paying off. Feel the glory.

And then open your eyes and continue on with your life. You will notice a palpable shift in your internal state.

Visualization is probably the best thing you can do in those nerve-racking last moments before a high-stakes court hearing, negotiation or meeting (or when you are sitting at your desk in the final seconds before a video conference where you are tasked with providing an important update to your boss or client on the pending “fire”). Rather than stewing in stress, or obsessively cycling through the documents you are wanting to reference, or numbing yourself to the stress by doom-scrolling through social media or internet articles, you can visualize yourself thriving and excelling through the event. This activity will put your brain into prime condition for the event. You can do the same thing right before pivotal events in your personal life, such as a first date, a difficult conversation with your spouse, or a stressful social event.

You can also use visualization as a general well-being practice, rather than limiting it to acute, pre-event optimization. For example, you can commit to yourself that you will engage in a 30-60 second visualization every 2-3 days for the next month. In fact, we invite you to take out your phone right now and create a calendar reminder for every two days (or three days, if you prefer). Whenever your reminder pops up, calmly finish whatever you are doing, and then close your eyes and imagine yourself thriving on whatever task or project is on your mind at that moment. Through this simple practice, you will be consistently priming your mind to feel confidence, positivity, and resilience. Your baseline mental and emotional state in one month from now will likely be discernibly better than it is at this time. While we recommend making this a long-term practice, doing a one-month experiment should give you the ROI needed to convince yourself to incorporate it as an ongoing routine in your life.

It's Time to Adopt Visualization in Your Life

If visualization helped Michael Jordan, Serena Williams and Tom Brady achieve greatness and manage their stress along the way, it can certainly help us lawyers do the same. Now that the modern science proves the human brain cannot effectively differentiate between visualized and actual experience, Pablo Picasso's words from over a century ago reverberate as undeniably true: “Everything you can imagine is real.” So if you want to feel a real sense of well-being, confidence and resilience, just imagine it.

About the Authors

Jarrett Green, Esq., M.A., is an internationally-recognized well-being, stress management, and peak performance consultant. Jarrett graduated from UC Berkeley School of Law and then practiced commercial litigation for 12 years, first at the international law firm Skadden Arps and then at his own boutique litigation firm. He eventually left the practice of law so he could live his passion of helping lawyers, legal professionals, and other high-stress individuals experience less stress, greater happiness and emotional well-being, improved cognition, and productivity, and enhanced overall success. He has a Master's in psychology with emphases on neuroscience, positive psychology, and cognitive-behavioral psychology, as well as Certifications in Executive Coaching, Mindfulness, and Stress Management. He works with nearly half of the AmLaw 100 law firms, such as Sullivan & Cromwell, Gibson Dunn, White & Case, Morrison & Foerster, and Mayer Brown, and many Fortune 500 companies, such as Visa, NBC-Universal, Hyundai Motor Company, Salesforce, and Allstate Insurance Company. He teaches law school classes on well-being and performance optimization at USC Law School and UC Irvine Law School. Along with his wife Rebecca, he is the co-author of the book, "Happiness and Peak Performance in Law School," and is currently working on their next book, "Happiness and Peak Performance in Law." Jarrett blends science, humor, storytelling, and easy-to-apply techniques to maximally impact audiences. Learn more at [NKBconsultancy.com](https://www.NKBconsultancy.com).

Rebecca Simon Green was a law professor and leader in the Academic Success and Bar Passage programs at her alma mater, Southwestern Law School, for several years before leaving full-time Academia to become a Well-Being and Performance Champion to the legal industry. She has coached hundreds of law students and lawyers on growing their stress resiliency, enhancing their cognitive performance while under pressure, and finding deeper meaning and purpose in their lives. Rebecca has a 2-year Certification in Mindfulness from the UC Berkeley Greater Sciences Center, has completed the Executive Mind series from the Drucker School of Management, and is certified in Public Policy from the Pardee RAND Graduate School. She has consulted to and led workshops at many global law firms, such as Sullivan & Cromwell, Ropes & Gray, White & Case, Shearman & Sterling, and Mayer Brown, and many top corporations, such as U.S. Bank, NBC-Universal, and Allstate Insurance Company. She teaches law school classes on well-being, happiness and performance optimization at USC Law School and UC Irvine Law School. Along with her husband Jarrett Green, Rebecca is the co-author of the book, "Happiness and Peak Performance in Law School" (West Academic Publishing, 2023), and is currently working on their next book, "Happiness and Peak Performance in Law." Rebecca's greatest passion is being of service in the lives of others. Learn more at [NKBconsultancy.com](https://www.NKBconsultancy.com).

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MARK YACANO SPEAKS WITH ANNIE LITTLE

LIVING WITH ADHD AND

TIPS FOR LAWYERS

Interviewer: Mark Yacano

Introduction

I had an opportunity to sit down with Annie Little, JD, PCC. Annie is the founder of JD Nation and an ICF-certified coach. She is renowned for her prowess as a career whisperer to lawyers seeking to advance within the profession or find opportunities outside law practice.

She is also committed to helping lawyers and others with ADHD manage their conditions and find ways to thrive. Like me, she came to an ADHD diagnosis later in life. Because of that, she has a unique view of the challenges that lawyers and other legal professionals who have not been diagnosed or have delayed getting treatment face daily.

We sat down and spent some time talking about Annie's journey, both personally and professionally after learning about her neurodiversity. She is open, candid, and hopeful both for herself and for the clients with ADHD that she works with.

Mark Yacano

Thank you for sitting down for this interview. We are grateful to have you.

Annie Little

It's my pleasure; I'm honored to share my knowledge of and experience with ADHD.

Mark Yacano

Can you tell us about yourself and the work you do in the legal profession?



Annie Little

Sure! I practiced law for seven years as a real estate finance attorney in small boutique firms. In 2012, I founded JD Nation to help lawyers find the career direction they need to land jobs they actually like—whether that’s within the legal profession or doing something completely different. Ever since getting diagnosed with ADHD in 2021 at age 40, I’ve been working to destigmatize ADHD in the legal profession through education, training, speaking engagements, and ADHD coaching for lawyers. Because so many lawyers have ADHD, I strongly believe it’s important for everyone in the legal field to gain a better understanding of the hereditary, neurodevelopmental brain disorder that goes

beyond outdated and false stereotypes.

I like to say that if you’re a lawyer, you are likely to either have ADHD or work with someone who has ADHD.

Mark Yacano

Over the last several years, you have openly shared that you have ADHD and the impact that it has had on your life. How did you discover that you have ADHD?

Annie Little

During the lockdown period of the COVID pandemic, I started to experience extreme forgetfulness and was struggling more than usual with executive functions like time management, emotional dysregulation, and

completing tasks and projects despite genuinely wanting to work on them. I had also started to look into getting a diagnosis of ADHD for my then 7-year-old daughter. I was beyond surprised when I started learning about how symptoms can present (especially in women and high-achievers) and recognizing that I had been experiencing most of them for my entire life.

I also learned that it's easier to get a diagnosis for a child—especially an academically high-achieving girl—when one of their parents has a diagnosis because ADHD is highly heritable. We're talking 70-90% chance of having a kid with ADHD if a parent has it! I spoke with my psychiatrist who had been treating me for generalized anxiety disorder and asked her if I was ridiculous for wanting to get assessed for ADHD. I was pleasantly surprised when she said it's not uncommon for high-achieving women to seek a diagnosis later in life (especially during the early parenting years) when the coping mechanisms they've relied on to overcompensate for their untreated ADHD begin to degrade.

Because the waitlist for an in-person assessment during the pandemic was 6-12 months, I let my impulsivity take the reins and completed an assessment through ADHD Online. Within 48 hours of completing my assessment, I had a formal diagnosis of combined type ADHD from a licensed psychiatrist.

Mark Yacano

Were you worried about doing the assessment online? After talking to you, I did the as-

essment through the same organization, and the one thing that worried me was whether the test was built to make a precise diagnosis. Yet, my symptoms were such a classic match for the disorder that it helps explain the life-long issues I have had with balance, depth perception, impulsive spending, and fixation on new topics.

Annie Little

Oh totally! I was worried that (a) it was a scam, and (b) that it wouldn't provide an accurate diagnosis. Like you, my symptoms read like a textbook such that despite them telling me it would take weeks to get my results I had my diagnosis within two days. At the time, I was desperate for answers and didn't have another option available to me earlier than six months, so I decided that the \$150 assessment fee was worth the risk.

