

THE BOUNCE-BACK FACTOR

Even Pessimistic Lawyers Can Learn To Be More Resilient

STEVEN KEEVA

EVENTS OF THE LAST YEAR AND A half present an extraordinary object lesson in the importance of a certain human trait: resilience, the ability to adapt well in the face of adversity. Things change—always have and always will—and sometimes they do so with a vengeance.

That is certainly true in the context of law practice, in which so many people practicing today recall a time (it wasn't very long ago) of much greater stability and collegiality. But these days, more than ever, the rules of the game change rapidly, and it's easy to find yourself tested. Maybe you're feeling insecure amid changes at your firm, and wonder whether you've got what it takes to meet the new requirements. Perhaps your work life has slammed head-on into your personal life and someone's been hurt. Or maybe you just aren't enjoying practicing law anymore.

The way in which each of us deals with such developments says a great deal about who we are and whether we are blessed with this gift called resilience. We all know people who seem to have an innate ability to bounce back, and others who make regular and prolonged visits to the doldrums. The difference is crucial.

In the May 2002 *Harvard Business Review*, Dean Becker, the CEO of Adaptiv Learning Systems, put it this way: "More than education, more than experience, more than training, a person's level of resilience will determine who succeeds and who fails. That's true in the cancer ward, it's true in the Olympics, and it's true in the boardroom."

It's also true in the legal profession, though you probably wouldn't know it. The profession has not embraced the concept the way the business world has—in spite of increasing de-

mands that lawyers learn to roll with the economic punches and morph themselves accordingly.

That needs to change because there is reason to believe that lawyers, as a group, are less resilient than most other professionals. And in a time of wrenching pressures and upheavals, it is not a quality that can be neglected. Thankfully, researchers have determined that it's possible to learn resilience.

WHENCE THE SADNESS?

MARTIN E.P. SELIGMAN, A UNIVERSITY of Pennsylvania professor and the founder of the Positive Psychology movement, has spent most of his career studying resilience. In his latest book, *Authentic Happiness* (Free Press, 2002), he offers a section that looks specifically at factors affecting resilience among lawyers. Under the heading, "Why are Lawyers so Unhappy?" Seligman offers three factors that, he says, account for much of the unhappiness in the profession and thereby inhibit resilience. They are:

- **Pessimism:** Research shows that the law is unique in being the only profession that rewards pessimism. When confronted with negative events, pessimists tell themselves, "It's going to last forever, it's going to undermine everything, it's my fault."

