

Building Firm & Personal Resilience

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It's hardly breaking news that challenging market conditions exist in 2012 for Australian businesses and organisations. Law firms are not exempt from instability in the domestic and global economy, not to mention additional challenges with firm consolidation and a need for agility in a changing marketplace.

The intense personal environment experienced by legal professionals, with constant emphasis on billable hours, high utilisation rates, attention to detail, and aggressive deadlines, represent only the initial challenge to balance for both individuals and firms.

Mental health impacts can also take their toll, especially if the firm and the individual fail to create integral daily practices to sustain human performance and quality of life.

The effects of depression and anxiety are well publicised at all levels of the legal profession. For those new to the profession, resilience failure and depression are at alarmingly high rates.

In 2009 research published by the University of Sydney's brain and mind research institute, law students reported psychological distress at a higher rate than other Australians¹.

The Resilience Institute research into Australian (and New Zealand) law firms shows a consistent message. The Institute's proprietary assessment instrument "Resilience Diagnostic", compares an

individual's resilience assets to their resilience liabilities – a ratio called Resilience Ratio[®]. See Figure 1. When viewed as an average, the Resilience Ratio for Law Firms is 1.3:1, well below that of other sectors such as Banking and Finance at 2.2:1 and an acceptable level for high performance teams of 2.5:1.

1. Why are lawyers more susceptible to resilience failure and depression than many other professions?

The Resilience Institute research above shows key risks evident at all five Asset levels (see Figure 1) particularly **Spirit in Action** (lack of meaning,

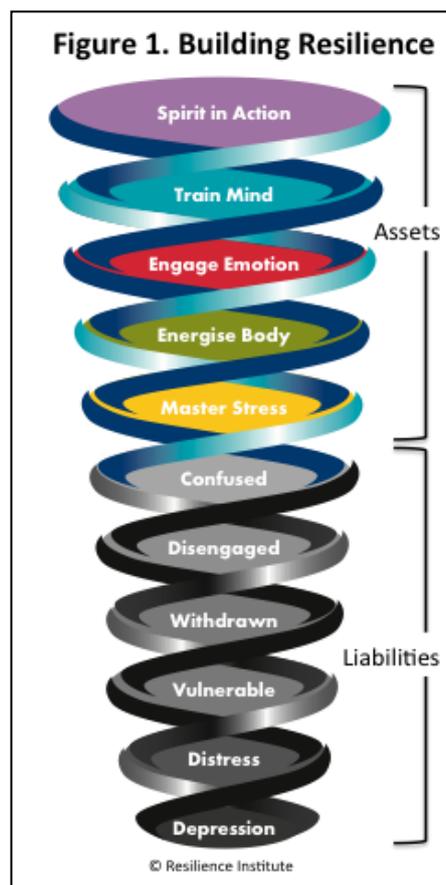
purpose and joy), **Train Mind** (pessimistic thinking style), and **Energise Body** (low investment in exercise and sleep). Additionally, the Liability levels of **Confused** (deadlines and overload), **Distress** (anxiety) and **Depression** rated consistently high.

The lawyer thinking styles that focus on worse case scenario, pessimistic views and hyper vigilance can often become pervasive character traits. Add to this a combination of perfectionism and competitiveness and one can witness a recipe for eroding the resilience of individuals and the firms they operate within.

Dr. T Latham, commenting in 'Psychology Today' (2011)², outlines common reasons for increased incidence of burn out

and mental health problems for the legal profession:

"Even the most balanced and well-adjusted lawyer eventually at some point succumbs to the pressures of working in the legal field. Put an ordinary individual with unresolved issues and inadequate defences in a hyper-competitive environment such as the law, and you have the



formula for a psychological crisis.”

2. Building The Resilient Firm

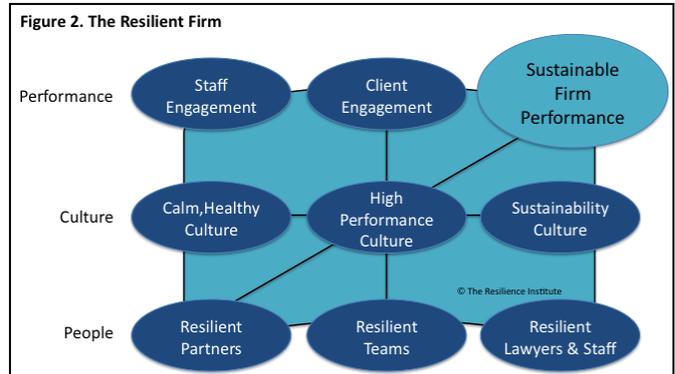
In 2010, Allens Arthur Robinson, Blake Dawson, Clayton Utz, Freehills and Mallesons Stephen Jaques collaborated to launch an education program to tackle depression. Titled ‘Resilience@Law’, the program objectives focus on:

- Awareness of and education about depression;
- Removing the stigma surrounding mental illness;
- Self-care strategies; and
- Support and resources for mental health concerns.

Resilience is more than bouncing back from mental illness. As stated by Stuart Taylor, Managing Director of The Resilience Institute, at the Sydney and Melbourne ALPMA forums in February 2012, “...no question – building a Resilient Firm needs to incorporate a focus on reducing mental ill-health, however, a holistic approach to building Resilient Firm also requires focus on creating an environment where high performance can be liberated sustainably”.

