



Expanding the Paradigm:

**Making Well-Being Investments
That Profit Your Success Portfolio**

**Robin Oaks, Attorney at Law,
Chair, SBCBA Attorney Wellness
Section (*Well-being in Law*)**

PRESENTATION GOALS

Sharing Science, Stories, Strategies

1. Exploring WHAT Fostering Well-Being in Law Looks Like
 2. WHY Fostering Well-Being in Legal Profession Matters
 3. Experiencing HOW Evidence-Based Strategies Promote Thriving, Sustainability, Success
HOLISTIC Paradigm
-

“PROS”



RESUME and BACKGROUND

- **LEGAL EXPERIENCE AFTER LAW SCHOOL FOR 15 YEARS:** (Washington, D.C.) Judicial Clerkship, District Court for the District of Columbia; (CT) Associate (250 Attorneys Firm), Employment, Environmental Law; (CA) Partner Law Firm, Employment Law, Education Law.

LEARNING TO BE A PROFESSIONAL, THRIVING, WELL HUMAN BEING

- **LEGAL EXPERIENCE, and PRACTICE For PAST 24 YEARS TO PRESENT:** (CA) Solo Practitioner, Legal Services: Workplace Misconduct/Civil Rights Complaint Investigations Mediations, Conflict Resolution & Work Climate Assessments, of Counsel for Public and Private Sector Clients.

- **WELL-BEING, WELLNESS, TRAINING BACKGROUND:** Certifications in numerous psychological, conflict resolution, wellness, and contemplative practices; licensed practitioner bodywork/mind-body practices; trained by health, coaching, mind-body, healing arts professionals from around the world practicing Ayurvedic, Chinese medicine, Western medicine, medical Qigong, Native American Indigenous medicine, Osteopathy, Psychology, Nutrition, Mindfulness, Meditation, Mediation.

- Studies and training focusing on coaching and conflict resolution techniques, transformational leadership, neuroscience, organizational psychology, positive psychology, change management, mediation, contemplative and mind-body practices, reflective inquiry, and evidence-based well-being and wellness strategies.

- Member of Institute for Well-Being in Law (IWIL); Author of numerous well-being articles for IWIL, COL, SBCBA SB Lawyer.

- **WELL-BEING in LAW PRACTICE:** (nationwide) Retreats, CA MCLE (in process), Witness Prep., Work Consultant, Mind/Body, Transformational, Well-Being Coach.

- Law Professor: Colleges of Law (COL) Now design/teach Attorney Well-Being & Professional Identity credit courses (previous: Torts, Constitutional, Employment)