I've heard from others who have used the ADHD Online assessment process to get a diagnosis, and each person's process is a bit different. Sometimes, the psychiatrist will reach out with follow-up questions or request a virtual appointment to get clarity around some of the answers provided on the questionnaire. Occasionally, they'll refer people for an in-person assessment if they cannot diagnose them conclusively. And then there are people like you and me with typical presentations of ADHD symptoms who get a pretty swift diagnosis.

Mark Yacano

Once you and your daughter got the diagnosis, how did you go about putting together a

plan to manage your condition? What resources did you tap into?

Annie Little

We both opted to begin treatment with stimulant medications to help manage our symptoms. I worked with ADHD Online to find the right medication and dosage almost immediately after getting my diagnosis. After a brief trial and error period, we landed on the right meds and I started to see improvement in my symptoms within a few months.

I went through the entire process before my daughter could even get an appointment with a child psychiatrist to get assessed. We also got her on the waitlist for a local behavioral therapy practice geared toward girls with anxiety and ADHD.

While we waited for her first appointments, I dove headfirst into learning everything I could about ADHD. I tapped into my network of friends who had received ADHD diagnoses over the past few years (as it turns out, we ADHDers tend to find each other and stick together!) to get their perspectives on what worked for them and how they were navigating life with their kids who also have ADHD.

Because I majored in cognitive psychology and studied attention in college (the irony does not escape me), I read everything from academic journals to research papers to virtually every article on ADDitudemag.com and CHADD.org. I also looked into ADHD coaching and am now on track to be a certified ADHD coach by the end of 2024.

Armed with all that knowledge, I was able to help us to better understand the way our brains work. The most valuable part of this process was identifying what types of behaviors were out of our control (i.e., not personal failings) and what we could do to mitigate and manage those symptoms. By the time my daughter was able to get diagnosed, treated, and into behavioral therapy, I was one of those over-educated parents who was raring to go!

Mark Yacano

You said something so important about the need to distinguish between behaviors that are of our control as neurodiverse people and personal failings. After you received your diagnosis, did it shine a light on parts of your life that had been either frustrating or hard to explain? Can you give some examples of what you learned?

Annie Little

My ADHD diagnosis has provided endless amounts of perspective on virtually every aspect of my life. The biggest epiphany was recognizing I had intense, deeply entrenched self-loathing. Before my diagnosis I believed that there was something fundamentally wrong with me, particularly that I was lazy. How else could I explain all my academic and professional achievements on the one hand and my chronic, debilitating procrastination, tardiness, and impulsivity on the other?

It was really confusing to reconcile all the impressive, challenging things I had done—and ostensibly was capable of doing again—



ANNIE LITTLE

with all the easy or simple things I somehow couldn't even start let alone finish (e.g., doing a load of laundry). The understanding that certain things in life truly were harder for me due to no fault of my own finally allowed me exercise self-compassion in a meaningful way instead of hijacking my stress response to force myself to do something or drown in shame if I couldn't muscle through.

One huge revelation was understanding why I absolutely loathe grocery shopping. It's both boring (i.e., understimulating) because it in-

volves planning for meals I don't want to cook and overwhelming (i.e., overstimulating) because of the massive amounts of options, people, sounds, and other stimuli at the grocery store. Now I no longer feel like a "bad spouse" because my husband does all our grocery shopping. As it turns out, I have an amazing partner and an affinity for other chores my husband would rather not do.

I also didn't realize that most people don't have to regularly reread paragraphs (or even pages!) of text multiple times because they've forgotten what they just read. Of course, I thought it happened more often to me because I was lazy or had some other underlying failure. In reality not unlike most people with ADHD, my working memory is garbage and sometimes what I've just read or heard (e.g. someone's name) doesn't get encoded. While it's still annoying to reread something several times or embarrassing to ask someone to repeat themselves, I no longer have the hypercritical internal narrative that shames me for not being more attentive.

Mark Yacano

Did that deeper insight into yourself change how you saw some of your clients? How so?

Annie Little

Prior to publicly sharing my ADHD diagnosis, I only knew of one client who had ADHD. After sharing my diagnosis, many of my current and past clients shared their diagnoses with me.

That was very eye-opening to me in that I realized most lawyers didn't feel safe disclosing their ADHD due to stigma in the legal profession. I also had a deeper understanding of the struggles my ADHD clients described and was able to point out to them where ADHD was the root cause rather than any personal failing on their part. That kind of validation can be very empowering and liberating.

Mark Yacano

Do lawyers have higher rates of ADHD than the general population?

Annie Little

Yes! Based on a 2016 ABA survey on lawyer mental health, we learned that 12.5% of lawyers (1 in 8) reported having ADHD. This is 2.5 times the rate of ADHD in the general population which is reported to be around 5% of adults (1 in 20).

Also, it's important to keep in mind that many lawyers don't know they have ADHD, so that 1 in 8 number is likely a low estimate.

Mark Yacano

What are some common misconceptions or stereotypes about ADHD that can impact how lawyers with ADHD are perceived?

Annie Little

The biggest one is that high achievers can't have ADHD (i.e., smart people can't have ADHD). But there is no correlation between intelligence and ADHD in any direction.

Another common misconception is that

ADHD isn't a "real" disorder, but rather an excuse that people use as a crutch. In reality, it's a neurodevelopmental brain disorder characterized by dopamine deficiency that explains the symptoms of people with ADHD.

Along these same lines is the misconception that lawyers with ADHD shouldn't get reasonable accommodations to help them do their best work because it's unfair to their neurotypical colleagues. Because ADHD is so misunderstood, many lawyers believe that ADHD lawyers should be able to "just focus" or "work harder". Which to me sounds about as helpful as asking a visually impaired person to just squint more and they'll be able to see like everyone else.

While there are so many misconceptions around ADHD in the legal profession, the last one I'll mention is that they're perceived as lazy. This is a particularly pernicious stereotype because despite it not being true, many (if not most) ADHD lawyers believe themselves to be lazy.

But here's the thing: when people are being lazy, they're enjoying doing nothing. People with ADHD are not enjoying any part of being unproductive when they should be or want to be working. One of the most painful parts of ADHD is having the knowledge of what needs to be done or wanting to do something and being physically unable to make it happen. We know what to do, yet our neurobiology prevents us from converting that knowledge into action by no fault of our own. In other words, our brains aren't producing/sending

the dopamine neurotransmitters from the “knowing” part of our brain to the “doing” part of our brain.

So while we may look like we’re blissfully scrolling on our phones instead of getting work done, internally we’re often berating ourselves and desperately begging ourselves to just put down the dang phone and complete our to-do list. Yet we physically can’t do it!

Mark Yacano

What are some of the challenges and benefits of having ADHD as a lawyer?

Annie Little

Before I share more, it’s important for me to note that no two people’s experience with ADHD is the same. The type and severity of symptoms varies among people and even across an individual’s lifespan thanks to changes in hormones, demands of daily life, and general effects of aging on our senses.

That said, there are some common challenges among ADHD lawyers that relate to executive functioning. Dr. Russell Barkley, who is one of the leading experts in ADHD research, often characterizes ADHD as a disorder of executive function. What this often looks like in lawyers is general disorganization, missing deadlines, failing to track or enter billable time, being late to work or meetings, and issues with prioritization and planning. While everyone struggles with executive functions sometimes, people with ADHD have executive dysfunction that is chronic, severe, and

debilitating. In other words, everyone is not a little ADHD.

There are at least as many benefits for lawyers who have ADHD! People with ADHD are excellent with pattern recognition (i.e., issue spotting) and creative problem-solving. This often looks like ADHD lawyers identifying or anticipating issues other lawyers may miss or not discover until later and developing novel solutions to complex problems. Under the right conditions, lawyers with ADHD are able to hyperfocus when learning new areas of law or working on a complex project, which can look like them becoming experts in a short period of time or successfully completing a large assignment on a compressed timeline. Nothing fuels an ADHD brain like an impending deadline! People with ADHD also have a strong sense of justice and intolerance for injustice, which helps to explain at least in part why so many ADHDers are drawn to the practice of law.

