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# I. A practical guide for leaders

This Special Report is written for leaders in the legal services industry who are senior influencers, partners and management decision makers, and who feel a joint responsibility with their professional colleagues to work together to minimise excessive stress or distress in the legal workplace.

It is also written for lawyers who want to have more frequent and satisfying discussions about mental wellness and how they experience the dynamic nature of stress in response to stressors in their personal and professional lives.

It is for members of the legal community, worldwide, who want to fortify their professional relationships, self-awareness and skills, in order to:

- promote wellness;
- respond effectively to concerns and needs of individuals and groups, including colleagues who are in distress; and
- ease the prevailing stigma that isolates lawyers when they need help and support the most.

Many of the perspectives, tools and approaches in this Special Report are relevant for all members of legal services teams, including lawyers,

paralegals, managers and staff. Although specific job-related stressors vary, stressors in the professional cultures of law firms and other legal services organisations are often similar for everyone, even if they manifest differently. These can include, for example:

- ever-increasing client expectations for low-cost, high-quality service;
- 'high stakes' adversarial interactions in court and out;
- self-imposed perfectionism and anxieties about 'loss of control';
- heavy workload and long hours;
- prolonged interpersonal tensions among individuals and groups;
- bullying behaviours<sup>1</sup> from clients and senior lawyers;
- no expressed appreciation for the complexity and quality of services they provide to clients;
- competition internally for economic self-interest and externally for dwindling amounts of work;
- social isolation fuelled by personal responses to distress;<sup>2</sup> and
- systems, processes and relationships in legal services organisations that fail to modify the kinds of behaviours listed above.

While recognising that mental health is important to everyone, this report specifically probes professional relationships, ie, the professional compact between lawyers and between lawyers and their formal leaders. What can lawyers expect from management and what do those leaders have a right to expect from the lawyers? What do professional relationships mean to lawyers and how does this affect the choices they make in their interactions with each other?

With case studies, step-by-step examples, probative questions and practical information based on the legal workplace, this Special Report highlights the issues and the thoughtful work to be done, what to pay attention to and how to use that information to make improvements. It presents choices and options to consider for action. It does not provide magic formulas or quick fixes.

Throughout the Special Report, leaders in the legal services industry describe their own 'lessons learned'. I too offer perspectives, practical strategies and tools to consider, through my lens as a counselling psychologist, who has dedicated her career to working exclusively with lawyers and their leaders, worldwide, for more than 25 years.

Some leaders may be motivated to read this Special Report because they have made an economic calculation about the potential consequences of stress and burnout on the future viability of their organisation. Some may be concerned about decreasing levels of trust and collegiality among partners, lawyers and staff. Others may want to

*“What can lawyers expect from management and what do those leaders have a right to expect from the lawyers? What do professional relationships mean to lawyers and how does this affect the choices they make in their interactions with each other?”*

make sure they have sufficient buy-in to make needed changes. These are all important reasons to keep reading.

### **1. High stakes and changing expectations**

The stakes are high, and expectations are changing.

There is widespread and growing acceptance in legal services organisations worldwide that dealing with stress and burnout is not just ‘on the individual lawyer’ to sort out. Behavioural health concerns are now mainstream in legal management, unlike years ago when it felt like it took an act of God to gain support for related topics on international conference agendas.

This was the author’s observation and experience in 2002. A two-day international conference titled “Law and Psychology” billed as exploring “the increasingly important relationship between law and psychology” took a two-pronged approach, looking at psychology in the law firm and psychology in dispute resolution. Although early planning met with scepticism and even resistance from the sponsoring professional association, the conference went forward. The event heightened awareness about mental health issues in ways that were unusual for its time. Scepticism continued within the legal profession about whether mental health and well-being were relevant to, or even

a partial responsibility of, law firm management. For example, when trying unsuccessfully to recruit managing partners from US-based law firms to participate on a panel of international lawyers at the 2010 Annual Conference of the International Bar Association, those invited cited two reasons more than any others for declining the invitation: (1) their respective firms viewed mental health as a personal problem and not an issue that the firm's management was competent to address; and (2) their respective firms did not want to admit anything that might impose liability on them for mental health problems.

Progress is in evidence through outstanding initiatives by professional organisations such as the American Bar Association, the Canadian Bar Association, and the Law Society of England and Wales, as well as numerous state and provincial bar associations and law societies. However, a reluctance to address mental health as a high-priority workplace issue, rather than solely in response to individual problems, persists throughout the legal profession.