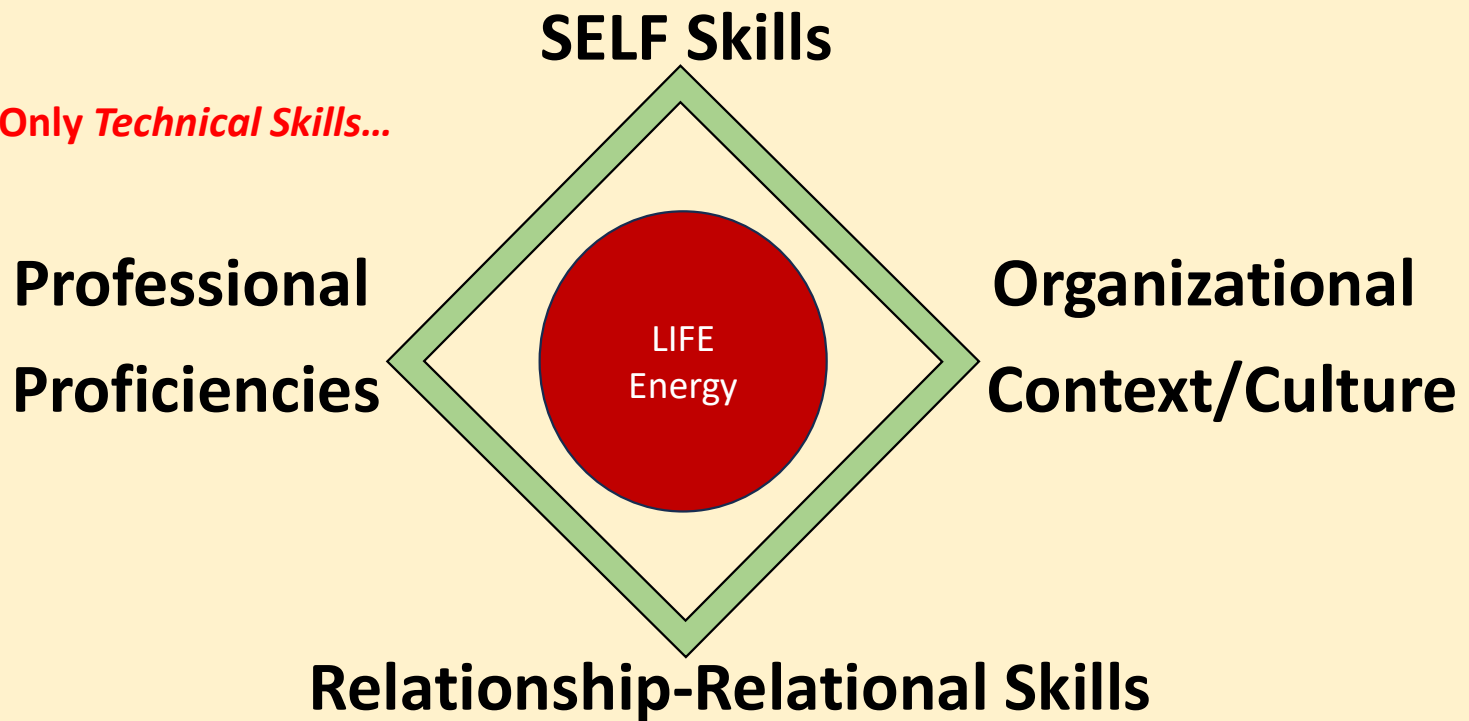


**Robin Oaks, Attorney at Law, Chair,
SBCBA Attorney Wellness Section**

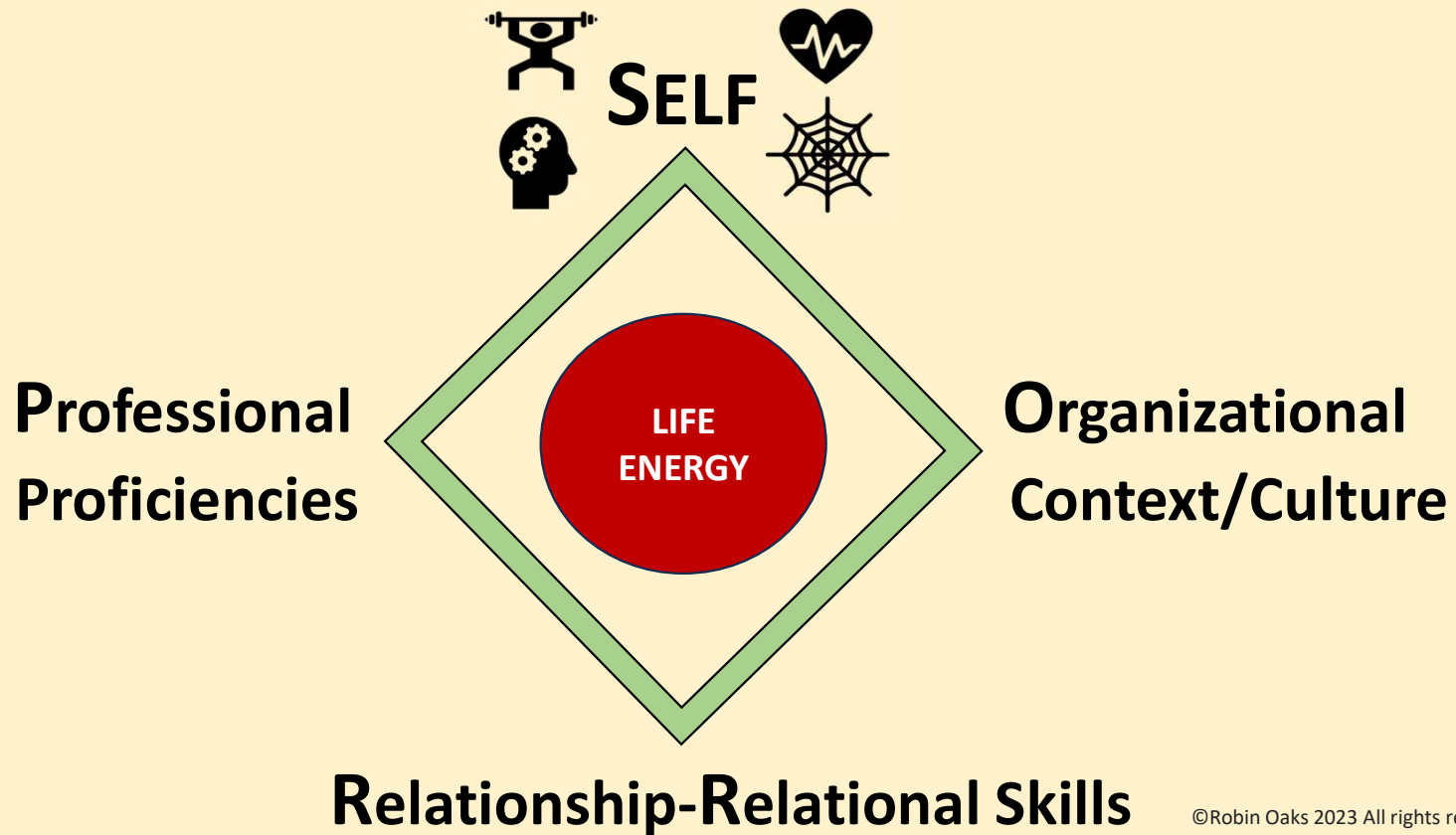
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PROS: COMPETENCIES & SKILLSETS NEEDED FOR LAWYERING WELL
Holistic Paradigm: PEOPLE and ENVIRONMENTS

More Than Only Technical Skills...



PROS: LAWYERING WELL
“Laws” for Thriving, Sustainability, Life





Meritor Savings Bank v. Vinson: “Toxic” Work Environment

What contributes to healthy, safe, thriving work environments?

Leadership
Culture
Engagement
Physical Safety
Psychological Safety
Belonging
Growth, Mastery, Meaning

Contemplation of Justice
Authority of Law

Photo by USCapitol - U.S. Supreme Court Building, Public Domain,
<https://commons.wikimedia.org/w/index.php?curid=21977608>

INTERCONNECTED WEB
FOSTERING WELL-BEING FOR
EVERYONE

“As you...proceed along life’s path try to
leave tracks [and]...help repair tears in
your communities.

Use the education you have received to
take part in efforts to move those
communities, the nation, and our world
closer to the conditions needed to
ensure the
health and well-being
of your generation –
and generations
following your
own.”

- Justice Ruth Bader Ginsburg



NEW MCLE ADDED – CIVILITY (1 hr), * COMPETENCE WELLNESS (1 hr) Technology (1 hr) (start reporting in 2025)

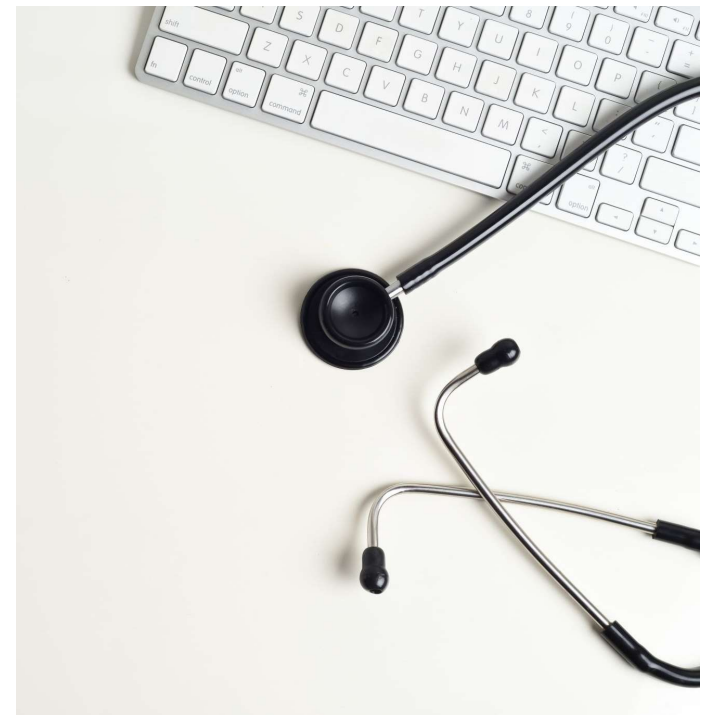
WELLNESS – WELL-BEING: MEANS MORE THAN ABSENCE OF ILLNESS

Topics about evidence-based strategies related to legal practice:

SELF-AWARENESS, PHYSICAL, EMOTIONAL, MENTAL HEALTH, WELL-BEING

- Stress management strategies
- Prevention, recognition, policies addressing stress
- Emotional intelligence practices
- Fostering well-being CULTURES
- Burnout – recognition and remedies
- Well-being and ETHICS inter-connected
- Barriers to wellness for lawyers and the stigma against help-seeking
- Stress and trauma in the legal profession and the clients we serve

* **2 hours now for Competence** – 1 hour Prevention/Detection Competence, covering Substances Use/Mental Health Issues AND 1 hour Competence Wellness



WHY FOSTERING WELL-BEING MATTERS

ABA TASK FORCE ON WELL-BEING



ORGANIZATIONAL SUCCESS: Profits Employers and Employees



Happy and Motivated PEOPLE (Human Needs) = Positive Performance = Positive Profits



Financial loss due to mental health issues was nearly 10 % of staffing costs;
Source - Unmind, State of Wellbeing in Law (2023).