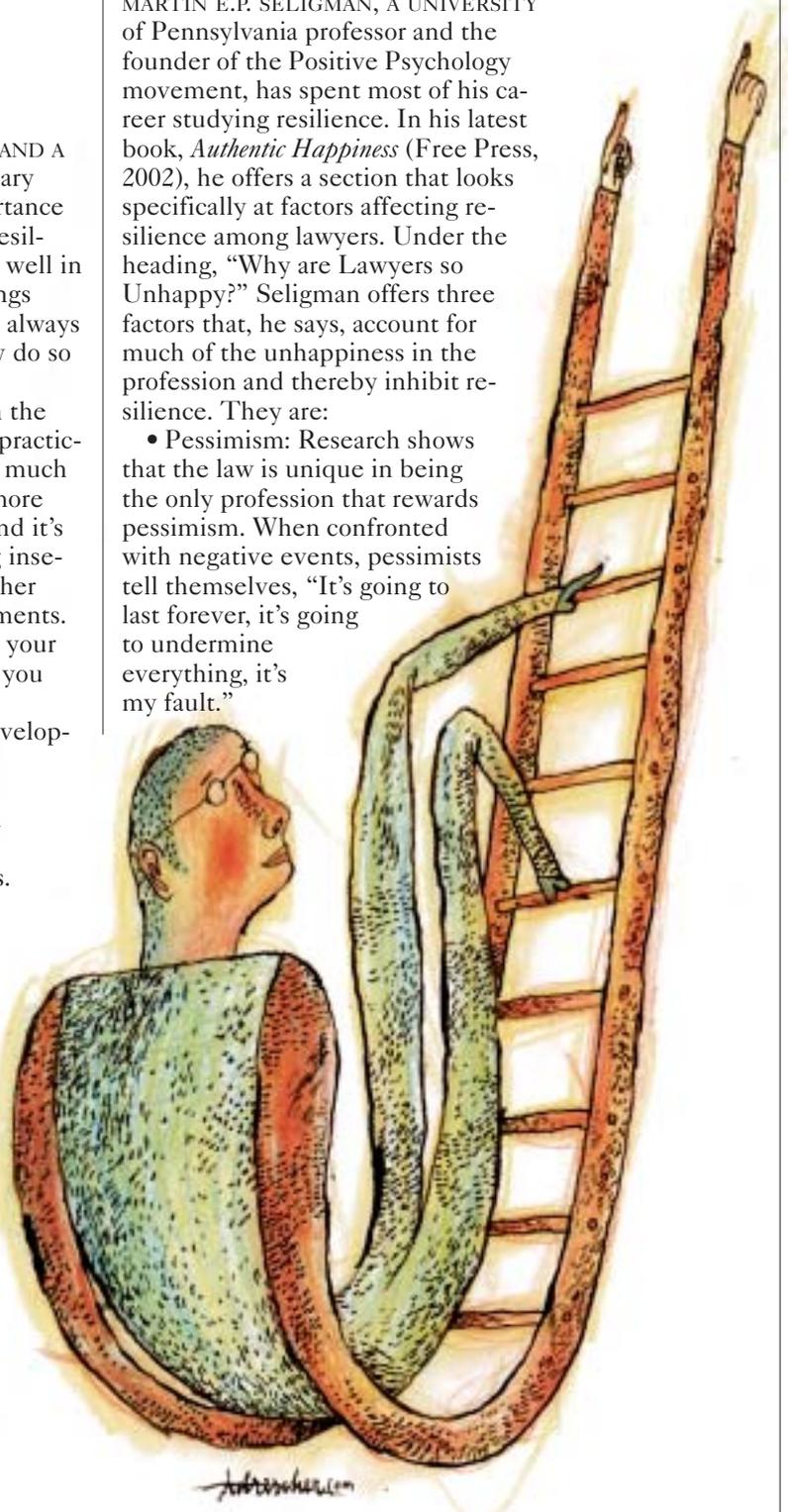


Illustration by Henrik Drescher

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This mindset, Seligman says, is what the profession knows as prudence and sees as a positive quality. But although research has demonstrated a positive correlation between pessimism and success in law school, he likes to note that what makes one a successful law student or lawyer does not necessarily make one a happy human being. And one casualty of habitual pessimism is resilience.

- **Low decision latitude:** This has to do with the number of choices a lawyer has—or believes he has—in his work. A particularly common problem for associates, a perceived lack of control, when combined with high stress situations, tends to be demoralizing. Common results of low decision latitude are depression, elevated levels of heart disease, high divorce rates and learned helplessness—and helplessness, says Seligman, “is the opposite of resilience.”

- **Zero-sum games:** This classic feature of our adversarial legal system means that for me to win, you have to lose. It’s all or nothing. The alternative is a positive-sum game, in which both players enjoy a net gain. The adversarial thinking and behavior that attends zero-sum games are often fueled by negative emotions, and can, Seligman says, lead to an anxious, sad and angry professional life.

Psychologist Ellen Ostrow, who is also a professional coach and founder of LawyerLifeCoach.com, agrees with Seligman that lawyers tend to blame themselves when things go wrong. “It tends to be about what’s wrong with me and it’s not changeable,” she says. This, she adds, is particularly true of women lawyers, who are apt to view themselves as failures rather than as someone who merely failed to accomplish something.

“I recently had a conference call with a group of women lawyers who were talking about why male mentors gave them work,” she recalls. “And not one of them attributed it to competence. It was always something outside themselves.”

For clients who struggle to bounce back after an experience that seriously taxes their emotional resources, Ostrow helps them to build what she calls a cognitive bridge between the difficulty of the present and the possibilities of the future. “In this way,” she says, “resilience is something you can teach.”

She often does so by using imagery. She might, for example, ask a client to imagine that she’s getting into her fantasy car “and as she drives, she discovers that it flies through time. She then lands and imagines every detail of what it looks like,” says Ostrow. “Depending on the issue, different details might be emphasized. But the idea is to enable the person to visualize what she is striving for. It’s not very different from some of the visualizing that athletes do when they see themselves successfully accomplishing their goals.”

Dennis Coyne, a professional coach and lawyer in Minneapolis who has created a program on renewal and resilience for lawyers, has also found that images can play an important role in teaching resilience. He recalls a client who had lost his zeal for law practice and was struggling to get it back.

Coyne placed a large sheet of paper on an easel and

asked the client to draw an image of himself as a lawyer. “He walked to the paper, took up a felt-tip pen and drew a diminutive figure,” Coyne recalls. He then asked the client to draw himself when he sees himself not as a lawyer. The figure was considerably larger. “Then I asked him to make a drawing of how he remembers himself before law school. The figure was larger yet.”

What happened, Coyne says, is the client literally saw himself dwarfed by his experience—in this case his experience at his law firm, where he was not happy with the work he was asked to do. “He thought back to when he was full-size and how that was for him, what his working environment had been,” says Coyne, “and he came to realize that he thrived on teamwork and collaboration and long-term client relationships.

“It is quite amazing how the images we carry with us can block the capacity for resilience,” Coyne says. “After all, if you’re living with an image that makes you believe you can’t be effective or happy in your career and/or your personal life, you set up a trade-off that, once exposed to the light of day, can be reframed.”

LEARNING OPTIMISM

FOR EACH OF SELIGMAN’S THREE RESILIENCE-DEFEATING factors, he offers a resilience-enhancing remedy. The first, for pessimism, requires disputing catastrophic thoughts, such as “I’ll never make partner,” or, “It’s impossible to have a good marriage and practice law at the same time.” Doing so, Seligman points out, is a good way of controlling negative emotions and happens to be the natural province of the legal mind. “In a sense, lawyers should be perfect at learning optimism,” he says.

To deal with the effects of low decision latitude, he suggests that management help tailor associates’ work so they have a greater sense of control. He also emphasizes the need to determine associates’ signature strengths—whether leadership, social intelligence or perseverance, to name just a few. Using these strengths will almost certainly boost morale and enhance resilience (while also benefiting the firm).

Finally, Seligman says, it is also possible to counteract the resilience-hampering effects of zero-sum games. The trick is to find nonzero-sum games within the zero-sum games. As an example, he describes a West Point cadet who is being trained in the ultimate zero-sum game—war. But he is doing it for a positive-sum purpose—getting rid of terrorists. Likewise, a lawyer’s main purpose for doing what he does may be extending the rule of law, or helping injured people get on with their lives in such a way that happiness may again be possible.

Seligman puts it this way: “One can consciously create pockets of positive-sum games within the great zero-sum game of the law.” One way of doing so is by cultivating satisfying relationships within the profession.

Oh, one other thing: Coyne’s client, the man with the undersized sense of self, is leaving his firm and seeking an in-house position. He has reclaimed the image of himself as full-size, and wants to move on to where he will flourish. ■