

WHAT MAKES A HIGH PERFORMING LAWYER?



Each week newspapers and magazines contain yet another story on the link between lawyers, stress and mental illness. These stories, while altruistic in nature, highlight the well-known fact that lawyers report higher than average mental health issues and more importantly - call for something to be done to prevent mental health issues among lawyers.

The facts

It is true that lawyers report higher levels of depression than other professionals: one study reported 31% of lawyers had experienced high or very high distress in the previous 30 days and 56% reported experiencing depression. Lawyers also manifest lower levels of awareness around mental health and are more likely to use alcohol and other drugs as coping mechanisms. It is also clear that lawyers have a preference to manage themselves and are not keen on speaking up. As law firms continue to grow their profit and prestige, more and more highly ambitious, educated and intelligent law students will compete for positions and, ultimately, nothing will change – unless lawyers and their firms are prepared to change the way they approach sustainable performance [1].

Research on junior lawyers compares their working conditions with those of a sweatshop. Junior lawyers work long hours, deal with angry clients (and partners) and suffer high levels of physical and mental illness [2]. We know all this, yet law is still viewed as a prestigious and remunerative profession with a waiting list of fresh candidates waiting to step into the fray. Recent research in the UK showed that 90% of law firm partners believe the job is more stressful than it was 10 years ago. This issue will not just go away – any change will have to happen at both the individual and firm/in-house department levels. And is the way lawyers work anything to do with the fact that this year about 71% of graduates will be women but only 22% of law firm partners?

A new question to consider

Based on the mechanism of evolution we know that the fierce conditions encountered in law firms and in-house legal departments will naturally select for the best lawyers. So rather than asking how to prevent illness in lawyers, a better question is '*how can we apply the science of psychology to enable lawyers to reach their full performance potential and get to the top of their game?*'

We have examined some common lawyer traits and stressors in order to establish how to apply the science of psychology and high performance to lawyers.

"If you want to be a high performing lawyer ... you need to create a personal performance strategy that allows you to deliver your best work, on time and error free – all the time."



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| Traits | Stressors |
|-----------------------------------|--|
| Highly intelligent and educated | Lack of autonomy |
| Competitive | Competition |
| Perfectionistic | Handling other people's problems |
| High expectations, hyper-diligent | Conformity |
| Hard on themselves | Heavy workload, long hours, time billing |
| Achievement-oriented | Repression of personal ideals/opinions |
| Pessimistic | Client service |
| Self-doubting, insecure | Pressure |
| Materialistic and status-driven | Lack of consistency, feedback and coaching |

Whilst of course not all of these apply to everyone, the traits and stressors are common to both private practitioners and in-house lawyers, although in different ways.

From a scientific perspective an interesting thing about lawyers is that some of the attributes that make them so successful are also the ones that prevent them from reaching their full performance potential [3]. Take perfectionism for example. While required, when over-done it creates a hyper-diligent, highly anxious individual with an inability to switch off and unwind due to fear of failure. Traits like competition are a valuable asset in a high performing lawyer, however when not controlled this can result in a status conscious, argumentative, aggressive and insecure individual – not the traits of a successful high performer. Lawyers also need to be risk-averse and sceptical. Again, when this is over done and not managed it creates a series of neural pathways that inhibit and restrict access to internal coping mechanisms that every human and every lawyer needs to function both on and off the job.

While lawyers pride themselves on being highly intelligent and highly educated, many lack the self-awareness skills to monitor their own behaviour, assess their performance (other than on a time sheet or by way of the quality of their advice) and intelligently apply the right tools to sustain their performance.

Creating high performing lawyers

When we perform at our best we apply a strategic approach to the way we think, the way we work, the way we recharge and the way we eat and move. After 15 years working with high performers from the sporting field to the countries top CEO's, the recipe is the same across the board and involves developing knowledge and applying skills in psychology, productivity, recovery and physiology.

Psychology for Performance – The Way We Think

When we talk about psychology we're not talking about treating mental illness. We are referring to the fact that to be a high performer we need to be at our sharpest 'psychologically'. When we are mentally fit we have improved cognitive functionality including improved ability to focus and concentrate. How this contributes to personal performance is a no brainer (pun intended). We can and should train our brain like an athlete trains their body for agility, speed, strength and endurance.

As lawyers are required to 'perform' a large percentage of the time, they need skills to be able to switch on useful thinking styles and switch off unhelpful ones. Research shows high performers are able to apply positive thinking skills to any situation regardless of how dire it may seem. When they do they increase their ability to make clear decisions, build resilience and deal with change.