PROFESSIONAL CONDUCT RULES, COMPETENCE, ETHICS, CIVILITY



Professionalism, Duties to Clients, Colleagues, Profession



HUMANITARIAN REASON: Supports “Thriving” “Success” “Sustainability”



It's the right think to do for sustainability and support of people and profession. Builds trust.



Reference: ABA National Task Force Report on Lawyer Well-Being, Creating a Movement to Improve Well-Being in the Legal Profession: *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* (2017)

Institute for Well-Being in Law (IWIL)

“Dedicated to the betterment of the legal profession by focusing on a holistic approach to well-being.”

“Wellness and well-being are core centerpieces of professional success.”

Advocacy

Research

Education

Technical and Resource Support

Stakeholders’ Partnerships

<https://lawyerwellbeing.net>



***National Legal Well-Being Conference
January 23-25, 2024 (virtual)***

***4 well-being tracks:
Individual, Workplace, State & Local Task
Forces, and Law Schools.***

***Keynote: Dr. Laurie Santos, Professor of
Psychology and Head of Silliman College,
Yale University, Getting Unstuck:
Reconnect, Re-Engage, & Revitalize.***

Diversified Well-Being Portfolio

For Sustainability , Success, and
Thriving in the Legal Profession

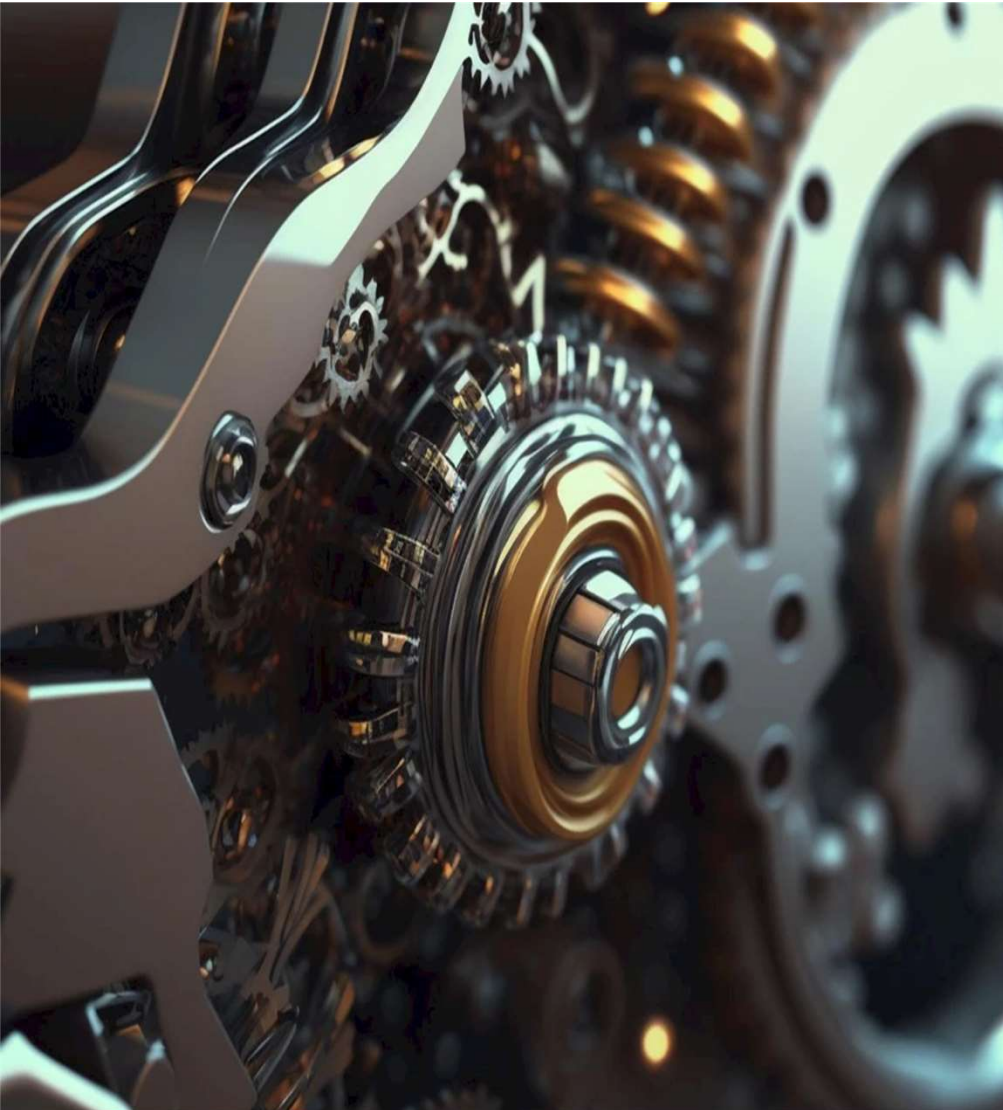


PROBLEM

CAUSE

SOLUTION





Legal Profession Ranked #1

for stressfulness...
unhappiness...
loneliness...

Parade of problems:

“Depression (28%), anxiety (19%), stress (23%), substances use issues (21%-36%), sleep deprivation, job dissatisfaction, “diversity crisis,” complaints of work-life conflict, incivility, a narrowing of values so that profit predominates, physical/mental illness, negative public perception and lack of trust...”

CRISIS IN LAW PRACTICE

Reference: ABA National Task Force Report on Lawyer Well-Being. Creating a Movement to Improve Well-Being in the Legal Profession: *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* (2017)

Lawyers Rank Highest on Loneliness Scale, Study Finds, D. Weiss, ABA Journal (2018); American's Loneliest Workers According to Research, S. Achor, HBR (2018)

Washington Post Data Analysis, Andrew Van Dam (Jan 2023)

LEGAL EDUCATION: **RISKY BUSINESS**



Prior to entering law school, **depression rates among law students** are 8-9%. Those rates increase to 27% after one semester, 34% after two semesters, and **40% after three years.**



Law students start law school with high life satisfaction and strong mental health measures but become **among the most dissatisfied, demoralized, anxious or depressed of any graduate student population.**

- The Path to Lawyer Well-Being (ABA, 2017)

Judiciary – Well-Being Research Work Environment Problems



▶ 69 % feel that talking about mental health or stress is a **TABOO** when it comes to judiciary.