Mark Yacano

I am about to ask a compound question; you may object if you like. But here it goes - How do you manage your ADHD symptoms and cope with stress, distractions, and deadlines in your work environment? What advice do you give your clients who also have ADHD?

Annie Little

It’s an ongoing experiment that varies from day to day and sometimes minute to minute, but the one constant every ADHDer needs is radical self-acceptance. This is because the only consistency with ADHD is chronic

inconsistency. Some days it'll be easy to stay on task and do what needs to be done. Other days you'll follow the same protocol that's worked for months and be stuck spinning your wheels all day. But remembering that ADHD provides additional challenges that are woefully outside our control is vital with a high-demand job like lawyering.

Sometimes it can be helpful to remember that every lawyer struggles to manage stress, distractions, and deadlines. People with ADHD aren't necessarily dealing with novel stressors in that respect.

At the same time, the severity and frequency with which ADHD lawyers encounter these stressors far exceeds what neurotypical lawyers experience. This perspective can help when we feel like we wouldn't have these struggles if we didn't have ADHD. We definitely would, just not to the same degree.

Generally, the advice I give to lawyers with ADHD is to understand under which conditions they work best and which conditions are absolutely intolerable. Everyone's ADHD symptoms manifest differently, so each of us needs to take the initiative to figure out what we need from our work environment in order to do our best work.

By way of example, I have a really hard time remembering verbal instructions because of working memory deficits and auditory processing delays related to my ADHD. Thus, I know that written instructions allow me to fully understand an assignment whereas with

verbal instructions I tend to have trouble completing the assignment successfully because something gets lost in translation. If I work with someone who prefers to deliver instructions to me verbally, I can recognize that as an opportunity to request written instructions as well or ask to record the instructions so I can listen and transcribe afterward.

Mark Yacano

Disclosure is always a tricky thing. You and I can be more open because we work for ourselves, but many lawyers must exist within the confines of a firm, and disclosure can be tricky. There is a fear of stigmatization, while at the same time, disclosure is necessary to request accommodation. What are your approaches to helping lawyers work through that dilemma?

Annie Little

As it turns out, you don't need to disclose your ADHD in order to request accommodations! Take my example of needing written instructions from above. While I certainly could explain that my ADHD-related symptoms make it difficult for me to process verbal instructions, it's not necessary. Instead, clients and I work together to identify what they need to ask for in order to make it easier to do their job.

For example, I could tell my supervisor I've learned over the years that I'm able to complete projects faster and more accurately when I have written instructions and then ask if they would be open to writing down their instructions. Side note: even if I were to invoke

the Americans with Disabilities Act (ADA) by disclosing my ADHD, my supervisor likely wouldn't be required to provide written instructions. Rather the goal is to collaborate in finding an arrangement that makes it easier for me to do my job and that is reasonable for my supervisor to implement.

In this case, I could ask if it'd be okay for me to record our meetings so I can listen to the instructions later if need be. I could also suggest that I provide my understanding of the assignment in an email that they could then reply to in order to confirm my understanding or fill in anything I missed.

Mark Yacano

Can you share some examples of how some of your clients have successfully learned to adapt to thrive despite or because of their ADHD diagnosis?

Annie Little

For those who thrive despite their ADHD, I put them in the camp of radical acceptance and self-compassion. As they learn which behaviors are attributable to their ADHD rather than a sign of a personal failing, they're finally able to give themselves grace instead of feeling shame and self-loathing.

Those who thrive because of their ADHD diagnosis do so by identifying what aspects of their ADHD present as strengths in certain situations. Because the ADHD nervous system picks up and processes unfiltered stimuli, lawyers with ADHD take in a lot of social cues many people would miss. For some this trans-

lates into having strong social and emotional intelligence which allows them to "read a room" almost instantly and adapt to any situation. This is particularly helpful in high stakes, stressful situations like trials or negotiations.

Finding the right medication has been life-changing for many of my clients (and myself!) after receiving an ADHD diagnosis. While meds aren't a panacea, they provide a temporary yet powerful support for the overwhelming demands that lawyering—and honestly straight up adulting—can make on our executive functioning.

My clients also tell me that their newfound understanding of how the ADHD nervous system is wired (as opposed to the neurotypical nervous system) has helped them to recognize and troubleshoot when inconvenient symptoms present themselves.

In particular, they not only feel relieved to learn what will trigger the release of dopamine for most people (e.g., something deemed important, future rewards, or avoidance of potential consequences) don't have the same effect in those of us with ADHD. Instead the ADHD brain will send dopamine where it needs to go when presented with tasks that are interesting, challenging, novel, and/or urgent. Knowing how to jump-start the flow of dopamine using these types of triggers is incredibly powerful.

As an example, urgency is one of the easiest triggers to introduce when someone is having

trouble starting or completing a task. One option is to set a timer and race the clock to complete the task before time expires (this also introduces a challenge and is sometimes referred to as gamification). Sometimes our brains will deem this deadline too artificial to be effective, so we can up the urgency factor by having the end time for the timer coincide with the beginning of a meeting or some mandatory event.

Another option is to break a larger project into smaller chunks with a series of deadlines. While this can be somewhat tricky for some of us with ADHD to do on our own, we can enlist someone who can help us prioritize the order in which tasks should be completed and work backward to create a string of deadlines.

Mark Yacano

What are some of the resources or support systems that you recommend for lawyers who have ADHD or suspect that they might have it?

Annie Little

- *ADHD Online* for relatively quick, affordable assessments and diagnosis as well as medication management and therapy.
- *CHADD.org* and *ADDitude Magazine* for the best free information about ADHD
- *EEOC: Reasonable Accommodations for Lawyers with Disabilities*. This resource provides many examples of possible workplace accommodations and how to go about requesting them for lawyers with not only apparent disabilities, but also so-called invisible disabilities including learning disorders,

ADHD, psychiatric conditions, and autoimmune diseases.

- *EEOC Enforcement Guidance on Americans with Disabilities Act and Psychiatric Disabilities*
- *Job Accommodation Network (JAN)* is a free service from the U.S. Dept of Labor's Office of Disability Employment Policy that provides specific info about workplace accommodations
- *Focusmate* is a virtual coworking platform that helps ADHDers with accountability by having another person visible who is also working.
- Dani Donovan – Creator of *The Anti-Planner and ADHD comics that help those of us with ADHD feel understood*
- Jessica McCabe – *How to ADHD YouTube Channel*
- *Dr. Russell Barkley's YouTube Channel*

CLOSING

Mark Yacano

Annie, thank you for your time and openness to sharing your experience and the wisdom you impart to your clients. Can you tell our readers how they can find and learn more about you?

Annie Little

You can learn more on the JD Nation website at thejdnation.com, by following me on [LinkedIn](#), and subscribing to my [YouTube](#) channel.


WILLPOWER: THE UNSUNG HERO IN THE LEGAL PROFESSION

By Marco Imperiale, Founder and Managing Director of Better Ipsum



A few years ago, during my master's program, I asked one of my mentors about the secret behind the success of legal professionals. "Not genius," he said, "but stamina, grit, and the capacity to focus in a pressured environment after an all-nighter."

Despite the harshness of a profession that promotes a tough, billable-hours-oriented culture, it is undeniable that a lawyer's mental and physical resilience is often as critical as her legal acumen. However, while we underscore the importance of reliability, precision, and persuasion, we tend to underestimate the value of self-control, delayed gratification, and resilience—qualities that underpin much of human persistence and success.

A chalkboard with a wooden frame, standing on a tripod. The text "Get your Cup of Willpower" is written in white chalk on the dark surface. The background is a blurred office or library setting with bookshelves and a desk.

Get your
Cup of
Willpower

This is why I wanted to explore the role of willpower, drawing upon seminal research and offering actionable strategies to strengthen this inner resource.

Indeed, in the complex and demanding arena of legal practice, understanding the nuances of human behavior and self-regulation is not just beneficial; it's essential.

The Psychological Underpinnings of Willpower and Their Relevance to Legal Practice

Our journey into the exploration of willpower and self-regulation begins with Roy Baumeister's pioneering work on the strength model of self-control [1]. Baumeister famously introduced the concept of willpower as a muscle

that can be both depleted and strengthened over time. His research into "ego depletion" provided the first insights into how the exertion of self-control in one task can diminish our capacity for self-control in subsequent tasks, laying a foundational understanding of the limitations and capabilities of human self-regulation. What impressed me about Baumeister's work is not only that our willpower is dynamic (therefore, not static) but that it is constantly "attacked" by everything that happens to us. Imagine a day that starts this way: your shower is not working properly, your children are sick, your breakfast is quick, and the coffee is not good, then you spend hours in traffic, and you discover a client has found another, cheaper provider.

