NALP 2010
Annual Education Conference

Coping with Crisis:
Reinforcing Resiliency & Responding to Warning Signals of Lawyer Distress

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Welcome to 2010 -- and Beyond

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Introductions

Who we are…

What we do…

And why we're talking to you.

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This Morning's Agenda

- Framing the problem
  - What happened
- The continuum of crisis
  - What we saw and may see
- Resources and intervention
  - What we can do

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Framing the Problem

"New Normal:" What's Changing?

- Control
- Choice
- Compensation
- Cohesiveness

- Communication
- Career Management
- Commitment
- Continuity

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I. Framing the Problem

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Framing the Problem

So…How are *YOU* doing?

Tell us about your…
- Budgets
- Staffing
- Priorities
- Areas of oversight
- Morale

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Framing the Problem

So…what is your *FIRM* doing?

- Recognition of the problem?

- Attitude of top firm leadership?

- Programs, policies, interventions?

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Framing the Problem
What Are You *Seeing?*

- Individual vs. group trends
- Symptoms
- Incremental increases vs. extreme reactions

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Framing the Problem
Sound Familiar?

- *An associate's billable hours are very low, but you see her at her desk from 8am to 8pm every day looking nervous, but making contact with no one.*

- *A successful partner has begun asking other partners to go around the table and review their BD activities at weekly practice meetings that used to be chatty.*

- *When the firm offered an unexpected bonus at the end of last year, many associates complained that it wasn't enough.*

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Framing the Problem

What We Know

August 2009 ALM Survey of 6000 Associates:
- 83% have high anxiety about losing job
- 61% say their firms laid off lawyers
- 46% have reduced workloads
- 20% say benefits reduced
- 16% say pay reduced (much higher now)

What They Said Helped Morale & Trust:
- Transparency, particularly re: finances
- Putting associates first & individual attention
- More responsibility for associates
- Work/pay satisfaction

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Framing the Problem

What We Know – Other Studies

- 2008 FDCC Attrition Study:
  'Finders Keepers'
  Quality of culture & communication ("where do I stand?") major dissatisfiers

- 2009 DRI '*Stayers & Seekers*'
  Main issue remains morale

- Low morale = low level of control

- Low level of control = inconsistent & cloudy communication

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Framing the Problem

Impact on Productivity & Professionalism?

- Billable Hours, Write-offs & Realization
- Quality/Consistency of Work Product
- Work Habits
- High-demand/low control
- Timeliness & Punctuality & Responsiveness
- Client Relations
- Willingness to take on Challenge & Responsibility
- Participation in Firm Life & Leadership
- BD, Professional Activity
- Collaboration
- Other?

(Is <u>anybody</u> measuring these?)

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Framing the Problem

Ranking the "Stress Triggers"

- Layoffs & prospect of more layoffs?
- Compensation cuts & de-equitizing?
- Intense internal competition for clients, work?
- Not enough work, same demands for hours?
- Poor communication about what's happening?