▶ 83 % say there is **INSUFFICIENT SUPPORT** for Judiciary.



▶ 97 % think that more **AWARENESS** and **PROMOTING** judicial well-being is **NEEDED**.

PROBLEM

CAUSES

SOLUTIONS



What Promotes
Sustainability and Thriving
(Or Not)?

**Boosters
and
Buffers**

VS

**Drainers
and
Distressers**

*Stressed, Lonely, and Overcommitted Predictors of Lawyer Suicide Risk

P. Krill, et. al, *Healthcare* 2023, 11(4), 536.

Studied Lawyers: **Risk FACTORS** significantly associated with suicidal ideation.

1. **Loneliness** – “divorced” from feeling connected/not feeling understood, imposter syndrome, feelings of isolation from others and self, stigma against help-seeking.
2. **Overcommitment** – “married” to work, perfectionism, competitive, over-identified with external success.
3. **Perceived Stress** levels high – perceptions of pressure and distress, overwhelmed, perceived lack of external and internal resources.
4. **Male** (identified as “male”...)

National Suicide Prevention Hotline (988) 1-800-273-TALK

The American Lawyer Article (2018): Big Law Killed My Husband

An Open Letter from a Sidley Partner's Widow (wife of Gabe MacConail)

<https://www.law.com/americanlawyer/2018/11/12/big-law-killed-my-husband-an-open-letter-from-a-sidley-partners-widow/?slreturn=20231110153127>

“Working to **exhaustion...wasn't sleeping...body was failing him...** doing the work of 3 people” “**binge drinking** masking deeper pain...”

“Everything he said was **negative...told me he couldn't turn off his head...**” “If we go [to hospital], this is end of my career.” “Maladaptive perfectionists lack self-compassion...unbearable shame that he wasn't performing to the impossibly high standards he set for himself.”

“**Constantly** striving to be **perfect...Felt like a phony who** had everyone fooled about his ability.”

“His lack of essential coping mechanisms...[combined with] a **high-pressure job...culture where it's shameful to ask for help...be vulnerable...not to be perfect** - created a perfect storm...”

REASONS for LEAVING LAW

Leadership, Organizational Failure Creating Human/Financial Loss and Costs

In Their Words: Experienced Women Lawyers Explain Why they are Leaving Law Firms and Profession, ABA Journal, May 3, 2021

1. **unfair** treatment, pay, promotions...

2. **hyper-competition** environments that impact and erode **collegiality**...

3. **isolating environments** and costs to connection, relationships, and support...

4. desire for more **meaningful** work, to feel work matters...

5. **24/7 culture**, lack of **autonomy**, stress.



Supreme Court Chief Justice William Rehnquist:

(Sedative dependency, prescribed for insomnia/back pain for 10 years, hospitalized - went through detox 1982)

Supreme Court Justice Ruth Bader Ginsburg: (cancer, chemotherapy treatments)

WE NEED TO SHARE OUR STORIES: CREATE A COMMUNITY OF SHARED HUMANITY
Needing and seeking help is not failure or incompetence – It's being human.



**STRESSORS:
INCIVILITY
UNFAIRNESS**

TRUST

**HOW WE TREAT EACH OTHER
AND THINK ABOUT OURSELVES
AFFECTS WELL-BEING AND
HAPPINESS!**

**Building Psychological Safety,
Belonging, Fairness, Trust
(Justice is hardwired in us...)**

Pillars of Morality, Reciprocity-Fairness, Empathy-Compassion,
Animal Behavior by Frans Van de Waal,
<https://www.youtube.com/watch?v=meiU6TxysCg>

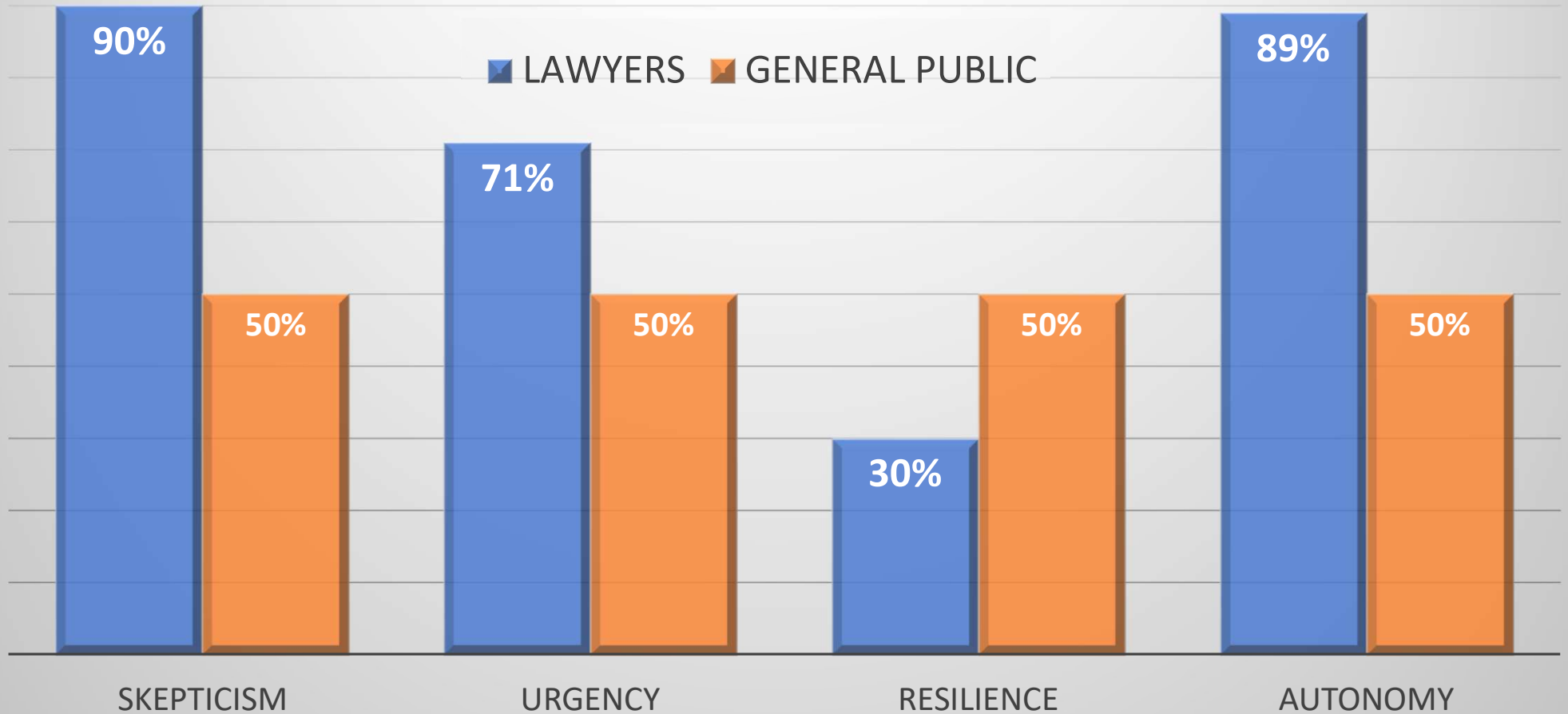




LAWYER'S (*SELF*) PERSONALITY TRAITS

A Slippery Slope>>>to DRAINED?

