



## The Resilient Lawyer

In “*Four Things Resilient Lawyers Do Differently*” published in ABA Law Practice Today, 14 June 2016, co-authors Davis-Laack, Richard and Shearon, observed:

*The market for legal services, and clients’ expectations of and approach to law firms, are also changing. Law has always been and always will be a demanding profession based largely on an adversarial model to resolve (or try to avoid) the toughest disputes our society creates, often with really high stakes for all parties.*

*In recent years, changes in how legal services are delivered are making the practice even tougher. Virtual law firms are increasing, more projects are being given to contract attorneys or shipped overseas, companies are pressuring their law departments to manage many issues internally instead of sending them to outside counsel, and clients are demanding alternative billing methods. Law firms need lawyers and professional administrative staff who are engaged and functioning at their best to meet these challenges.*

For some reason, the list of perennial pressure points outlined by the authors did not include billable hours and billing targets as KPIs! These are proven bugbears for many lawyers. Presumably these were viewed as long standing status quo features rather than upcoming challenges wrought by disruptive changes.

### Definition of Resilience

As good lawyers, let’s start with definitions. What is resilience? It is the degree to which a person bounces back quickly from criticism, rejection or setbacks.

Dr Larry Richard who elucidated this definition is a rare lawyer-psychologist. He elaborates in an article entitled “*Resilience and Lawyer Negativity*” (published in his blog in September 2012). High Resilience people tend to take negative events in stride. They aren’t as easily thrown off course by them as Low Resilience people are. And when they are impacted, they recover more quickly.

An alternative definition from Ms Jeena Cho (from an article entitled “*3 Ways Lawyers Can Become More Resilient*” posted in *Above The Law* on 29 February 2016) is one’s ability to survive adversities and to thrive in life.

### The Statistical Evidence

There are troubling statistics about lawyers and resilience in a US study conducted several years ago that Dr Larry Richard cites in his article on “*Resilience and Lawyer Negativity*”.

No other finding is as intriguing as the fact that lawyers consistently score low on resilience. The US study concluded that on a percentile scale which ranges from zero to 100 per cent the average for this trait among the public is the 50th percentile. Among lawyers, the average is the 30th percentile. What was more telling was the distribution – 90 per cent of the lawyers tested scored **below the 50th percentile!**

But why would this be so?

Dr Larry Richard says that by virtue of both our nature and our training, lawyers focus on what can go wrong, on what’s broken, on what possible problems exist. We do a diagnostic. We analyze all that’s wrong. The very best lawyers in our midst are specialists in identifying problems and issues that need fixing.

1. Cynical
2. Sceptical
3. Critical
4. Pessimistic
5. Negative

Do most of the words listed above describe you? Dr Larry Richard says that these are the five most common adjectives used to describe lawyers he has heard over the years from speaking to hundreds of people working with lawyers.

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Even if not a universal lawyerly characteristic, all this negativity takes a toll for a large number of us. An oft-cited study in the *Journal of Occupational Medicine* published in 1990 that surveyed over a hundred professions, ranked lawyers at the top for depression.

So the ability to see problems while a trait of many lawyers, (especially master lawyers), is also an occupational hazard.

But, if a negative mindset can cause low resilience in the first place, the converse must surely be true as a matter of logic. It is certainly true as a matter of psychology. A positive mindset can fortify against a low-resilience response.

### Perspectives from Psychology

According to clinical psychologist and resilience researcher, Dr. George Bonnano, a central element of resilience is perception (see Konnikova, "*How People Learn to Become Resilient*" published on 11 February 2016 in *The New Yorker*). The authors of "*Four Things Resilient Lawyers Do Differently*", write that how we perceive stress, challenge and adversity directly influences how we will respond to any stress trigger. When lawyers think that they have the resources to deal with a stressor, they are more likely to view stress or adversity as a challenge that they can overcome. The converse is true. When lawyers perceive their resources to be lacking under stress, they may view stress as a threat. Having a rigid, inflexible response to stress, change and adversity can lead to the following:

1. Increased errors and missing information and deadlines
2. A "turf protection" mentality
3. Diminished collaboration and cooperation with colleagues
4. More stress
5. Poorer work quality
6. Reduced collegiality and even an increase in incivility
7. Survival-based emotions and reactions like impatience, defensiveness and hyper-criticality

### Neurological Evidence

Psychology aside, there is also neurological evidence proffered by Dr. Larry Richard in another article entitled "*Stress and the Lawyer Brain*" published in October 2012.

He refers to the 2012 work of a prominent neuropsychologist, Richard Davidson in his book called *The Emotional Life of Your Brain*. There, the author presents findings from three decades of research. He makes the case that every person has a certain "Emotional Style". That is the collective result of how that individual is wired in each of six types of brain circuitry. Each circuit is like a dimmer switch, with a high and a low end. On each circuit, we have a "set point" or a comfort zone. Each of these circuits can be reliably measured in a scientific way.

