



Alta Pro Insurance Services

You're Not Broken: The Neuroscience of Lawyer Well-being

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Introduction

Well-being is an indispensable aspect of a lawyer's duty of competence. This program will provide a candid look at the current threats to lawyer well-being; how to work with neurobiology rather than against it; and provide practical tools and practices for improving lawyer well-being.

The program will highlight key Rules of Professional Conduct and best practices for personal and professional well-being. It will take a close look at the 2017 ABA National Task Force on Lawyer Well-Being, with an emphasis on practical ways to implement the findings of the Task Force in your professional practice.

1. Understand that Well-being is Part of a Lawyer's Duty of Competence.

ABA Model Rule of Professional Conduct 1.1

Client-Lawyer Relationship

“A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”

ABA Model Rules - Preamble: “[7] Many of a lawyer's professional responsibilities are prescribed in the Rules of Professional Conduct, as well as substantive and procedural law. However, a lawyer is also guided by personal conscience and the approbation of professional peers. A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's ideals of public service.”

2. Overview of 2017 ABA National Task Force on Lawyer Well-Being

“We are at a crossroads. The legal profession is struggling.”

Those stark words come from the 2017 Report of the National Task Force on Lawyer Well-Being. The report, produced by the American Bar Association, Hazelden and other groups, found a profession “at a tipping point,” with alarming levels of stress, anxiety, depression, burnout, alcoholism, substance abuse and suicide among lawyers and law students.

From the ABA Report: “To be a good lawyer, one has to be a healthy lawyer. To maintain public confidence in the profession, to meet the need for innovation in how we deliver legal services, to increase access to justice, and to reduce the level of toxicity that has allowed mental health and substance use disorders to fester among our colleagues, we have to act now. Change will require a wide-eyed and candid assessment of our members’ state of being, accompanied by courageous commitment to re-envisioning what it means to live the life of a lawyer.”

Download the [2017 Report of the National Task Force on Lawyer Well-Being here](#).

3. Strive for Full-Spectrum Health in Your Law Practice

Well-being is not just the absence of dysfunction, and it’s not as simple as just feeling happy.

From the [ABA Report](#): “Lawyer well-being [is] a continual process of seeking to thrive in each dimension of one’s life: Emotional, Occupational, Intellectual, Spiritual, Physical, and Social. [It] requires things like connection, belonging, continual growth, and aligning our lives with our values. It requires that we take care of all aspects of our lives.”

- **Emotional Well-being.** Value emotions. Develop ability to identify and manage our emotions to support mental health, achieve goals, and inform decisions. Seek help for mental health when needed.
- **Intellectual Well-being.** Engage in continuous learning. Pursue creative or intellectually challenging activities that foster ongoing development. Monitor cognitive wellness.
- **Occupational Well-being.** Cultivate personal satisfaction, growth, and enrichment in work. Strive to maintain financial stability.
- **Physical Well-Being.** Strive for regular activity, good diet, and nutrition, enough sleep, and recovery. Limit addictive substances. Seek help for physical health when needed.
- **Social Well-Being.** Develop connections, a sense of belonging, and a reliable support network. Contribute to our groups and communities.
- **Spiritual Well-Being.** Develop a sense of meaningfulness and purpose in all aspects of life.

4. Use the ABA Well-Being Toolkit

The ABA Well-Being Toolkit contains best practices, online resources and an 8-Step Action Plan for implementing a wellness program in your practice.

“This Toolkit is designed to help lawyers and legal employers improve well-being holistically and systemically,” [says attorney and psychologist Anne Brafford, one of the Toolkit’s creators, in n this ABA article](#). “This goal will require new choices, considerable effort, and changes that likely will upset the status quo.”

Included in the ABA Well-Being Toolkit: suggested activities, events and educational opportunities; how to assess and track progress on well-being goals; online resources and technology for well-being initiatives; reading recommendations; a list of organizations that focus

on lawyer well-being; a list of speakers and consultants on well-being; an activity workbook; a Policy and Practice Audit.

Well-Being Toolkit 8-Step Action Plan

1. Enlist leaders
2. Launch a well-being committee
3. Define well-being
4. Conduct a needs assessment
5. Identify priorities
6. Create and execute an action plan
7. Create a well-being policy
8. Continually measure, evaluate and improve

[DOWNLOAD THE ABA WELL-BEING TOOLKIT HERE.](#)

5. Take the Well-Being Pledge

Recognizing that high levels of problematic substance use and mental health distress present a significant challenge for the legal profession, and acknowledging that more can and should be done to improve the health and well-being of lawyers, we the attorneys of _____ hereby pledge our support for this innovative campaign and will work to adopt and prioritize its seven-point framework for building a better future.

1. Provide enhanced and robust education to attorneys and staff on topics related to well-being, mental health, and substance use disorders.
2. Disrupt the status quo of drinking-based events: (a) Challenge the expectation that all events include alcohol; seek creative alternatives. (b) Ensure there are always appealing nonalcoholic alternatives when alcohol is served.
3. Develop visible partnerships with outside resources committed to reducing substance use disorders and mental health distress in the profession: healthcare insurers, lawyer assistance programs, EAPs, and experts in the field.
4. Provide confidential access to addiction and mental health experts and resources, including free, inhouse, self-assessment tools.
5. Develop proactive policies and protocols to support assessment and treatment of substance use and mental health problems, including a defined back-to-work policy following treatment.
6. Actively and consistently demonstrate that help-seeking and self-care are core cultural values, by regularly supporting programs to improve physical, mental and emotional well-being.
7. Highlight the adoption of this well-being framework to attract and retain the best lawyers and staff.