Technically, you are starting a working day full of energy, and in the first hours, you should perform at your top level, but your inner resources are just depleted.

Speaking about science and psychological research in the willpower field, another author that intrigues me is Walter Mischel [2], author of the famous marshmallow test (repeated many times in different scenarios), which underscored the long-term benefits of delayed gratification. Mischel's findings revealed that children who were able to resist immediate rewards ("*Are you able to wait 2 minutes before eating the marshmallow so that you can have two?*") in favor of larger, delayed rewards tended to achieve better life outcomes. How about emphasizing the importance of ethical diligence, foresight, and patience, instead of quick, potentially unethical gains?

Our knowledge of the topic is enriched through the concept of grit, analyzed by Angela Duckworth [3]. Duckworth's research emphasizes the combination of passion and sustained persistence towards long-term goals, positing that these qualities are more predictive of success than talent or intelligence alone. Duckworth analyzed Navy Seals, Ivy League graduates, famous artists, and successful professionals, trying to see what was the common trait behind their success, and she found grit as the common element. I would stress that grit is not synonymous with stubbornness. Stubbornness indeed means repeating the same action several times (sometimes expecting different outcomes),

while grit adds to the concepts of perseverance and resilience the notion of deliberate feedback. To put it in legal terms, it's not just about the hours you put in. It's how you receive feedback. Plus the hours!

Enhancing self-control through a better understanding of its psychological underpinnings

Lastly, I would highlight the work of Kelly McGonigal, particularly through her best-seller "The Willpower Instinct [4]." What I liked about McGonigal's approach is that her research, which is also the subject of a Stanford Course, offers practical insights into enhancing self-control through a better understanding of its psychological underpinnings. McGonigal highlights how mindfulness and effective stress management can bolster self-regulation, providing legal practitioners with strategies to manage the pressures and ethical dilemmas inherent in their work.

Strengthening Willpower: Strategies for Legal Professionals

Given the indispensable role of willpower in law, and taking into account the aforementioned research, how can legal professionals nurture this resource? I've outlined 12 evidence-based strategies designed to enhance willpower, tailored to the unique challenges of the legal profession:

1. **Increasing Glucose Intake.** Glucose is one of the hidden secrets in willpower management. Consuming a good amount

during the day will make your tasks easier. If you want to avoid processed sugar, try dates or natural honey (my favorite).

2. **Managing properly our nutrition.** Closely related to glucose management is nutrition. Willpower relies on physiological underpinnings, so working on a balanced diet can provide the energy needed for self-control. Consider small, frequent meals rich in complex carbohydrates (I'm aware this sentence might be controversial) and proteins to sustain energy and focus throughout the day. Also, take into account the Japanese concept of 'hara hachi bu,' which suggests not eating more than 80% of your full capacity.
3. **Working with Incremental Challenges.** Similar to muscle training, willpower can be strengthened through gradual and consistent challenges. However, be mindful of the effects not reaching our goals can have on our self-esteem. I suggest starting with small, achievable goals that require discipline, gradually increasing their difficulty as our capacity for self-control grows. In sport terms: don't start with a marathon. Start with 3 km of running, then increase by 10% each week, and one day you'll find yourself completing a marathon.
4. **Prioritizing and Delegating.** Recognize that willpower is a finite resource. By prioritizing tasks based on importance and deadlines, learning how to say "no," and delegating when appropriate, you can conserve willpower for the tasks that truly require it. Lawyers and legal professionals often enjoy being busy and managing hectic agendas, but if your to-do list has hundreds of items, and you know you won't finish everything by the end of the day, there's something wrong with the system. Moreover, your brain may start associating the to-do list with the frustration and shame of incomplete tasks due to the Zeigarnik effect.
5. **Establishing Routines.** Routines minimize the need for decision-making. Structured daily habits, particularly around time management and task prioritization, can help maintain and hopefully strengthen our most precious resource. Routines can be work-oriented (starting with deep work, or 20 minutes of mail catch-up, doing lunches with colleagues or clients, quick naps in the afternoon, etc.) or personal (waking up without snoozing, meditating at the start of the day, doing sports in the morning/evening, etc.). Both affect our willpower.
6. **Practicing Mindfulness and Meditation.** Practices that enhance mindfulness can improve self-regulation, helping to replenish willpower reserves. Short, daily sessions (even just a few minutes) can bolster mental resilience and focus. For more on this topic, refer to my previous article on Legal and Business World.
7. **Doing Physical Exercise.** Regular physical activity not only improves overall health

but has also been shown to enhance serotonin levels and willpower. Moreover, it strengthens our discipline, making us more capable of tackling unpleasant tasks in a work setting. I personally suggest a small amount of physical activity every day, though some colleagues find strong, periodic sessions to be effective as well.

8. **Resting Adequately.** Sleep is crucial for cognitive function and self-control and can help replenish depleted willpower reserves. While the importance of proper sleep may seem obvious, many lawyers struggle with both the timing and quality of their sleep [5]. So, if you're on the edge of another Netflix binge, consider postponing it.
9. **Strengthening our Nets of Social Support.** Building a network of supportive colleagues and mentors can provide encouragement and accountability, essential components for sustaining effort and perseverance. During particularly hectic or stressful periods, these networks are crucial. Good personal and professional networks can be ineffective if we are not willing to ask for help in difficult times, so don't hesitate to seek assistance before reaching the burnout stage.
10. **Reframing Challenges.** Adopting a positive mindset towards challenges can transform daunting tasks into opportunities for growth, reducing the willpower expenditure required to tackle them. For instance, an extra deal can represent either your

worst nightmare or an opportunity for a promotion or a bonus at the end of the year. Similarly, dealing with a difficult partner can be seen as either dramatic or a great learning experience [6].

11. **Celebrating Successes.** Recognizing and celebrating achievements, no matter how small, can reinforce our willpower by highlighting the tangible outcomes of our persistence and self-control. However, it's important to avoid excessive celebration, as it might lead to a dependency on rewards. That said, the carrot-and-stick approach is always a good place to start.
12. **Investing on Purpose.** Being connected with what we are doing can significantly boost our willpower. The impact of purpose is often underestimated in the legal business. Drawing from another Japanese concept, Ikigai, I suggest finding a sweet spot among what you are good at, what your social group/society needs, and what satisfies you professionally and personally.

Conclusions

In the demanding realm of law, where the stakes are invariably high and the pressures unrelenting, willpower emerges not just as a beneficial attribute but as a foundational necessity. Through the deliberate application of strategies designed to bolster this critical resource, legal professionals can enhance their capacity to navigate the profession's challenges, achieving not only greater professional success but also personal satisfaction and well-being. Strengthening willpower is a

hidden yet crucial factor for thriving in these difficult but exciting times for the legal profession.

Notes

[1] R. Baumeister and J. Tierney “Willpower. Rediscovering the Greatest Human Strength”, Penguin, 2012

[2] W. Mishel “The Marshmallow Test. Mastering Self-Control”. Little, Brown Spark, 2015

[3] A. Duckworth “Grit. The Power of Passion and Perseverance”. Scribner, 2018

[4] K. McGonigal “The Willpower Instinct. How Self-Control Works. Why it Matters and What you Can Do to Get More of It”, Avery, 2013

[5] To learn more about the topic, I suggest Arianna Huffington’s work “The Sleep Revolution. Transforming your life, One Night at a Time”. Ebury, 2007

[6] On this topic, I would suggest another Kelly McGonigal’s book: “The Upside of Stress. Why Stress is Good for You and How to Get Good at It”. Avery, 2016

About the Author

Marco is the founder and managing director of Better Ipsum, a benefit corporation focused on legal design, legal innovation, and legal wellbeing. He is a lawyer with extensive experience in legal design, legal tech, and in the interplay of copyright law and the entertainment industry. Whenever he finds time, he also works as mediator, teaching fellow for Harvard Law School (CopyrightX course), and mindfulness trainer. He is a frequent public speaker and the author, together with Barbara de Muro, of the first Italian book on legal design.