- Career track uncertain, prospects unclear?
- "Survival culture" minimizes congeniality?
- PD slashed, performance criteria unclear?
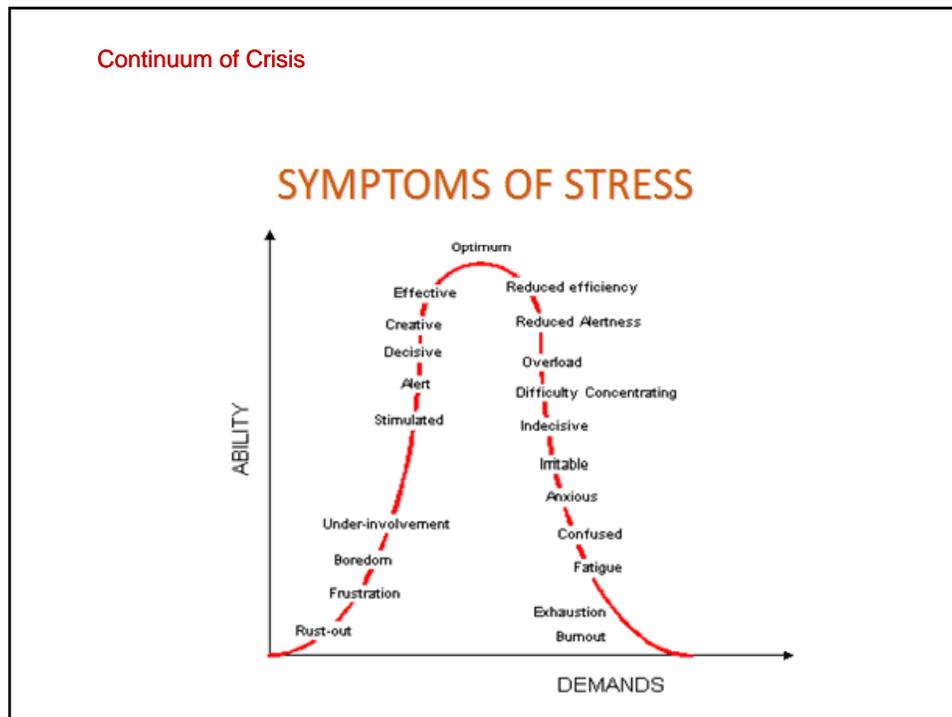- AFAs, RFPs, convergence programs?
- Generational tensions?

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II. The Continuum of Crisis

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THERE ARE ONLY
TWO TIMES
I FEEL STRESS:
DAY AND NIGHT.

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Continuum of Crisis

SYMPTOMS OF STRESS
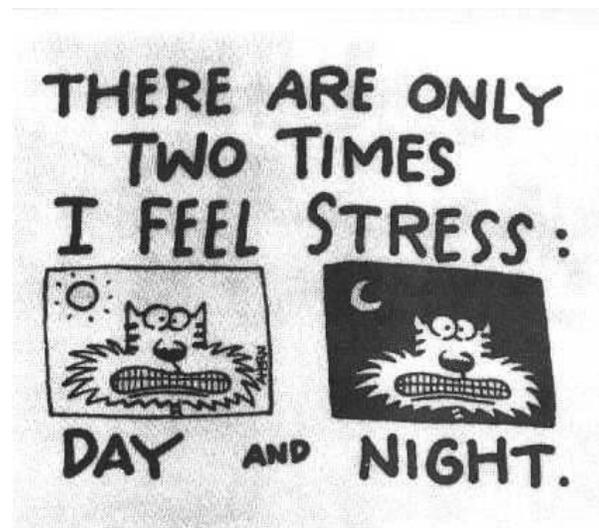
LAWYER DISTRESS

Depression

- Lawyers 4 times more likely to suffer
- 20% - 25% depressed
- Highest of 104 occupations studied

Substance Abuse

- Alcohol abuse estimates 15%-20%
- Twice prevalence rate in general population
- Accounts for 40%-75% of disciplinary complaints

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Continuum of Crisis

Other Common Mental Health Problems

- 20%-35% "clinically distressed" – in need of professional help
- Anxiety (20%-30% vs. 4% base rate)
- Social alienation and isolation
- Loneliness
- Obsessive-compulsive disorder (15%-20% vs. 2% base rate)
- Hostility, paranoia
- Suicidal ideation and suicide

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STRESS is experienced most intensely when people encounter situations they perceive to threaten their well-being, particularly when they believe that they have little or no control in counteracting the harmful effects of the threatening situation.

