

Next in the Series: Positive Psychology for Lawyers

Resilience is Key to Thriving in Law Practice

By Hallie N. Love

Introduction

The need for preventive well-being strategies for attorneys is apparent from the 2015 ABA and Hazelden Betty Ford Foundation study of more than 12,000 lawyers that showed 28, 19 and 23 percent experienced depression, anxiety, and stress, respectively.¹ According to Dr. Larry Richard, expert on the psychology of lawyer behavior, attorneys generally rank low on the resiliency scale.²

Further, in light of resilience as prevention regarding attorneys' high occupational risk of secondary traumatic stress³, it is important attorneys understand what resilience is, why it's important, and how to create more of it.

What is resilience?

Resilience is the adaptive and healthy response to difficult situations including setbacks, disappointments, losses, traumas and significant transitions. It's also the capacity to respond to thoughts, emotions, and beliefs instead of reacting. It's how one "bounces back" to normal. Resilience also refers to one's ability to thrive in life. Internal well-being resources and strengths that produce resilience can prevent or reduce depression, anxiety and stress.

A progressive approach to resilience for lawyers addresses the "whole person." This creates equilibrium in the body and mind. It boils down to creating a resilient brain, a resilient nervous system and a resilient mindset, and it starts with the kind of core well being that optimizes the brain's executive functioning, emotional regulation and impulse control and reduces the brain's ancient survival functions. It's a sustainable homeostatic state.

What is a resilient brain?

According to renowned psychologist and mindfulness expert Elisha Goldstein Ph.D., the way to create a naturally resilient brain is to:

- decrease right prefrontal cortex activation (associated with negative emotions and avoidance);
- increase left prefrontal cortex activation (associated with positive emotions);
- lower amygdala activation (connected to stress and the fight or flight response);



- strengthen the hippocampus (associated with evaluation of potential consequences); and
- increase vagal tone (associated with activating the calm part of the nervous system).⁴

Interventions including quality sleep,⁵ regular exercise and deep relaxation directly target the amygdala and lower its activation. The consistent practice of mindfulness, in particular, has been shown to shrink the amygdala and thicken the hippocampus and other key areas of the brain associated with self-regulation, self-awareness, and cognitive functioning. Mindfulness practice also disrupts the wandering mind's negative default mode where worrying, rumination and self-criticism often run rampant, and, along with positive psychology exercises, supports the development of a positive default mode.

Additional tips and exercises to create your resilient brain appear throughout this article and in the other *Positive Psychology for Lawyers* articles referenced in the endnotes.

What is a resilient nervous system?

When the two parts of the nervous system (the sympathetic wing, in charge of the fight or flight stress response, and the calming parasympathetic wing with its main feature, the Vegas nerve, that connects the brain to major internal organs)

are operating optimally you have a hearty and resilient nervous system with a core sense of ease in the heart, the stomach, and the lungs. When the sympathetic wing is overactive, there is low vagal tone associated with depression and confusion and a tendency to experience body feelings of contraction or anxiety.

The chronic stress and widespread negativity in the legal profession tends to create a nervous system where the sympathetic wing is overactive and the parasympathetic wing is basically offline. To combat this, you can routinely unplug from stress where you bring the parasympathetic wing online with a few minutes of recharge techniques. With consistent practice overall arousal to stress generally decreases so that even with the same external stressors, the body does not respond so harshly to them.⁶

What is a resilient mindset?

When your brain and nervous system are operating in balance, you are primarily in responsive mode, as opposed to reactive mode. In responsive mode you have the capacity to view difficult situations from multiple perspectives, and to think clearly and creatively.

Even in heated situations, the responsive mode is where your reactive ancient brain does not hijack you. You can collect and process information necessary to consider long-term goals, like keeping in mind the effect of your behavior on the judge or

the jury or your reputation. In responsive mode you have optimal professionalism and decision-making.