Legal services organisations have subscribed to the philosophy for years and seem to universally agree that it is good business and good legal practice to create supportive work environments where all lawyers feel a sense of accomplishment, reward and professional

*“When professional relationships interfere with the lawyer’s ability to address needs and concerns, the relationship itself can become a source of intense stress.”*



satisfaction. It is also generally accepted that stressful working environments, which often include working with highly stressed clients, can contribute to lawyers developing mental health conditions or may exacerbate pre-existing ones. The extent to which legal services entities embrace, through their actions, a shared responsibility with individual lawyers to respond to these risks is inconsistent within markets and globally.

Practising law can be intellectually demanding and emotionally stressful. The legal services workplace, itself, is dynamic and ever changing, just as the relationships in it. Every lawyer brings unique needs and concerns, psychological and professional, to relationships at work. Those needs and concerns change over time in response to internal and external factors, including the evolution of the lawyer's career. When professional relationships interfere with the lawyer's ability to address needs and concerns, the relationship itself can become a source of intense stress.

Stress-producing factors or stressors have different effects on different lawyers based on many variables, including their past experiences and current life situation. Acquired beliefs and expectations influence professional self-esteem, how lawyers respond to others' behaviours and how they interpret stressful events. Tolerances for risk, uncertainty and conflict also vary considerably among individual lawyers.

Lawyers may respond to the same conditions in different ways, at different times. The intensity and extent of the stress they feel cannot be necessarily predicted by identifying the source of the stress. Many factors contribute to how lawyers respond to potential stressors in the working environment and the outward symptoms they display at a particular point in time.<sup>3</sup> These include individual physiology and personalities of lawyers, coping skills, existing levels of stress, economic pressures, types of legal practice, perceived levels of control, the culture of the organisation, and factors such as age and gender.

We need to expand our understanding of:

- how, and to what extent, gender affects our experiences with stress factors in the legal services workplace, how it contributes to perceptions of those experiences, and to what extent gender-based assumptions, expectations and stereotypes affect how colleagues and leaders respond to mental wellness needs in their organisations;<sup>4</sup> and
- the relationship between specific chronic sources of stress or stressors in legal services organisations and the corresponding

impact on the physical and mental health of lawyers, which in my experience tend to be more similar than dissimilar in legal services organisations of every size, regardless of national culture.

Inaction by leaders can create substantial, measurable and potentially long-lasting adverse consequences for lawyers and their organisations.<sup>5</sup>

## **2. The key role of leadership**

How leaders respond to wellness concerns in their organisation has a lot to do with whether they see it as a collective problem that requires a collective response.

All lawyers can, and many do, use leadership behaviours every day to better understand mental wellness needs and minimise the negative impact of stressors. As coaches and mentors, they may even act to shield more junior or inexperienced lawyers from potentially damaging conditions, serving as a buffer between the individual lawyer and highly stressful interactions with others and within the internal systems of the organisation. Yet, there is only so much one lawyer or even many lawyers can achieve independently, *ad hoc*.

Individual solutions are not enough. However, when organisations develop individual leadership behaviours as part of a collective action, with agreement on what's expected, how their performance will be measured and rewarded, and why it is important for the future, these shared behaviours can have tremendous positive impact.

That is not the only consideration.

Leaders also have the task of deciding which leadership behaviours are most important to pay attention to and develop. Selecting development priorities is partially based on an evaluation of both current and future business and practice priorities. For example, a legal services organisation might anticipate that working in teams will be key to its success in improving work processes and supporting new business units. They recognise that they currently have unaddressed competitive tensions among practice groups. The tensions undermine good will and the timely sharing of information, affecting stress levels and the quality of cross-functional teams. They will then ask: *Which leadership behaviours will help us succeed in developing high-performing teams, not in an ideal world, but based on where we are now and what our leaders need to be able to do well to get the best results?* Success is gradual, so they also ask: *Where should we start?*

When the leadership behaviours that are required to succeed in the current workplace are inconsistent with or different from the leadership behaviours that have been selected for development, the incentive to develop new skills is minimal. For example, leaders describe competing commitments where they feel torn between supporting the mental welfare of their colleagues and meeting expectations for fee generation or client service. If it's an either/or situation, they say the business and clients take priority because that is what drives their success. The leadership behaviours most required for success in one organisation may be different from another.

This is why I make a distinction in this Special Report between lawyers and their formal leaders, ie, the owners and influential decision makers. Designated or formal leaders and leadership groups have the power to define success in their organisations. They have influence and control that exceed that of an individual lawyer acting alone, senior or junior.

Decisions made by leaders about development priorities, including their own leadership effectiveness, have consequences. Decisions and indecision about internal systems, business and practice priorities shape behaviour and the quality of professional relationships.

*“How leaders respond to wellness concerns in their organisation has a lot to do with whether they see it as a collective problem that requires a collective response.”*

Leaders are in a position to substantially modify the adverse impact of some of the stressors listed earlier. This Special Report challenges all of us to find ways to be better and to make better places for lawyers to work.