A Resilient Culture. Building a Resilient Firm is as

Starting Point - Senior Partners. Experience shows that development of The Resilient Firm must start at the top with the senior partners. There is no better way to facilitate culture change than to have the senior partners modelling the



resilience practices and leading by example.

Strong sponsorship by this group is essential and their consideration must be given to both organisational and system enablers for resilience as well as the critical role of leadership and leadership style. The traditional “pacesetter” leadership style in law firms is not an enabler for resilience and in fact is one of the key reasons for such low Resilience Ratios in firms. While pacesetter has a role in driving efficiency and profitability, it needs to be balanced with other empathy-based leadership styles including coaching, affiliative and visionary that attend to personal development, recovery and purpose.

Figure 3. Resilience Assets and Practices

Resilience Assets	Practical Resilience Disciplines
Spirit in Action	Foster compassion for self & others Identify & express talents and life purpose Understand and live by core values Build self-confidence and presence
Train Mind	Reframe challenges into opportunities Practise realistic optimist thinking Be aware of thoughts and explanatory style Be in the present and practice mindfulness
Engage Emotion	Practise emotional regulation for positivity Practise impulse control Develop empathy for others Develop emotional self-awareness
Energise Body	Develop and live Integral Daily Practice Eat resilient food Invest in exercise, strength training, stretching Master sleep
Master Stress	Seek FLOW and peak performance Learn breathe control and ritualize meditation Build awareness of body and stress profile Bounce Back from adversity

much about working on fostering a culture of Resilience Assets (see Figure 1) as it is about creating a culture of compassion to assist those whose resilience has been overwhelmed or diminished.

Resilient Leaders - All Partners & Leaders.

The implementation of the resilience life practices and resilient leadership styles must extend to all partners and leaders. The critical mass of leaders operating with resilient life practices fosters a calm, healthy, and sustainable high performance culture rather than one characterised by overload, perfectionism and fear. The benefit is significant with more effective decision making, greater positivity, creativity, reduced absenteeism and presenteeism and retention of talent.

Practical Resilience Skills &

Measurement. Providing practical resilience skills education to lawyers and staff is essential. All five Asset levels shown in Figure 3 are learnable. Measurement of mastery of these competencies

is enabled by the Resilience Diagnostic for both the individual as well as for the firm and allows the Senior Partners to track progress towards becoming The Resilient Firm.

3. Practical Steps to becoming a Resilient Lawyer

A productivity paradox exists in many firms, the harder we are seen to be working, the better the results. In fact, it is the value of regular renewal breaks, sleep, exercise and nutrition that serves individuals, firm and client with greater performance.

Practice:

Breathe Deeply - Create 10 minutes morning and night to relax. Focus on a smooth slow breath using the diaphragm – 5 seconds inhale and 3 seconds exhale. Lower your body and mind into quietude.

Eliminate Confusion – Be draconian in your discipline to delete, delegate and focus on key priorities.

Ritualise Renewal - Take regular breaks through the day. Work in ‘Ultradian Sprints’ of 90 minutes with time out to rest, refuel and reflect.

See the light – Enjoy a walk of 15-20 minutes in the sunshine of late afternoon. The walk will provide creative thinking space and oxygenate the body. Sunlight boosts Vitamin D3, lifting mood.

Lock in Your Wake Up Time – rise at the same time each morning, 7 days a week and aim for no less than 7-8 hours sleep per night. You will set a consistent circadian rhythm to energise your body and maintain essential recovery processes. Sleep is often the first item we give up when trying to cram more into each day. Avoid such a practice.

Bedtime Cool Down – Reduce the overactive mind and prepare for sleep with a brain ‘cool down’ 45 minutes before bed - a guided, audio deep relaxation is ideal. Prior to bedtime, Avoid laptop, TV, iPad, phone and electronic screens, as these stimulate our mind into wakefulness.

Avoid caffeine in any form after 3pm - (including coffee, tea, chocolate and energy drinks). Sugary stimulants will spike your blood sugar for a short term ‘hit’, but quickly subside, leading to irritability; poor sleep less productivity and focus. Caffeine after 3pm will ruin quality sleep and recovery.

Snack Wisely – Reduce temptation of sugar and snack cravings by eating a healthy, low GI breakfast with whole grains and/or protein (eggs). Choose nuts, fruit or low fat yogurt instead of processed chips, sugary snacks.

Get Moving – Cardiovascular exercise of 20 minutes for 3-5 times per week can contribute to reducing depression, boosting heart health and mental sharpness. Aim for something you enjoy, whether it’s running, cycling and swimming. Boost the benefits by challenging a friend to join you for added motivation and social connection.

Witness Your Thoughts – Most depression is a thinking disease. We talk our way down the spiral to depression. Monitor your thinking to observe when your thinking is optimistic or pessimistic. Resilient people think with realistic, optimistic thoughts.

Appreciate - Make a conscious effort to list two or three positive things you did or experienced during the day. Boost positivity and realistic optimism by reflecting on two things that went well, rather than ruminating over the one thing that didn’t go according to plan.

References

1. “Legal Eaglets Learn to Fend off Depression”, Narushima, Sydney Morning Herald, March 18th 2011
2. “The Depressed Lawyer Why are so many lawyers so unhappy?” Published on May 2, 2011 by Tyger Latham, Psy.D. in *Therapy Matters, Psychology Today*.

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