Data collected Dr. Larry Richards, the LawyerBrain LLC



Does “Thinking Like a Lawyer” Contribute to Toxic Fixed Distorted Thinking – Illness?

SKEPTICISM → **MENTAL FILTERING (neg.)**

DISCOUNTING POSITIVE & PERSONALIZING

= leads to pessimism, depressive thoughts

URGENCY → **CATASTROPHIZING**

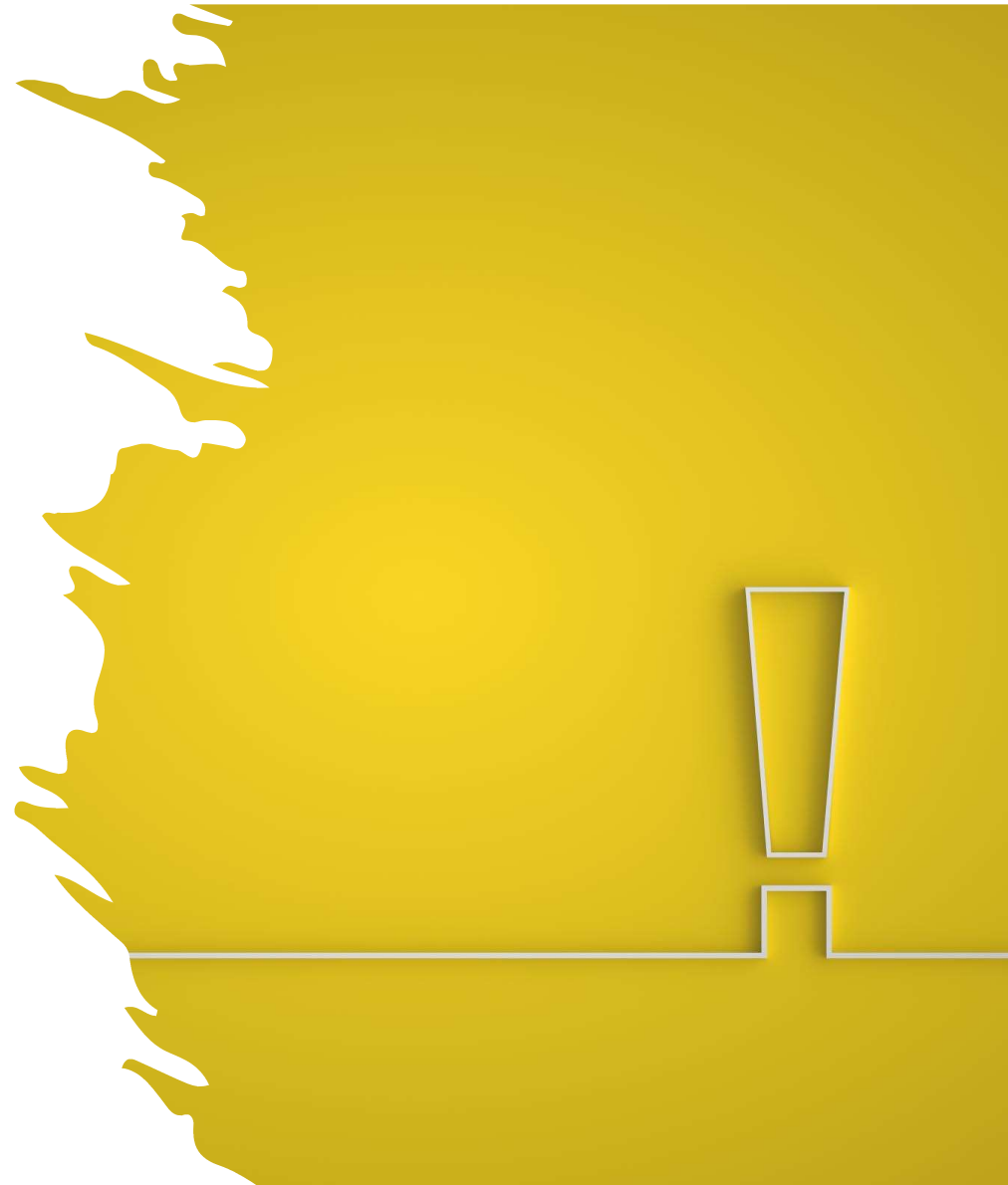
= leads to chronic sympathetic arousal, exhaustion, anxiety, overwhelm, illness

AUTONOMY → **MAGNIFICATION**

= failure/mistake unacceptable, leads to loneliness, blaming, help-seeking stigma

LOW RESILIENCE → **ALL or NOTHING**

= hyper analytical, hyper-vigilant for risks, holding self responsible even if not in your control, win-lose





A Legal Professional's
Personal Journey from
DRAIN to GAIN

DiSTRESSED (neglecting needs) Stage 2

"I can do it all; imbalanced; disconnected from body."

RUN DOWN (work consumes all energy) Stage 3

"I'm in control, need to keep pressing on – or else..."

ACHIEVER (compulsion to prove oneself) Stage 1

"Wedded to work; identity tied to legal success."

ISOLATED (withdrawn, depersonalized) Stage 4

"I don't need help; perfectionist; loss..."

NEGATIVE (disconnected, despair, hopeless) Stage 5

See 12 Steps of Burnout, Freudenberger, H.J. (1972)
Journal of Social Issues, 30.



Vicarious Trauma Compassion Fatigue

DRAINERS and DISTRESSERS

Compassion Fatigue (CF) Profound emotional and physical depletion when “helping” professionals are unable to refuel and regenerate.

***Vicarious Trauma (VT)** Profound shift in worldview when working with others who have experienced trauma.

▶ Physical, emotional, behavioral, cognitive, spiritual impacts and stress.

BOOSTERS and BUFFERS

▶ Supportive supervisor matter, help manage workload, supportive relationships, education and resources.