[DOWNLOAD THE ABA WELL-BEING PLEDGE HERE](#)

6. Understand How Science Can Help You Improve Your Well-being.

“The answer is not to create emotional barriers but to accept that our work changes us.”
(Dr. Kerry O’Hara, Psy.D.)

- The Reality of Vicarious Trauma a/k/a Secondary Trauma a/k/a Compassion Fatigue in the legal profession. *Definition:* A response to an accumulation of exposure to the pain of others; a trauma process that occurs over time when an individual is exposed indirectly to the suffering of others for whom they feel responsible. Witnessing the suffering of others can lead to existential struggles and changes in our world view.
- Amygdala hijack: What is it? How do we know? What are the effects?
- Working with rather than against neurobiology

6. Think PERMA.

PERMA is the brainchild of Dr. Martin Seligman, a founder of the field of positive psychology. In a TED Talk that has racked up 6 million views, Dr. Seligman explains the five core elements of psychological well-being – abbreviated as PERMA:

- Positive emotions – feeling good
- Engagement – finding flow
- Relationships- creating authentic connections
- Meaning – having a purpose
- Achievement – having a sense of accomplishment

Here’s how to put PERMA into practice: create time every day for activities that make you happy and get you in the flow; connect with people, not things; strive to make a difference, not just make money; celebrate even small wins.

7. Maintain Healthy Connections.

Practicing law, even in a busy firm with lots of people running around, can be an isolating activity. In fact, in a survey of 1,600 workers, lawyers ranked number one on a “loneliness scale.” Read about the study in the [ABA Journal](#) and the [Harvard Business Review](#).

A balanced work/home life depends on healthy relationships. Grow and maintain strong, affirming relationships – both personally and professionally. Quality is more important than quantity.

“For most of us, over 50 percent of our waking daily lives is spent working,” [says Jonathan Beitner, co-author of the ABA Well-Being Pledge](#). “Given the dominance of work, enhancing the quality of our work lives can have an enormous impact on the quality of our lives as a whole healthy, positive choices to assure that we can be our best for our clients, families, organizations, and communities.”

Don't neglect your family. Schedule time for family, friends and personal activities like exercise as rigorously as you schedule work commitments. Join professional groups and organizations. Sign up for a committee with your state or local bar association. Engage in community work and public service. Volunteer with Habitat for Humanity.

8. Practical Ways to Stay Healthy and Grounded in the Law Office

- (1) Emergency Landing Exercise. (Grounding techniques: hands; feet; breath)
- (2) Gratitude Practice
- (3) Mindfulness Practice (“The ability to know what’s happening in your head at any given moment without getting carried away by it.”).
- (4) Prioritize self-care: (a) Set a SMART goal; (b) Buddy system; (c) Accountability partner; (d) schedule it on your calendar like all the other important items on your calendar
- (5) Walk in nature
- (6) Exercise
- (7) Hobbies and pets
- (8) Prayer, meditation, journalling
- (9) A “quiet” room in office – no screens or devices
- (10) Deep breathing

9. Know When and Where to Go For Help.

To keep your law office thriving, eliminate the stigma of seeking help for stress, substance use, burnout and other issues. Cultivate a supportive and caring climate. Protect confidentiality.

Contact your state bar’s Lawyers Assistance Program or seek professional help elsewhere.

See the [ABA Report on Lawyer Well-Being](#) for an extensive list of professional resources as well as information on how and where to get help.

ABOUT THE SPEAKER & MODERATOR

SPEAKER

Colleen L. Byers, JD, MBA, RYT200 is the founding principal of Colleen Byers Mediation, LLC. A seasoned business, trust, estate and fiduciary litigator, Colleen’s national mediation practice focuses on resolving partnership disputes, multi-generational family business issues, trust, estate, and fiduciary disputes outside of the courtroom. Colleen is triple certified by the North Carolina Dispute Resolution Commission to mediate Superior Court; Family Financial; and matters pending before the Clerk of Superior Court. In 2020, Colleen was honored to be named by NC Lawyers Weekly as the Lawyer of the Year. Leveraging her communication and negotiation skills, Colleen also serves as a professional development coach and consultant for lawyers and law firm leaders who are ready to expand their impact. Through one-on-one strategy sessions and group workshops and trainings, she teaches lawyers how to negotiate better, transform conflict, and improve well-being to achieve unprecedented results. A registered yoga teacher, Colleen regularly speaks on topics, including The Competitive Advantage of Mindfulness in Negotiations, teaches yoga for high-achieving professionals, and facilitates

corporate retreats. Colleen enjoys outdoor adventures with her husband, their two daughters, and their faithful rescue German Shepherd. Email her at colleen@byersmediation.com and follow her on LinkedIn.

MODERATOR

Jay Reeves is the Risk Pro for Alta Pro Insurance Services. He practiced law in South Carolina and North Carolina for nearly 40 years, both in private practice and in-house (as corporate VP/Risk Manager for Lawyers Mutual Liability Insurance Company of North Carolina). He concentrated in representing attorneys in ethics, licensing and disciplinary cases. He was Vice-President of Bar Cares of North Carolina. He has given numerous CLE presentations to lawyers and bar groups in the US and Canada. He is founder and owner of Your Law Life LLC, which helps attorneys add purpose, professionalism and peace of mind to their Law Lives.



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