THREE WAYS LAWYERS CAN BOOST THEIR PERFORMANCE BY CHANGING THE WAY THEY THINK ARE:

1. Make perfectionist thinking an asset, not a barrier to performance
2. Develop skills to maintain mental stamina
3. Become self aware and identify strengths as well as areas for development



Today psychology has moved beyond helping the mentally ill. As psychologists move from sport into psychology, they teach skills to sharpen the mind and boost mental performance. Michael Shrager from MIT summed up the need to focus on the psychology of performance when he stated *'as knowledge workers, minds matter most. Ensuring they are working at their best becomes a business imperative'*.

Productivity for Performance – The Way We Work

Lawyers work long hours and today a big contributor to overwork and potential burnout is technology overload. When we asked lawyers the biggest barrier to their performance, the answer was *'too many emails, too many distractions and too many methods of communication – I'm always contactable'*.

Drawing from research in the fields of praxeology, cybernetics, psychology, cognitive theories and time management - getting lawyers to change their personal productivity behaviours results in a boost in performance, productivity and profits.

THREE WAYS LAWYERS CAN ENHANCE THEIR PERFORMANCE THROUGH MANAGING PRODUCTIVITY LEVELS INCLUDE:

1. Setting up new guidelines to collect and control the constant stream of information
Most lawyers we've worked with didn't have any in place – do you or your team?
2. Changing the way you use your calendar to plan workflow
3. Linking physiology to personal effectiveness and using an energy management system to boost performance

On average lawyers who have implemented these productivity changes have been able to reclaim at least 4 hours a week. The results speak for themselves.

Recovery for Performance – The Way We Recharge

The world's leading athletes and sporting teams spend more money and time on recovery than they do on training. In order to be at their best on game day, they balance the stress of competition and training with behaviours that allow their bodies and minds to recover. They use massage, ice baths, rest days, reduced training loads and a range of physical and psychological recovery techniques.

The corporate world has been slow to catch on to the need to balance stress with planned recovery for sustainable performance. Imagine the look on your colleagues face when you tell them you're taking a 5-minute break before your next meeting -that's a whole unit of billing isn't it? While it is true most people do not have the luxury of a 2 to 3-month off-season, lawyers who implemented basic recovery strategies have increased their performance.

THREE WAYS FOR LAWYERS TO BOOST PERFORMANCE THROUGH RECOVERY ARE:

1. Daily activities as simple as 2 minutes of specific diaphragmatic breathing
2. Having at least one holiday a year with limited blackberry/iPhone access
3. Incorporating small recovery activities like massage into their calendar

Still not sold? Research by Dr Tom Buckley from The Performance Clinic shows that strategically taking time out to renew energy and balance stress has the short term effect of better focus and increased productivity and, in the long term a 20% reduction in cardio vascular risk, a 22% improvement in sleep time and an 8% reduction in resting heart rate.

Physiology for Performance – The Way We Eat and Move

For too long too many of us have let work and busyness become an excuse for lack of exercise and terrible nutrition. As children we are moving all the time. As adults we move less and less. We sit at our desks, at meeting tables, in cars, on buses and on planes. We eat on the go, at odd hours or not at all. You are kidding yourself if you think this is not affecting your performance.

Our bodies hit their physiological peak in our early to mid 30's and then decline year after year unless we train and eat the right way. Remember what it was like when you were younger? To be a high performing lawyer you need to be brave. Step away from the desk and move.

THREE WAYS FOR LAWYERS TO BOOST PERFORMANCE THROUGH PHYSIOLOGY:

1. Discover key exercises that increase strength and get you moving quickly
2. Learn how to eat for high performance
3. Understand the body's natural physiological responses and work with them, not against them to sustain energy and performance throughout the day, week, month and year

If you are not taking proactive steps to take care of your body, you will not reach your performance potential. It's that simple.

Where to from here?

It's not rocket science. But it is backed by science. If you want to be a high performing lawyer and you want your firm or team to be the same then you need to create a personal performance strategy that allows you to deliver your best work, on time and error free – all the time. You need to discover ways to work smarter not harder. You need to be at the top of your game. You need the skills, attitudes and behaviours to work hard, play hard and recover even harder. If you want to be a high performing lawyer it's time to play the game and give yourself the best possible chance of success. And then imagine the effect if you extended that to your whole firm or in-house team – not only in terms of performance, but retention of your best people.

If you want to boost your mental health and become a high performing lawyer try implementing some of these techniques and watch your performance grow. The better we perform, the more productive we are and the more profitable we become. Go on - challenge yourself to be at your best.

Danielle Buckley, Director of Psychology

Reference List:

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The Unhappy Lawyers by Will Hardy (May 2008).

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