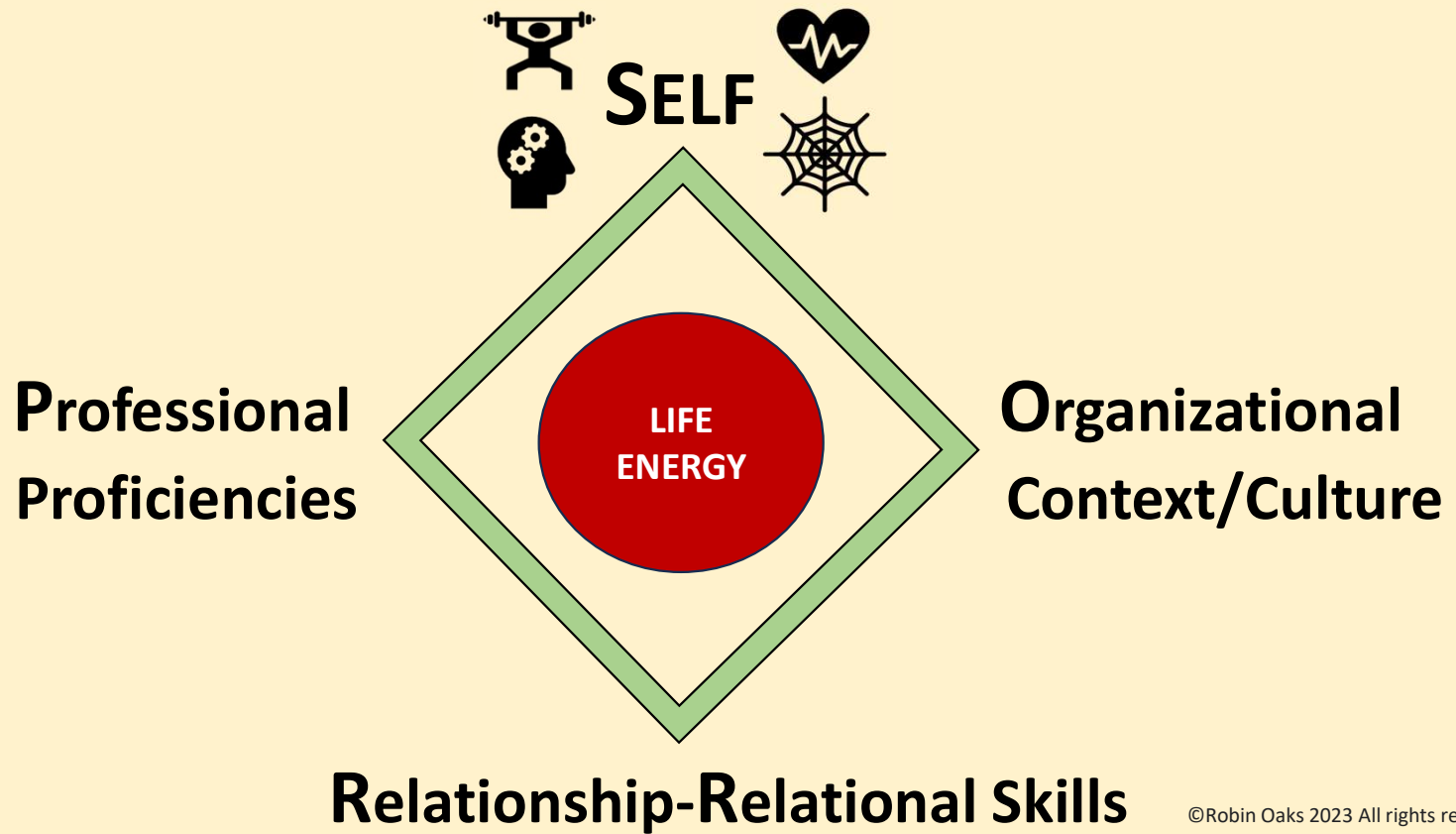
(Moreau & Mageau, 2012; Tysen and Vagium, 2002)

▶ Self aware/care (mindfulness, mind-body practices, addressing needs).