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LAWYER LIKE AN ATHLETE TO BOOST PERFORMANCE AND OPTIMIZE WELL-BEING

By Emily Heird, Founder of Vantage View Coaching



During the media session on the Monday following his third Super Bowl Championship win, Kansas City Chiefs quarterback Patrick Mahomes was asked by a reporter to match his "innovative" and "unpredictable" playing style to a non-football activity, and describe why. After a few moments of thinking, Mahomes, much to my delight, answered, "A top-tier lawyer. Someone who has to think on his feet, execute at the right time, and deal with high-pressure situations."

As a lawyer or member of the legal industry, you may not view yourself as a three-time Super Bowl Champion. As a high-performance and burnout coach for lawyers,



I encourage my clients to view and treat themselves as just that - elite athletes. Like Mahomes, I see many parallels between the two sectors.

They are both extremely selective and competitive industries. In the U.S., fewer than 2% of NCAA student-athletes go on to become professional athletes. About .36% of the total population in the U.S. are lawyers. Another similarity is both industries are performance-based. For an athlete to stay on the team – or stay competitive at elite levels in their individual sport - they must consistently perform their best. Lawyers must perform their best over the long marathon of their career to stay with top firms and organizations, have suc-

cess running their own firm, or success in a variety of roles lawyers can hold in the legal industry. High levels of team trust and cohesion are necessary for sports teams to win games and for law firms to succeed, too.

*They must
consistently*

Athletes and lawyers need to stay committed, disciplined, and motivated to put in the daily efforts and training/work that may not be the "fun" aspects of the job but are necessary to get the desired results. Both face intense

pressure to perform in high-stakes environments when tension can run high. The nature of the performance environment is adversarial with a battle mentality in both sports and law. The ultimate goal in both arenas is to win – thrilling victories are celebrated, and the emotional roller coaster can swing the opposite direction, feeling the agony of defeat. Lawyers and athletes can face intense periods of work/training/competition requiring time away from family, friends, and support systems, which can place a strain on relationships.

Mental Olympics for Professionals

There's a dark side to both industries as well. We love to put athletes on a pedestal and see them as superhumans. But the excessive physical demands on their bodies and pressure of the sport can lead to mental health issues, an invisible burden they carry. According to a 2019 consensus statement from the International Olympic Committee, about 35% of elite athletes suffer from mental health challenges, which may manifest as stress, anxiety, depression, eating disorders, substance abuse, and other addictions, PTSD, and burnout. Athletes can practice and perform in environments with coaches who are verbally abusive and sometimes worse. This only exacerbates fear, insecurity, anxiety, and depression.

Lawyers may not be Olympic athletes, but they perform mental gymnastics all day long.

There are tremendous mental demands and practicing law requires high levels of physical energy, too.

Add in the pressure to bill hours, develop new business, juggle a high caseload with competing deadlines, and navigate an ever-changing legal and economic landscape, the daily experience can be filled with stress and overwhelm. Some lawyers also experience vicarious trauma and compassion fatigue with their work. Unhealthy work environments negatively impact lawyer performance and well-being, too. Research regarding lawyer well-being and mental health consistently shows that lawyers experience high rates of anxiety, depression, substance abuse, and burnout. Like athletes, this can be an invisible burden for many lawyers. There is fear to admit or disclose they are struggling behind the superhuman uniform they wear while performing as a lawyer. They carry the pressure to be perfect from the office to the courtroom to home.

Here's where lawyers and law firms can take a page from the playbook of elite athletes and teams. The sports industry understands the mind and body are connected. For an athlete to be at their best, both mind and body must be healthy. They also understand that the superstar athlete performing in their uniform is still a human who deals with human challenges and emotions – on and off the field. For an athlete to bolster against experiencing significant mental health issues and burning out, their mental and emotional fitness must be trained and strengthened just

like their physical skills. Elite athletes and sports teams have employed sports psychologists and mental performance coaches as part of their staff for years, if not decades. They view mental performance coaching as an enhancer to optimizing performance, bolstering resilience, and increasing the odds of winning. Performance coaching also helps to reduce mental health issues that impair athletes on and off the field.

Adopting Skills from Athletes

What other skills can lawyers borrow from an athlete's mental performance mastery playbook to optimize well-being and performance? While there are many, and articles can be written on each one of them separately, here are a few highlights:

I. **Rest and Recovery** – One Olympic athlete I worked with during her transition out of track and field said during a coaching session, "I trained hard, but I rested harder." An athlete's body needs proper recovery to fuel muscle growth, increase capacity for the stress of performance, and restore energy levels. While athletes need to physically rest to prevent injury and restore energy levels, lawyers need to incorporate movement and exercise as part of their training to boost energy levels, maximize cognitive performance, release stress, and strengthen resiliency. Recovery and disconnection from work

need to be viewed as productive and a critical component to success.

II. **Mindset** – Athletes do not leave their mindset to chance. Mindset is a vast topic, but to sum it up: they train their brain to work for them instead of against them. Yes, even elite athletes battle self-doubt, have ebbs in confidence, and days they don't "feel like" practicing. But they don't let their mind run wild and go with however they feel that day. They decide how they need to think in any given environment to get the best results. They engage in mental rehearsal to ingrain thought patterns so when the pressure and tension are high, their mindset is automatic and dialed in for success. Athletes view stress and adversity as challenges that fuel growth. They routinely review film, training logs, and mistakes as learning opportunities to improve performance moving forward. Lawyers can adopt these same mindset strategies to create a mental environment that unlocks their potential.

III. **Emotional Fitness** – The human part of the athlete experiences a wide range of emotions in practice and during performance. They train skills to strengthen their emotional fitness so when the pressure is high, the emotions are under control. Anxiety and nervousness – and therefore physiological arousal – can be high at the beginning and during performance. They have skills to either turn down the arousal or harness the power

of the energy to perform well. A moment of frustration and anger when a play didn't go as expected needs to be quickly released and reset to get back to focused and calm for the next play. Strong emotional fitness allows an athlete to stay in control and choose how they respond to what is happening, rather than react. Emotional fitness is a key skill behind understanding their own – and others' – emotions and how they impact performance. It's a crucial skillset for coaches and leadership to form high-performing teams. And emotionally fit athletes and teams fuse FUN into their experiences. While lawyers are often trained not to have emotions or be emotional, they are still human and therefore, experience emotions. The coping tendency can be to try and compartmentalize, avoid emotions, have self-judgment around the emotions, or temporarily numb them with alcohol, mindless scrolling, shopping, gambling, and other unhealthy behavioral outlets. This is a key driver for mental health issues and burnout. Thinking logically on their feet in high pressure situations requires the analytical brain (prefrontal cortex) to be in charge, Managing stress and fear levels (emotional fitness) is imperative, otherwise the amygdala (fear center of the brain) takes over, which can induce mental paralysis and panic. To lawyer like Patrick Mahomes, emotional fitness is a non-negotiable skill to learn.

IV. **Control the Controllables** – there are many variables that are outside an ath-

lete's control. Depending on the sport, common variables are: the weather, the opponent (and their skill level), the calls the referees make, whether their coach gives them playing time or not, weather delays, injuries of teammates during games, play calls, their teammates' performances, the noise level from the crowd, and more. Focusing on elements outside of their control generally leads to decreased focus and fear/worry about the outcome of the game. Variables in their control: the time and effort spent training, mastery of the physical skills, nutrition and hydration, sleep, their thoughts and attitude, where their focus is at any given moment, discipline and commitment, and choice in how they respond to what is happening. In short: mastery over themselves and mastery of their sport skills. Focusing on what they can control drastically reduces anxiety and unproductive worry, sharpens focus, and boosts confidence. They focus on the process rather than the outcome. Lawyers face many variables that are out of their control on cases and in daily work life. They can benefit from controlling the controllables as a mental strategy to lower anxiety, feel empowered and in control, hit performance targets, and enhance team cohesion.

V. **Performer Self vs. Real Self** – Performance of sport is one part of an athlete's identity. When they are in performance mode, they are executing a certain set of skills and capabilities for success. This may require them to behave in ways that are out of

alignment with their values. For example, if a tennis player values fairness in everyday life, then on the tennis court, she may self-sabotage and let an opponent come back. Athletes don't always want to bring their "authentic self" to the field of play because it will hold them back. They need to step into the role and mindset that is required to win. On the contrary, sometimes requirements for performance mode (e.g., aggression) may be conducive to on the field success, but a barrier to relationships off the field. They learn to flip in and out of performance mode.