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Continuum of Crisis

Perceived Control

1. Self-determination

2. Impact

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Signs of Distress

- Excessive worry, what ifs?
- Irritability, hostility
- Moodiness, volatility
- Reduced motivation, disengagement
- Withdrawal, isolation
- Cynicism, pessimism
- Hyper-emotionalism/
-      weepiness
- Withdrawal, isolation
- Lack of attention, focus
- Depression
- Substance abuse

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Work Habit & Productivity Warning Signs

- Dramatic changes in work habits
- Irregular work quality
- Drop-off in billable hours + other time management issues
- Drop-off in realization, increase in write-offs
- Missed deadlines, diminished responsiveness
- Reduced collaboration
- Client relations problems
- No effort for BD and marketing
- Diminished participation in firm life
- Bad-mouthing the culture
- No time for professional/community activities

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Continuum of Crisis

4 Typical Survivor Responses to Downsizing

- **Low Trust in Management/Feel Disempowered**
  Fearful responses, withdrawing from work due to worry, sense of helplessness, procrastinate, "walking wounded"

- **High Trust in Management/Feel Disempowered**
  Obligingly go along, take no initiative, follow orders, routine behavior

- **Low Trust in Management/Feel Empowered**
  Cynical, angry, sometimes outraged, may exhibit retaliatory behavior, negativity reduces morale of others

- **High Trust in Management/Feel Empowered**
  Optimistic, hopeful, solve problems, take initiative, resilient

- Mishra, A. K. & Spreitzer, G. M (1998) Explaining how survivors respond to downsizing: The roles of trust, empowerment, justice and work redesign. *Academy of Management Review, 23 (3/July)*, 567-588)

Even as downsizing firms depend on remaining employees to focus on firm objectives, the high stress caused by the layoffs makes it more difficult for survivors to do so.
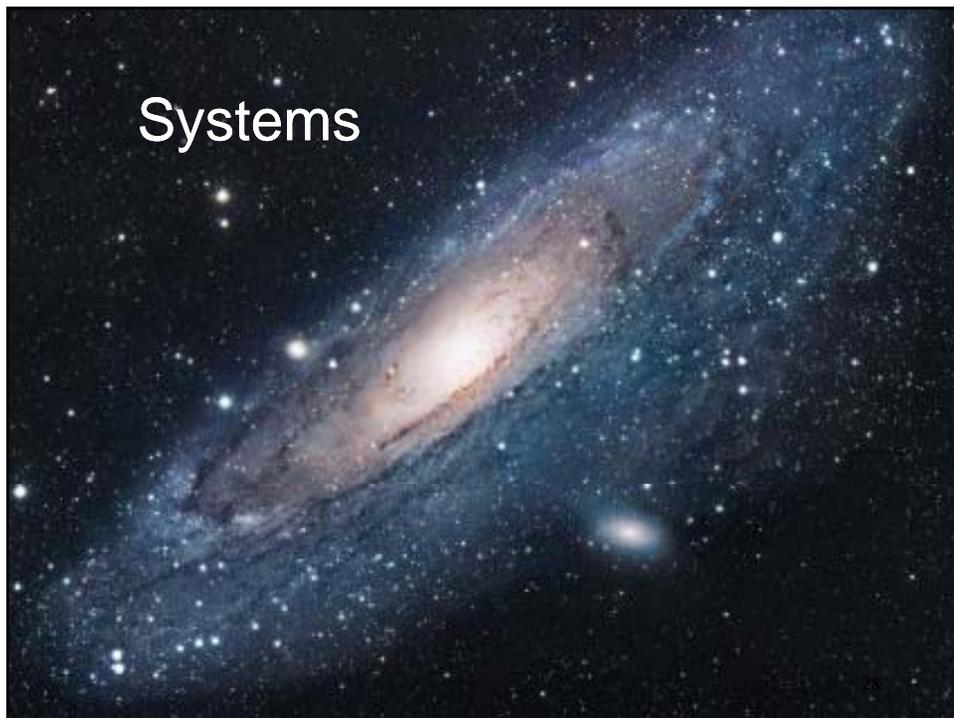

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III. Resources & Interventions

Systems

Culture

Mindset

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Systems

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Resources & Interventions

Systems With Real Impact

- Recruiting
- Training & development
- Work coordination
- Compensation
- Promotion
- Counseling/coaching
  programs

- Mentoring
- Evaluations
- Communication
- Flexible work programs
- Outplacement

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Resources & Interventions

Protocols for Practical

Where to start?
- Assessment of critical systems
  - Gathering input from all
    constituencies
  - Identify priorities
- Develop a plan
  - Task/timeline
  - Budget
- *Advocate for what you need!*

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Resources & Interventions
Evolution or Revolution?