Having a resilient mindset is also about being aware of thoughts, emotions, behaviors and physiological responses, and having enough internal equilibrium to change those thoughts, emotions, behaviors and physiological responses to achieve a desirable outcome. This type of awareness is most readily developed with the practice of attention, focus and concentration training, otherwise known as mindfulness. There are many good forms of mindfulness training including iRest® which also has the additional components of deep relaxation and positive emotions woven into a 20-minute guided practice.⁷

By way of positive psychology, the science of thriving, a resilient mindset can be built with a few key strategies:

- employ a strengths-based focus to create a life aligned with our values⁸;
 - practice a growth mindset (using the inevitable obstacles in life to learn from) as opposed to a fixed mindset (where setbacks are seen as failures);
 - “Look for the good” as opposed to fault-finding. This can install neural paths of optimism in your brain and allows you to see negative events as temporary and not pervasive;
 - develop healthy GRIT in order to persevere with determination; and
 - incorporate more meaning and purpose in your life, which automatically produces greater well-being.
- Additionally, installing more positive emotions into your brain on a regular basis mediates depressive thinking and promotes greater resilience.⁹ According to psychologist Barbara Fredrickson, it takes at least three positive emotions for every negative emotion to feel well.

You can develop new neural connections for lasting resilience hardwired into your brain with self-directed neuroplasticity, which means consciously changing your brain with targeted exercises. In neuropsychologist Dr. Rick Hanson’s words, “You can use the mind to change the brain to change the mind for the better.” It’s important to understand that the more you engage in negative thinking, rumination, and unhelpful/unproductive thinking patterns, the more these become habitual and engrained. The reverse is also true. And when you practice exercises such as

gratitude and appreciation, which reduce the propensity to feel discontented or dissatisfied, and allow the good feelings to linger and sink in you will lay down new neural paths of positivity making it easier to nudge your mind towards positive thoughts.

Why is resilience necessary for lawyers?

Without a resilient brain and nervous system as home base, many lawyers soldier through the daily high stress, negative emotions and adversities that have them operating from the ancient survival part of the brain in charge of the fight/flight/freeze response with its cocktail of stress hormones, and the ruminating, and self-critical default mode network of the brain.

With chronic negative emotions and chronic negative thinking we are routinely angry, irritated, anxious or depressed. This can cause the amygdala to enlarge and the hippocampus to shrink (changing your brain to be even more reactive) and other regulatory systems in the brain become less able to cope.

A second reason lawyers need to build resilience is that what operates in the legal world as prudence often leads to a faultfinding pessimistic mindset in the non-legal world. Pessimistic thinking has been linked with depression, stress and anxiety. Since optimism creates resilience against depression it’s advisable for attorneys to retain prudence when needed on the job but to develop a more optimistic approach in other settings. You can begin by practicing exercises where you purposefully look for the good.

A third reason lawyers need to build resilience is that secondary traumatic stress is a high occupational risk among lawyers who work with traumatized populations and then unconsciously absorb some of the trauma. Whether one develops symptoms of STS or not, may depend on the level of resilience.

Conclusion

Some lawyers are naturally more resilient than others. They recover from stress and bounce back faster from difficulties. Others can get stuck in a debilitating neurochemical deluge of fight, flight, or shutdown physiology.

It is possible to install into your brain and nervous system a foundation of resiliency

where you operate from calm strength, feel more ease more of the time, and have the capacity for optimal professionalism and decision-making.

It only takes a handful of minutes throughout the day for recharge and mindfulness in order for the body to start feeling safe with a balanced nervous system, and satisfied (as an antidote to the body’s agitation when you’re dissatisfied.) And with supportive social engagement one can gain an overall sense of being connected, which creates high vagal tone. From this place of core well being, one can more readily build a resilient mindset with positive psychology and practice resilient living, a place where lawyers can learn to thrive.

Endnotes

¹ Krill, P.R., Johnson, R. Albert, L. (2016) The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys. *Journal of Addiction Medicine* 10 (1), 46-52.

² Richards, Larry. Retrieved from www.lawyerbrain.com

³ Love, H. (2017) Lawyers are at Risk for Secondary Traumatic Stress. *Bar Bulletin* 56 (7)

⁴ facesconferences.com/wp-content/uploads/2016/SanDiego2016/GOLDSTEIN.p

⁵ Love, H. (2015) The Science of Sleep. *Bar Bulletin* 54 (38)

⁶ Love, H. (2013) Work Smarter: The Power of Recharge. *Bar Bulletin*. 52 (21)

⁷ Yeagley, J. (2013) Finding Equanimity Wherever You Are: On the Job, at Home and Even Under Pressure. *Bar Bulletin* 52 (5)

⁸ Love, H. (2015) The Science of Character. *Bar Bulletin*. 43 (29)

⁹ Love, H. (2014) The Benefits of Positive Emotions. *Bar Bulletin* 53 (29)

About the Author

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