Equally as important, there is a need to recognize that when they are in performer mode, it is not about them as a person. They are executing a role (much like an actor becomes a character). However, they still have the same basic human needs we all have that need to be met for optimal well-being. Having outlets where they are free to be their "real selves," and tap into other parts of their identity is a booster to mental fitness and performance on the field. Similarly, when lawyers are in lawyer mode, it is not about them as humans. It is about the clients, the work, and the legal arguments. Lawyers spend all day focusing their time, energy, and efforts on others. They are executing a certain skill set and role that is necessary for success on that field of play. Like athletes, they also need to take off the lawyer uniform and have outlets in their life where they can be their "real self" and have their human needs met, too. Step-

ping into other roles (parent, friend, spouse), engaging in hobbies and activities that are part of their identity, and forging strong social connections are not only boosters to mental health and well-being but will make them even more successful in the office and courtroom.

*Performance
coaching as part of
success*

Elite athletes are all extremely physically capable. There is very little that separates the top-tier athletes when it comes to physical skills. Same with lawyers – they are all intellectual powerhouses who have "made the league" so to speak. What separates the absolute best athletes from the rest is the mental performance training component. There are many mental skills athletes practice and strengthen as part of their toolbox for maintaining optimal levels of physical, emotional, and mental well-being. But perhaps the most important shift athletes and teams make is giving equal value to a mental performance coach as a strength training coach. Performance coaching is an integral part of their playbook for success.

About the Author

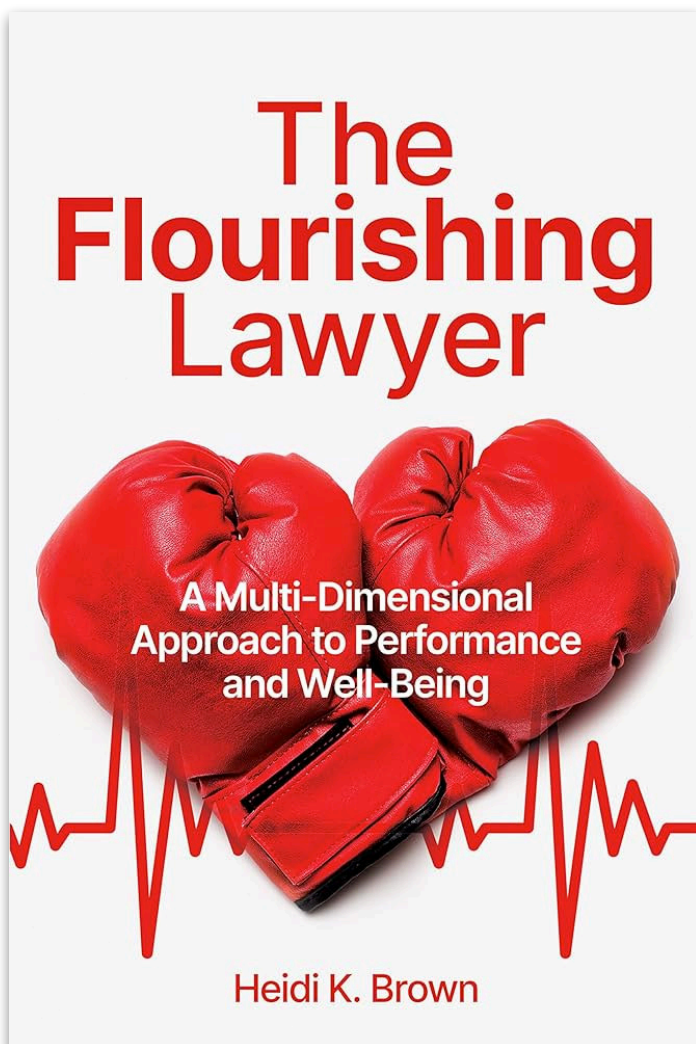
Emily Heird is a high-performance coach and burnout coach for lawyers and law firms. She is a certified mental performance mastery

coach and a licensed professional counselor. Emily specializes in the intersection of performance in demanding, high-stress professions and mental health.

Emily founded Vantage View Coaching in 2020 with the mission to equip lawyers with the psychological skills not taught in law school that will empower them to perform at their best while simultaneously improving

well-being. Emily provides 1:1 coaching, workshops for law firms, presentations to legal organizations, and keynote speaking.

Prior to transitioning to coaching, Emily practiced as a psychotherapist for over a decade. She also has over 15 years of leadership experience in various corporate settings before founding, growing, and selling a group private practice.



The Flourishing Lawyer offers an empathetic guide for members of the legal profession to cultivate their personal and professional well-being, identify and develop their individual strengths, and define success on their own terms. Drawing from lessons and research from the fields of psychology, health care, sports, and medicine, this book is an affirming guide to becoming a better contributor to the profession while living a flourishing life.



**EXPLORING
MENTAL HEALTH
& WELL-BEING
IN THE LEGAL
PROFESSION:
LIVE LEGAL WELL**



LESSONS FROM THE LAW FIRM MATURITY INDEX
**DOES YOUR FIRM HAVE A WORKFORCE
MENTAL HEALTH PROBLEM?
IF SO, HOW CAN IT BE FIXED?**

By Manu Kanwar (l), Founder and Director at LexSolutions, and Stuart Woollard (r), Founder and Council Member at The Maturity Institute





“To be a leader and stay in your leadership role, you have to run an area without high-stress levels...It’s a constant focus of ours and a requirement of our leaders to be able to manage that.” Lars Fruergaard Jorgensen, CEO Novo Nordisk, 22 March 2024

Professional footballers used to be routinely forced to play with injuries. Often, the pain of injuries was masked by pain-killing injections given before a game. The prevailing ethos was that players were of no use if they were not on the field.

Today, we know that playing with an injury can delay and impair healing. Minor injury can also turn into a major one. Forcing people to play with injury can mean that the quality

of performance suffers. In a worse-case scenario, a player’s ability to play at all can be jeopardised. These outcomes are neither in the interest of a player or the club. As a result, more clubs ensure that players are much better protected than ever before.

Why does this analogy apply to a law firm?

Many law firms, directly or indirectly, encourage staff into work without sufficient regard for their health.

The pressure to serve clients and charge billable hours can be extreme. Performance management primarily requires people to be productive. The effect of this means that partners want their teams to be charging

clients as much as possible. Lawyers often feel compelled to do so, even if they are physically ill or are experiencing poor mental health. Legal professionals may routinely feel forced to “play” with injury. In recent words from the Chair of the City of London Law Society [1]:

“...we as responsible leaders must act and must act now: we cannot go on with a significant number of lawyers at all levels who are suffering from the way in which we now expect them to work.”

Stresses arise from various aspects of work and can become harm inducing. These may not manifest in physical injury. More often they can cause or exacerbate poor mental health. This has become of serious concern for legal firms. Indeed, the recent death in the UK of a law firm partner, Vanessa Ford, has created a huge response. A focus on how her working environment may have contributed has been significant. It should be a wake-up call for many. Not just to deal with the extremes of burnout and breakdown but to proactively monitor, manage and promote workforce wellbeing.

Any dip in the wellbeing of staff starts with sub optimal outcomes. Can you do your best work with poor mental health? Not addressing the issue also creates longer term problems; for individuals, firms, and stakeholders (including clients). The recent quote above, from Novo Nordisk’s CEO, states that his company’s leadership team are now being judged on staff wellbeing. Shouldn’t legal

firms also be managing this as a key management indicator?

If law firm leaders want to better manage wellbeing, where should they begin? Law Firm Maturity Index data provides a useful starting point. It helps to show leadership

Clear, evidence based steps

teams how they can start to comprehensively address this issue, using a set of clear, evidence based steps.

Step 1: Diagnose the extent of any problem.

To manage something effectively requires measurement. Firms need to measure levels of wellbeing to provide a necessary baseline. In Figure 1, the LFMI provides a measure of workforce wellbeing. In absolute terms, anything less than 8 out of 10 is sub optimal, where value is being eroded and risk is being carried. How would your firm measure up?

Step 2: Identify higher risk populations.