- Assess change-readiness
- Be the internal resource on "why?"
- Choose your battles
- Find a champion *(or several)*
- Manage process and budgets effectively
- Focus on one program at a time
- And execute well

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Culture

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Resources & Interventions
Firm Cultures

Traditional Definition	*Collective beliefs/values that shape our view of ourself and creates behavioral norms.*
"Atomic" Definition	*Sum of all individual decisions about whether what's going on is in my best interests.* <u>WIIFM rules!</u>
Positive Cultures	Energy, momentum, trust, loyalty. <u>FRAIL!</u>
Negative Cultures	Persistent, pessimistic, "silos"
"Crisis Cultures"	Any time major change is going on. Noisy, unfocused energy. Require great <u>COMMUNICATION!</u>

Resources & Interventions
Changing the Whole Firm Culture

- Get a baseline: *Audits & Assessments*
- Enlisting top-down support
- Incorporate into strategic planning
- A "systems approach"?
- Empowering the PD function
- Reward the *Right Stuff*
- Attitudes & Resources
- Communication up, down & sideways
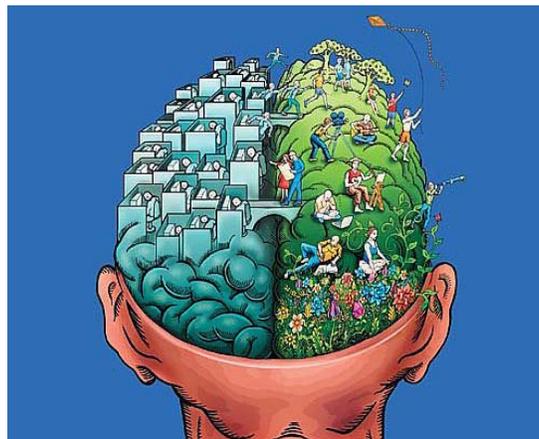

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Resources & Interventions

Internal "Crisis Communications"

- Crucial leadership issue in uncertain times
- What it means to "Overcommunicate"
- Define: "Crisis" …in terms of *lawyers'* needs
- A planning matter: Exec leadership + OMPs + PGLs + PD + HR
- The Sounds of Silence: *No news is…*
- Transparency, consistency, authenticity
- Don't forget the staff

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Mindset

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Coaching and Mentoring

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Resources & Interventions

Where Coaching Comes In

- Importance of individual attention
- What difference between Coach & Mentor & Supervisor?
- Should coach be supervisor? Another lawyer? PD?
- Goal Clarity: Remedial? Developmental? Emotional?
- Role Clarity: Confidante? Perspective Provider? Butt-kicker?
- How? When? How much? How long?

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Resources & Interventions

Resilience

*"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."*

- Diane L. Coutu, quoting Dean Becker, CEO of Adaptiv Learning Systems. *Harvard Business Review*, May 2002

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Resources & Interventions

Empowerment

- Personal sense of control in the workplace
- Manifested in four beliefs about individual's relationship to work:

✓ *Meaning*

✓ *Competence*

✓ *Self-determination*

✓ *Impact*

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Resilience

The capacity to deal with, overcome, learn from, or even be transformed by the inevitable adversities of life

--Edith Henderson Grotbert

- Face reality
- Realistic optimism
- Life purpose
- Proactive
- Curiosity, experimentation
- Psychological flexibility
- Honest self-awareness
- Control what you can

- Resourcefulness
- Perseverance
- Energy management
- Maintain focus

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Psychological Flexibility

- Adaptation to situational demands
- Shift mindsets or strategies when personal or social functioning compromised
- Maintain balance between competing life domains
- Aware of and committed to behaviors congruent with deeply held values
- Tolerate distress and develop open, receptive attitude toward emotions, thoughts, sensations

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"Really, I'm fine. It was just a fleeting sense of purpose—I'm sure it will pass."