WELL-BEING SOLUTIONS

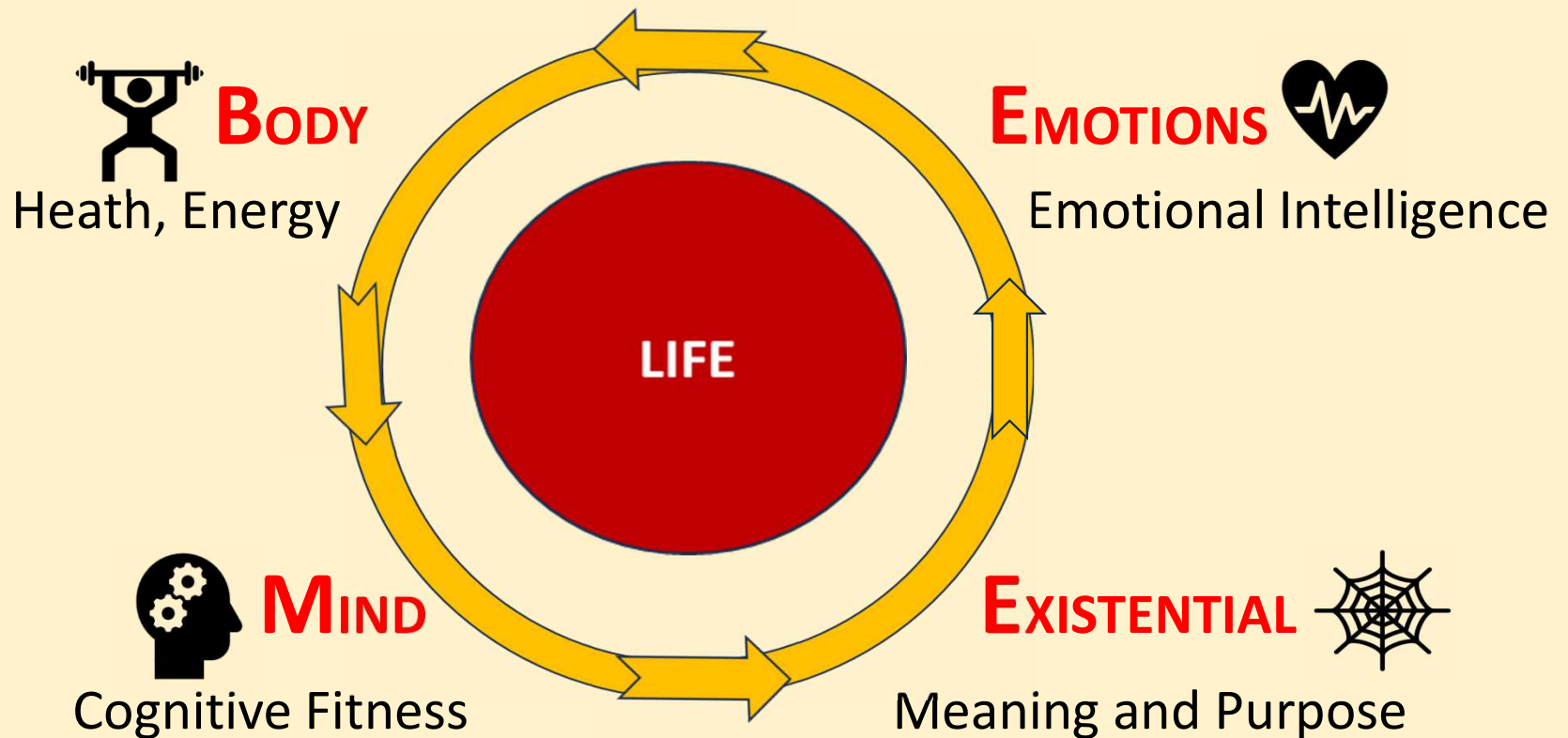


PROS: LAWYERING WELL



SELF SKILLS

Evidence-Based Individual Competencies



MINDFULNESS Mind-Body Practice...

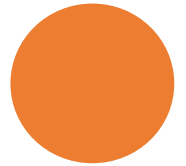
***“Tension is who you think you SHOULD be.
Relaxation is who you are.”***

— Chinese Proverb

Mindfulness reduced rumination and preoccupation with work concerns affecting perceptions of stress. (Michel, et al 2014)

Mindfulness meditation reduced implicit age & race bias. (Lueke et al 2014)

Mindfulness training group experience resulted in significantly less strain-based work-family conflict and significantly more sense of psychological satisfaction with work-life balance compared to controls. (Michel, Bosch, Rexroth 2014)





New Marketing Strategies Vault.com 2024 Rankings Best Law Firms For Wellness

#1 SCORE 9.392

[O'Melveny & Myers LLP](#)

#2 SCORE 9.383

[McDermott Will & Emery](#)

#3 SCORE 9.351

[Clifford Chance US LLP](#)

#4 SCORE 9.081 (Allows billable hours to be applied for weekly mindfulness/resilience practices training)

[**Morgan, Lewis & Bockius LLP**](#)

#5 SCORE 9.031

[Orrick](#)

“OBJECTION!
Your Honor”
Cross Exam
Your Thinking

Cognitive
Behavioral
Therapy

Disputing
Distorted
Thinking



Building awareness of
what you're telling
yourself by:



Identifying
inaccurate, distorted,
and unhelpful
thoughts



Disputing them



Substituting *logical*
and supportive
thoughts



Taking healthy
actions

*Until you make
the unconscious
conscious, it will
direct your life
and you will call
it fate.*

– CJ Jung



“OBJECTION! Your Honor”

Cross Exam Your Thinking

Cognitive Behavioral Therapy

Building non-judgmental awareness of what you are thinking/telling yourself by:

Identifying inaccurate, distorted, and unhelpful thoughts

Disputing them

Substituting *logical* and supportive thoughts

Taking healthy actions

Gratitude: Three Good Things “What Went Well?”

MIND Evidence-Based Strategies

Kini, et al. The effects of gratitude expression on neural activity, Journal of Neuroimage, March 2015;
The Science of Gratitude, White Paper, UC Berkeley Greater Good Science Center (2018)



RESEARCH GRATITUDE PRACTICES

ONE PRACTICE:
EACH DAY FOR 3
WEEKS THINK OF 3
GOOD THINGS
THAT WENT WELL.

JOT DOWN WHY
YOU THINK THINGS
WENT WELL.



CHANGES BRAIN INCREASES ATTENTION LEARNING

BLOCKS
RUMINATIONS
NEUROPLASTICITY
*NEURONS THAT FIRE
TOGETHER, WIRE
TOGETHER*



COUNTERS
“NEGATIVITY
BIAS”
SHIFTS
ATTENTION TO
NOTICING
POSITIVE THINGS
THROUGHOUT
DAY



DECREASES
DEPRESSIVE
THOUGHTS EVEN
MONTHS AFTER
PRACTICE ENDS
CONTRIBUTES TO
PRO-SOCIAL
CONNECTIONS



INCREASED
ENERGY
RESILIENCE
LASTING EFFECTS
CONSIDER
ADDING TO YOUR
WORKPLACE FOR
YOURSELF, WITH
STAFF, FOR
MEETINGS, **DAILY
BOOSTERS**