Firms should analyse data according to key demographics such as role, location, function/service line, age, ethnicity, sexuality and gender. LFMI data in Figure 1 is presented by reference to age. This suggests that wellbeing improves in older workers but then deteriorates in the very oldest group of workers. What might this suggest about how and why work affects the wellbeing of workers across different age populations?

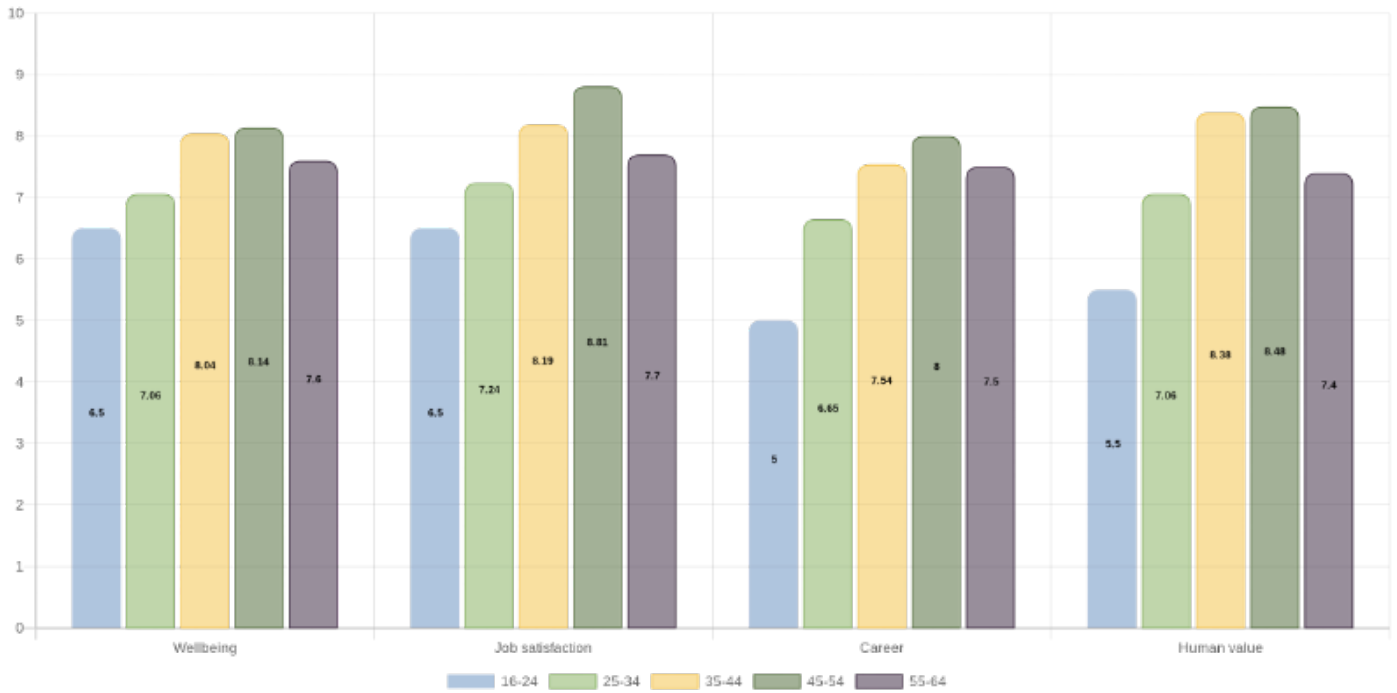
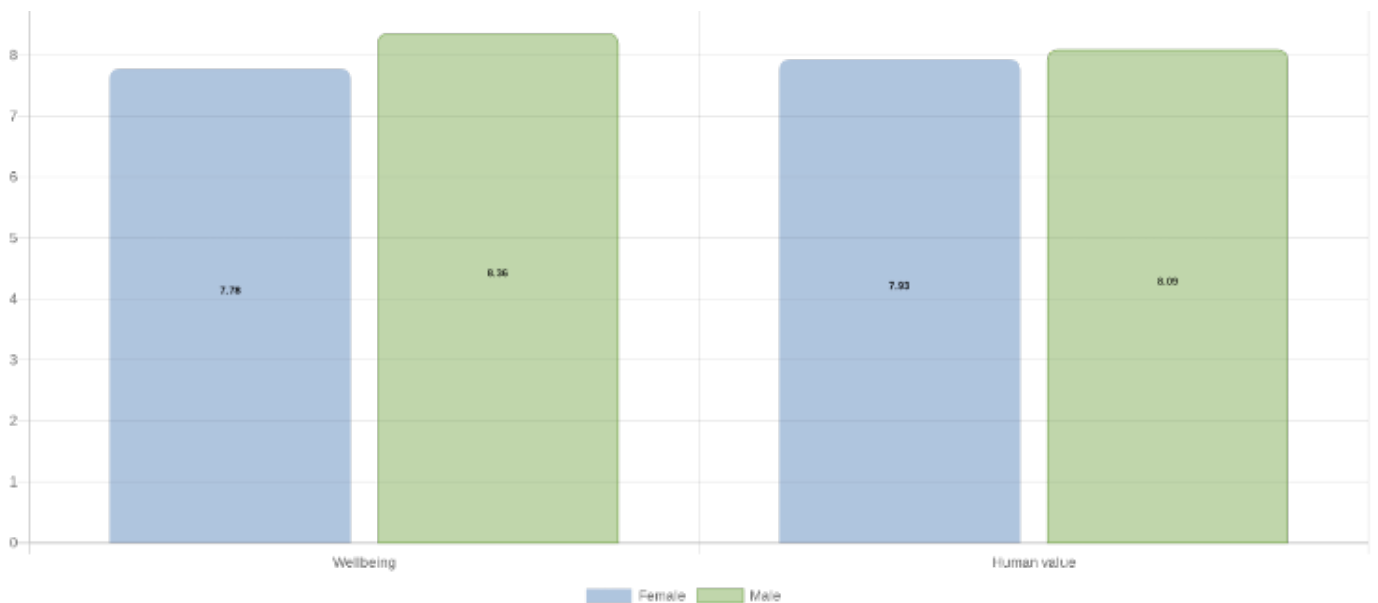


Figure 1: LFMI data on Wellbeing, Satisfaction, Career and Human Value (Age Profiles)

Women report lower scores across all factors within the LFMI after being in-role for more than two years. Figure 2 shows measures of wellbeing and human value. As women report higher scores than men in the first two years of their job, this suggests that the experience

of women deteriorates over time. If this is true for your firm, what systems and cultural characteristics may be helping men to thrive and succeed more than women over time?

Figure 2: LFMI data on Wellbeing and Human Value (Men/Women after 2 years in role)



Step 3: Establish causal drivers.

LFMI helps to identify the causal factors associated with wellbeing. Figure 1 shows job satisfaction, where lower scores may correlate with lower wellbeing as an indicator of motivation. LFMI's career measure is an indicator of alignment between a firm and an individual's goals. Disconnection here can be another source of stress. LFMI's human value indicator is important as it measures whether people are managed as sources of value rather than as a cost of doing business. This taps into a core leadership and management ethos: whether people are treated more as resources, where extraction of effort and even exploitation may arise. Or, whether people are viewed as sources of value, where sustainability, development and the realisation of potential are fundamental tenets.

*Cooperation, openness,
and respect*

LFMI also measures a number of other factors associated with potential stressors. For example, the articulation and nature of a firm's purpose (its link to societal value) integrates greater clarity and meaning at work. Higher firm-wide trust equates to lower fear and lower stress, while LFMI's culture measure incorporates cooperation, openness, and respect.

The key, overriding point is that a number of potential work-related stressors exist. Only by

properly assessing how these causal factors arise, and relate to each other, can the identification of appropriate solutions be made.

Step 4: Developing a roadmap for improvement.

Once a full diagnosis exists, firms can develop a suite of relevant strategies and interventions. From baseline LFMI data we can see that many firms need to improve at least some of the following:

- Embedding a human value ethos where partners and manager's success integrates wellbeing and the realisation of human potential.
- Managing an individual's contribution to the totality of a firm's value (rather than just productivity), integrating factors such as work quality, innovation and impact.
- Monitoring levels of wellbeing using quantitative and qualitative evidence to identify red flags at an early stage and intervene accordingly.
- Proactively balancing workloads and allowing breaks during and after periods of high intensity work.
- Setting client expectations to reduce pressure and potential work overload; re-setting the client relationship to promote and ensure the very best quality of advice is always provided.
- Identifying and fixing systems and cultural

characteristics to enable everyone to thrive and succeed.