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Counteracting High Threat + Low Control

- Provide credible vision of the future
- Instill hope
- Reduce uncertainty
- Articulate realistic path forward
- Open, meaningful, interactive exchanges
- Consistent messages
- Communicate trust in competence

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A PESSIMIST IS ONE WHO makes difficulties OF opportunities

AN optimist MAKES opportunities OF difficulties

www.FotoAsia.com

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Resources & Interventions

Real-Time Optimism

- A more accurate way of seeing this is…

- That's not true because…

- A more likely outcome is…and I can…to deal with it.

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The Myth of Individualism

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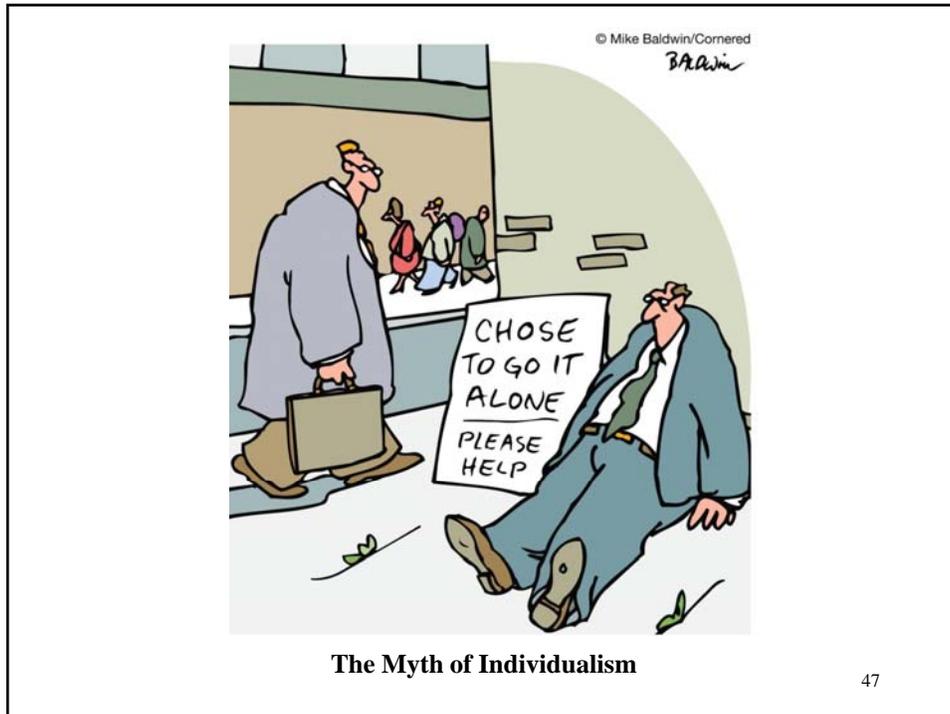
Successful Interventions

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Resources & Interventions

"Something Should Be Done"

Interventions:
- What will trigger?
- Who sounds the alarm?
- Who decides?
- "Crisis Committee"?