### **3. The goal of a supportive work environment**

A supportive work environment is not the same thing as a 'no-stress zone'. Stress and tension are two everyday conditions in most legal services organisations. Any kind of change produces stress. Many lawyers describe how they like the intensity, challenges, visibility and fast pace that come with their careers. The excitement, and occasional adrenaline rush, of serving clients well can feel invigorating and satisfying.

The intellectual stimulation and professional satisfaction of legal practice are, however, in a delicate balance with workplace stressors. We know prolonged and unabated stress wears lawyers down and increases their susceptibility to illness, whether stressors feel like positive motivators or produce feelings of excessive stress or distress. Thus, physical exhaustion may precipitate not only high blood pressure but also worrisome behaviours at work, depression, substance use, and even suicide.

What lawyers say they are looking for is not the absence or the elimination of stress. Instead, they want greater attention paid to how they – as groups and individuals, lawyers and leaders, alike – are experiencing and dealing with ongoing professional stressors.<sup>6</sup> They want to focus on serving clients and developing professionally without becoming ill in the process. They look to leaders to organise methods, resources and goals to do just that.

Lawyers also need help from their leaders to ease the stigma that still exists for them. Talking about and seeking help to deal with mental health, stress-related concerns, and other behavioural health issues, like substance use, are still very difficult for lawyers to do.

Over the span of their careers, circumstances change. Personal financial goals, family priorities and responsibilities evolve. What feels like personal/work balance to a lawyer at one point may feel unacceptable and even overwhelming at another.

Lawyers want, and increasingly expect, to make informed decisions and exercise greater control over their own mental wellness and the evolution of their legal careers. Their goals are more than 'lifestyle choices'. Lawyers look to leaders to provide well thought-out and flexible options that balance changing career requirements, client expectations, and organisational realities.

*“Lawyers want, and increasingly expect, to make informed decisions and exercise greater control over their own mental wellness and the evolution of their legal careers.”*

Most lawyers – at least the ones I've worked with and observed – are highly competitive, efficient and achievement-oriented. They tend to work hard and at a pace that can exhaust them mentally and physically. This can cause them to operate on very thin margins of emotional reserves. When a crisis occurs, like the pandemic or financial instability, some lawyers are already at risk and emotionally distressed, even when outwardly they appear to be coping.

In the last few years there has been a definite shift in the compromises that lawyers are willing to make to a profession and in service to an organisation that, through the actions of its leaders, they feel is indifferent to their levels of stress.

I have worked directly with many aspiring lawyers who once were willing to suffer sleep deprivation, forego having children and put personal relationships at risk to establish themselves in their careers. They believed that their compensation, along with success in a lucrative and prestigious career, balanced out the sacrifices they made.

Today I increasingly hear lawyers of all ages, men and women, say:

*Money is not enough. My family and mental health are also important to me. I will not stay in an organisation where I am not treated well or where the working conditions put my mental health at risk.*

Leaders know that clients and the legal market are watching. They know the cultures of their organisations are scrutinised every day on social media. Social movements like #MeToo<sup>7</sup> have energised professionals to challenge the status quo. Lawyers' clients are becoming better informed about the risks, including consequences, of working with service providers that operate with unabated levels of overwhelming stress.

Leaders in legal services organisations can certainly help lawyers – and themselves – by devoting more resources to information and education. But what about prevention and even intervention? Most public commentary on this subject has been directed primarily at the individual: ie, *What can I do to reduce stress and avoid burnout in my life?*

Most of us don't see the world in the same way since the COVID-19 pandemic began. So, it's worth asking:

*How can we take advantage of what we did well, responding together to challenges, and use it as a foundation for building for the future?*

*How can we respond to potential risks and opportunities going forward as we work to differentiate our organisations?*

#### **4. Acknowledgements**

Rather than waiting until the end of this Special Report, I want to acknowledge at its beginning the contributions of the hundreds of lawyers and managers in legal services organisations around the world who have been my best teachers and mentors. Especially during the last few years, and in extremely stressful times, they have made the time to complete surveys, attend webinars and conferences, and, in confidential conversations with me and my colleagues, share their intimate thoughts about their professional lives, the state of their businesses and the global legal industry.

Their wisdom comes from what they have done well and from the lessons they have learned when things didn't go as well as they had hoped. Their candour and trust humble me, their humour and goodwill sustain me and their keen intelligence and probative insistence keep me stretching as a professional in my field of counselling psychology.

This chapter 'A practical guide for leaders' by Lisa M Walker Johnson is from the Special Report '*Stress and Burnout in Law Firms: Leadership Challenges and Choices*', published by Globe Law and Business.