One of those circuits Davidson specifically calls "Resilience". That refers to how quickly one recovers from an assault to the system such as being stressed out by an external event. Some people naturally recover quickly. Others are naturally slow to recover. We all start out in life with a set point, a comfort zone, a home base. The most important point he makes is that recent research suggests that we can change our set point by how we think and by how we pay attention.

One of the other circuits that Davidson discusses is called "Outlook", and it has to do with how positively or negatively one views the world and how long they can sustain a positive effect. Davidson's work shows that there are brain circuits that remain electrically active longer in the positive person, but turn off more quickly in the negative person.

Are you one who sees a glass half full or half empty?

In neuroscience, there is a common phrase: neurons that fire together, wire together. The more you nudge your mind towards positive thoughts, for example, thinking about things you are grateful for, looking for the positive, the stronger these thought patterns will become.

Professor Munidasa Winslow in a talk given to our lawyers in January on navigating professional burnout advocated having a gratitude journal. Write down three things you are grateful for every week. Dr. Robert Emmons (a Professor of Psychology at UC Davis in California) found that those who maintained a gratitude journal experienced significant psychological, physical and social benefits. A 25 per cent improvement in overall health and well-being compared to a group focusing on what had gone wrong each day.

### Resilience and the Singapore Legal Profession

I have touched on the scientific and theoretical aspects. But this is more than an academic piece. The theme of resilience offers an underlying multi-faceted analysis of what happens when our lawyers are under severe stress.

In truth, the message is closer to home (Singapore) than we realize.

In the last few months, I have met a few lawyers who have battled severe stress, depression and reached a point of being suicidal. Thankfully, these examples are few and far between. The concern though is that there are some others suffering in silence.

All of us need to overcome setbacks. From deals becoming abortive and watching work dry up to losing cases and losing out on cases. Client demands, service complaints, sub-optimal work support, disruptive changes to legal practice, retardation of practice. And the list goes on.

We have a term for the fear of losing out. Kiasuism. But the reality is that some of us will lose out. Some of us are struggling in real time as we read this. Resilience is for you.

I do not share about resilience from an ivory tower. I have had my own share of setbacks. One of them was paying my own way through law school in the second to fourth year (at one point reaching the nadir of having no money in my wallet at all). Resilience is not a once in a lifetime life skill. As I write this, I overcame a week of unusual and extraordinary work challenges. But we are not alone. There are others who have surmounted far worse things. Some lawyers in our midst have overcome great physical, mental and emotional setbacks. These are the true heroes and heroines in our midst.

Organisations (like law firms) need resilience too. They will not always have bright and sunny days. Setbacks in getting revenue, realizing receivables and collection challenges in our present environment are real. Part of the resilience journey for organisations will involve cost-cutting measures, focusing on niche expertise and navigating blue-ocean areas of work.

## Practical Tips

Let me leave you with some practical tips.

Davis-Laack, Richard and Shearon in their article, "*Four Things Resilient Lawyers do Differently*" cited earlier say that the most resilient lawyers do four things differently:

1. **They stay inspired.** Meaning matters enormously at work: in fact, it's a central source of motivation. Meaning also builds your resilience and your engagement. The most successful and resilient lawyer is in it for more than a paycheck. They see how their work has value and impact. Losing the motivation, energy and vitality is

a recipe for burnout it makes working in the law a chore instead of a calling. I want to share an observation here. For some of our young lawyers, meaning will come from pro bono work. If there is an incessant, unhealthy focus on billables in our firm at the expense of pro bono, this will affect meaning and fulfilment for the young lawyers. It will set in motion a vicious cycle that ultimately leads to lawyers becoming less resilient. That is a lose-lose-lose proposition for the lawyer, the law firm and the legal profession.

2. **They think differently. Some people catastrophize.** They let their worst-case scenario thinking get the best of them. This stops them from taking purposeful action.
3. **They use stress as an opportunity to connect with others.** Your stress response is actually meant to push you closer to resilience by causing you to reach out to others. Helping behaviour actually serves as a stress buffer.
4. **They give more than they take in relationships.** A foundational pillar of resilience is maintaining high-quality connections with others. Your success depends on how you approach interactions with other people. It is truly more blessed to give than to receive.

One of the many benefits of developing resilience is that the skills that create resilience reinforce and support each other. For example, when you focus on creating better relationships, you also increase meaning in your life because the interactions you have with the people who matter most are more high-quality.

## Conclusion

In conclusion, let me end with a quote that served me well when I was in a valley experience in my adult life. It comes from George S. Patton:

*Success is how high you bounce when you hit bottom.*

In the final analysis, it is the one who has rebounded after hitting rock bottom who is truly successful.

So keep rebounding. Keep rebounding. Keep rebounding in resilience.

[Adapted and developed from a speech given at the ALB SEA Law Awards Dinner on 18 May 2017]

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