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Resources & Interventions

Triage: *What Do We Do <u>First</u>?*

- Choices:
  - Ignore
  - Confront
  - Intervene
- Refer
- To whom?
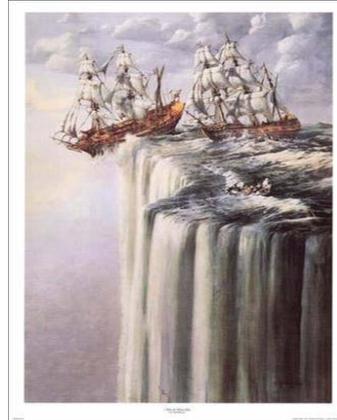
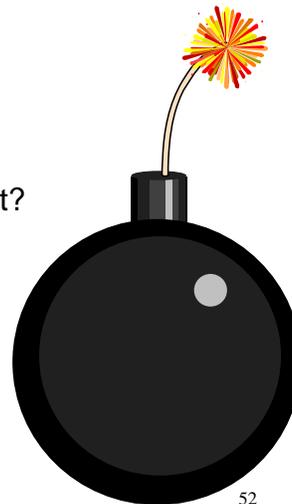

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Resources & Interventions

"Something <u>Must</u> Be Done"

<u>Individual situations:</u>

- When and how to make referrals
- Referral resources ready & current?
- Minefields and liability snares
- Don't play diagnostician or shrink

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Resources & Interventions

At the Extremes: *Volatility*

Framing the Problem

- Anger as an "executive emotion"
- Anger v. Rage v. "Learned Asshole Syndrome"
- IED & TDD: *Do we need a label?*
- Explosion-then-contrition pattern: *See: abuse*
- Common tie: anger & other forms of distress
- Cognitive-behavioral approach vs. "amygdala hijack"

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Resources & Interventions

Dealing with Volatility

- Different from other "inappropriate behavior?"
- Firm policy on professionalism: "no asshole rule?"
- Who steps in first: Mentor? PGL? HR?
- Mandatory referral for evaluation?
- How Anger Management Programs work
- Do Anger Management Programs work?
- Programs…Coaching…Formal Discipline?

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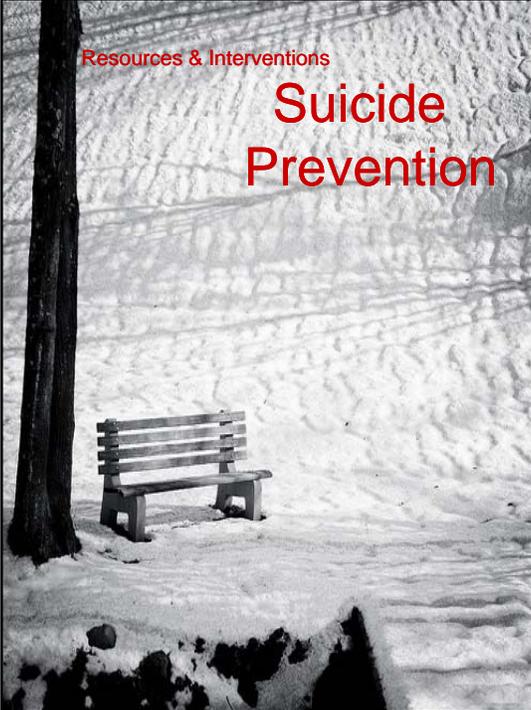
Resources & Interventions

Suicide Prevention

The stakes: Humanity, liability, public image

Reaction v. over-reaction: *Create a problem by acknowledging a problem?*

Gatekeeper question – what, not why:

"*Are you thinking of harming yourself?*"

Yes = referral

Have current referral resources

QPR Institute Certification Program: quick, easy, cheap: *most widely taught gatekeeper program in US*

Other training programs?

<u>Who</u> should you train?

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Resources & Interventions

Use an Outside Coach?

- Developmental or remedial?
- Attitudes <u>and</u> behavior
- Short-term emergency intervention vs. LT support?
- Extraordinary measure or widely available?
- "Businesslike" approach:
  - -- Assessment   -- Objective Setting
  - -- IDP   -- Stds & Measures
  - -- Coaching to Plan   -- Contact w/in firm

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Resources & Interventions

Old Problems Often Demand New Solutions

23. 01. 2004

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