- Building a culture of psychological safety underpinned by high trust, where people can freely raise health concerns and are provided with appropriate support.

If you want to see how the LFMI data could help your firm, try it for free and receive an instant Maturity report by clicking on this link.

Note

[1] <https://clls.org/resource/reflectionschair-march2024.html>

About the Authors

Manu Kanwar is a former tech General Counsel, legal consultancy founder and a leadership and organisational coach. His consultancy, LexSolutions, is dedicated to making life in the law better for all those who provide and use it, through flexible legal resourcing, legal operations and programmes around culture. Manu combines his experience as a mindfulness facilitator, design-thinker and

relationship systems coach to the work he does with legal teams, law firms and their leaders for a creative, progressive approach which is unique within the legal industry.

Stuart Woollard is a Founder and Council Member at The Maturity Institute. He has over 20 years of experience in helping organizations become purpose-driven and human-powered. Stuart co-designed the OMINDEX® diagnostic tool, which measures the organizational health and Maturity of companies; showing how firms can build better systems and cultures that drive sustained value. He also co-authored "The Mature Corporation - a Model of Responsible Capitalism", a textbook that offers a new vision and framework for sustainable Total Stakeholder Value creation.

The Law Firm Maturity Index is a unique diagnostic of culture and organisational health. A Lex Solutions and Maturity Institute initiative, it provides evidence and insights to help improve the legal sector and deliver greater benefits to all its stakeholders. You can add your voice to LFMI data and receive an instant Maturity report by clicking on this link.



In the community you can read more LBW articles about Metal Health & Well-being. This is an interesting example of one of the posts.

A (LAW) FIRM FOUNDATION: HOW ADDRESSING MENTAL HEALTH IN LAW OFFICES LEADS TO CORPORATE SUCCESS

By Elizabeth C. Ortega & Fernando Garcia

Two colleagues share an elevator ride up to the penthouse of their office building. She says, “Good morning.” He nods her way in response, and they lapse into silence. He’s trying to shake off the grogginess from a week of late nights as he prepares for trial. She’s silently replaying the argument she had with her partner at breakfast...again. The elevator stops, and before the door opens, they both take a deep breath, pull their shoulders back, and paste on a smile. Just like every other young lawyer in this firm, they’ve learned to check themselves at the door. There is only one option if they want to achieve partnership one day...execute. And so they will, all the while carefully concealing the warning signs of increasing mental distress.

Beyond the individual, the impact of mental health on the economy and employers is staggering. In the United States, \$200 billion is spent annually on mental health issues. This outweighs the costs of heart disease and cancer. Alcohol abuse is costing employers \$249 billion annually. In Canada, with about a tenth of the population of the United States, the economic cost of mental illness is estimated to be over \$50 billion per year and in any given year, 1 in 5 Canadians experience a mental illness.

As noted by the World Health Organization, the “consequences of mental health problems in the workplace include increased physical health problems, increased absenteeism, reduction of productivity, increased



errors, loss of motivation, high turnover, and conflicts among colleagues,” among other issues. When burned out employees have to be replaced, the cost to the company is estimated to be at least 50% more than intervening on behalf of the distressed employee.

For more than thirty years, the demanding, results-oriented culture of law firms has been the subject of mental health studies in the USA and Canada, yet little has been done to change the culture of the business of law.. The general populace experiences major depressive disorder (MDD) at an estimated rate of 3-5%, yet among law firms, it affects two-to-three times as many. The 2016 Krill Study on mental health in the legal profession revealed 28.3% of lawyers

suffered from depression, 19.3% from anxiety, and 45.7% have experienced depression at some part of their careers. This is consistent with 70% of lawyers developing alcohol issues over the course of their careers.

Facing the culture

In order to understand the “how come” behind these statistics, the law firm culture must be considered.

The standard assessment measure for lawyers is billable hours. While this is a very convenient- and easily measured approach, it has an adverse impact on lawyers. Annual minimums of 1800 or even 2200 billable hours depend on 36-44 billable hours a

week. To achieve this rate, lawyers can expect to work 49-61 hours per week...and these are minimum standards. Those wishing to advance are expected to contribute much more to the firm's success. There is no reward for efficiency and productivity in completing tasks. There is no reward for working smarter, not harder and longer.

Where atomism, the belief that society is comprised of self-sufficient individuals motivated by their own interests, is the prevailing assumption, lawyers must fight, strategize, and compete against each other to get ahead. Weakness cannot be shown, and human limitations, such as the need for regular sleep, authentic relationships, decompression, family time, and work-life balance are perceived as weaknesses.

The decay in mental and emotional health these pressures and expectations create remains the elephant in the room in most practices. "Sure, everyone knows lawyers that drink too much...but I can't admit that I'm one of them." Yes, we know that lawyers battle anxiety and depression. Of course they do. This is part of the price of pursuing this career. "But I can handle it... and I'd better, or I'll be passed over for the challenging and rewarding assignments, for the promotion, or worse." An Am Law 200 survey reported that 75% of lawyers perceive a prevailing stigma against anxiety, 81% against depression, and 94% against substance abuse. So lawyers suffer in silence and alone.

Affecting change one person and one relationship at a time

It's time to challenge the status quo. The enduring success and evolution of the legal profession depends upon it. This is how we invite change.

Those suffering from mental illness and dangerous coping strategies need allies who will use their voices and their actions to provide strength and support. Allyship means working proactively to destigmatize mental illness and challenging the prevailing competitive culture to create a healthier work environment. It's leadership by example, education, and advocacy. Take a moment to take stock of your own assumptions about mental illness. Do you see it as a weakness? Shameful? Challenge these assumptions and learn the truth. Evaluate your own experiences and behaviors regarding mental health. Are you projecting an image of cool confidence, yet your personal life is crumbling around you and you can't remember the last time you had a good night's sleep?

Learn to identify the warning signs and symptoms of depression and anxiety in yourself and others, and, when you recognize them, don't wait to seek help. When you see colleagues suffering, step in on their behalf. Provide a safe space to talk and respond with respect and concern. Speak up about your own mental health journey. One person's choice to lead the way into authenticity opens the door for

other colleagues to bring themselves unprejudiced into the workplace.

At the corporate level

The bottom line? Lawyers cannot afford to ignore the fact that mental health impacts their bottom line as much, if not more, than billable hours do.

If law firms learn to measure success in terms of healthy, productive colleagues instead of an iron-clad billable hours competition, all parties benefit. Those struggling will be buoyed by the support they receive, and the shame and isolation of mental illness will be mitigated. Healthy and committed lawyers will stay in the profession, in an office climate of teamwork and collaboration and clients will receive excellent ser-

vice. In the end, it's a new path to business growth, leaving casualties along the way.

About the Authors

Elizabeth Ortega (l) of ECO Strategic Communications counsels professional service firms and thought leaders. As an expert in business development strategies and litigation public relations, she advises firms and their clients in high-profile international legal matters. Her emphasis on straightforward communications encompasses wellness programming.

Fernando Garcia (r) has over 15 years of experience as a General Counsel. His practice has included providing strategic and legal advice on Canada-wide and international operations, labor relations and employment law and all general legal matters.

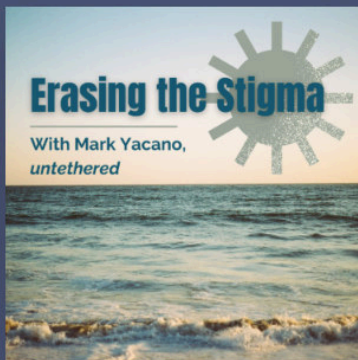




ERASING THE STIGMA

Mark Yacano Untethered

Podcasts on Mental Health & Well-being



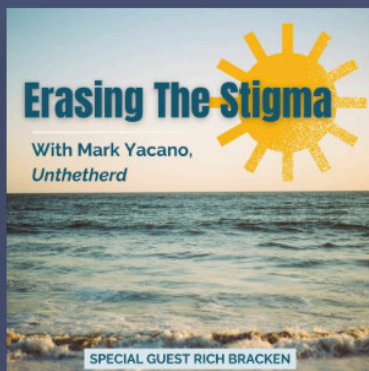
Erasing the Stigma

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