STRATEGIES THAT BOOST THINKING AND PROMOTE WELLNESS

Legal Practice IS Emotional Emotional Intelligence Is Vital

Self-Compassion, Compassion, Empathy, Listening

Emotional Intelligence (Self and Others)
Awareness & Management

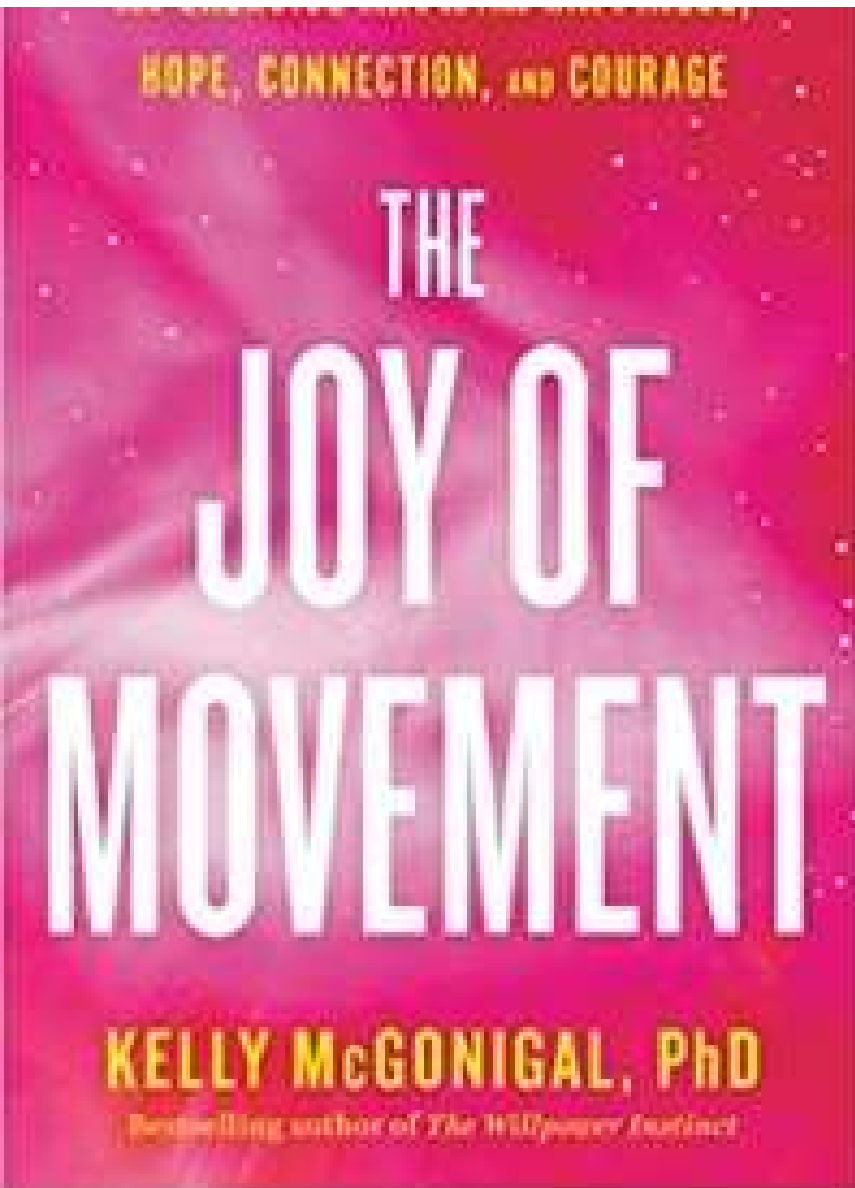
Self-Regulation of Emotions

Mind-Body Practices/Breathwork

Mindset, Communication Skills

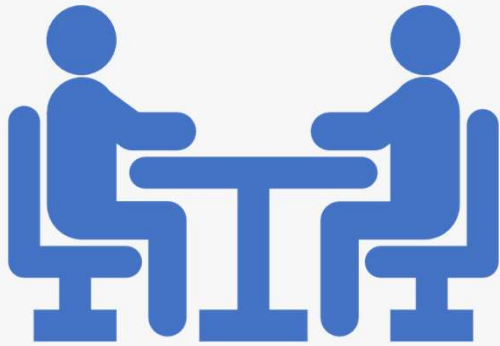
Study: TIME PERCEPTION AND GOAL CONFLICT STRESS: Work-Life

When subjects asked to think about CONFLICT between two goals (working late vs. being with family, etc.), it resulted in feelings of increased anxiousness and stress and **in time feeling SCARCE**. But when breathing exercises practiced (study 1) or interventions aimed at reframing stress as exciting and enhancing occurred (study 2), **perception of time EXPANDED**. (Etkin, et al 2015)



The Joy of Movement: How Exercise Helps Us Find Happiness, Hope, Connection, and Courage, by Kelly McGonigal, Ph.D.

Sleep is Your Superpower, Matt Walker, Sleep scientist, Ted Talk (2019)
https://www.ted.com/talks/matt_walker_sleep_is_your_superpower?language=en



—
In the Workplace What
Matters is Supportive & Skilled
Leaders & Civility, Collegiality

Organizational BOOSTERS and BUFFERS PEOPLE

The mere presence of another person can be beneficial during challenges, especially if this person provides support in a nonevaluative and nondirective manner.

(Harber, Schneider, Everard, & Fisher, 2005; Kamarck, Manuck, & Jennings, 1990).

LAW STUDENT COMMENTS

Benefits of Awareness, Education, Skills, Practice

Because of what I learned in this well-being and professional identity course:

“...during the bar exam when I started to panic and felt myself getting overwhelmed, I noticed my negative thinking and started self-regulating myself with breathwork. I instantly felt my body calm down and I could think clearly again, thankfully.”

“...about vicarious trauma and what that is like, it reminded me that no matter how busy I am, I need to take care of myself. You can't pour from an empty glass.”

“...I don't feel as depressed and anxiety ridden. I was able to find MYSELF again...”





MIND-BODY, WELL-BEING SKILLSETS RELATIONSHIP RESOURCES

PSYCHOSOCIAL RESOURCES AFFECT PERCEPTION OF CHALLENGES

Participants accompanied by a friend estimated a hill to be less steep when compared to participants who were alone (Study 1).

Similarly, participants who thought of a supportive friend during an imagery task saw a hill as less steep than participants who either thought of a neutral person or a disliked person (Study 2).

- 1. Social support powerfully affects physiological responses to challenges.**
- 2. Social support moderates how challenges are evaluated.**
- 3. Social support promotes health by reducing physical reactivity to stress, and is therefore protective against stress-related illnesses.**

Schnall, et. al, J. Exp. Soc. Psychol. 2008 Sept 1:44(5): 1246-1255.

Organizational Strategies - Training: Soft Skills are Strength Strategies For Success in a Changing World

U.S. Army coined term
"soft skills" in 1960s:
any skill that does
NOT employ
machinery...

Witness Prep. Strategies Examples

Emotional Intelligence Skills
Stress Management
Good Sleep Hygiene
Foods Affecting Focus, Stamina
Limiting Beliefs, Growth Mindset
Mindfulness, Deep Listening
Self-Regulating Nervous System
Breathwork Calming Practices
Effective Communication
Skillful Feedback
Empathy
Visualizations

STUDY: Stanford
Research Institute,
Carnegie Mellon
Foundation of Fortune
interviewing 500 CEOs;
75% of long-term
SUCCESS results from
soft skills cf. to 25%
technical skills. (Sinha,
2008).

What Do Clients Want Most from Lawyers?

Listening,
Communication,
Responsive to their
human needs
(Cunningham, 2013)



SCIENCE OF AWE – WATCH VIDEO

Expanding Perspectives

https://ggia.berkeley.edu/practice/practice_as_pdf/awe_video?printPractice=Y
<https://www.youtube.com/watch?v=N6-2fVsFV8E>

AWE: Berkeley Greater Good Science Center, D. Keltner

1. Activates vagus nerve, parasympathetic rebalancing
2. Reduces feelings of loneliness, distress
3. Alters sense of urgency
4. Promotes shared connection, helping others
5. Influences decision-making, i.e., choose positive experiences over material things
6. Brings a sense of expanded time and perspective
7. Creates present moment awareness, promotes well-being

AWE experiences = moral beauty of others, collective movement, nature, visual design, music, spirituality, big ideas, and experiences of beginning and end of life.

Rudd, M., Vohs, K.D., and Aaker, J. (2012). *Psychological Science*, 23(10), 1130-1136.





**Raising Consciousness
Repairing Ruptures
Building Connections
Expanding the Paradigm
Promoting Success & Thriving**

**INVEST WELL IN YOUR
WELL-BEING
PORTFOLIO!
ANY QUESTIONS?**

Contact Robin Oaks to provide input and ideas for SBCBA Attorney Wellness Section. Inquire about Well-Being in Law seminars, retreats, resources, consultations, confidential well-being sessions for individuals, witnesses and all legal professionals.

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PROS: LAWYERING WELL

Investing in a Well-Being Portfolio for Success

