

KEY STRATEGIES FOR IMPLEMENTING MINDFULNESS PROGRAMS AND MEASURING IMPACT

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LAW STUDENT WELLBEING RESEARCH*

- 11,000 students
 - 43% binge drank in past 2 weeks
 - 36% of other graduate students
 - 17% depression
 - 7.7% of general population
 - 37% anxiety
 - 18.1 % of general population
 - 6.3% considered suicide in last 12 months
 - 3.9% of adults and 2.5% of age 18-25 in general population
- July 2014 - February 2015, 7 law student suicides and 1 law professor suicide



* (Organ, Jaffe & Bender 2016)

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LAW STUDENT WELLBEING RESEARCH

- 2017: 886 Harvard law students
- Harvard Crimson described the results as "grisly"
 - 25% suffering from depression
 - 24.2% struggling with anxiety
 - 20.5% felt a heightened risk of suicide, and
 - 66% experienced new mental health challenges during law school



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LAWYER WELLBEING RESEARCH

- Survey 12,825 licensed & employed lawyers (Kill, Johnson & Albert 2016)
 - 23% qualify as problem drinkers
 - 11.8% other highly-educated professionals
 - 28% experience depression
 - 19% have anxiety
 - 23% are stressed
- Lawyers 4th in suicides (doctors, dentists, pharmacists) (Flores & Arce 2014)
- Suicide is 3rd leading cause of death for lawyers, after cancer and heart disease
 - 2012 – The Lawyer's Epidemic: Depression, Suicide, and Substance Abuse



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CARNEGIE REPORT (SULLIVAN 2007)

- Three Apprenticeships in Legal Education
 - Intellectual: Students acquire a knowledge base;
 - Practice: Students learn practical legal skills; and
 - Professional Identity: Students cultivate the attitudes and values of the legal profession.²⁸
- Professional Identity is Shaped by Socialization of Legal Education
- Culture, Hidden Curriculum, & Sources of Student Stress
 - Grade Curve
 - Competitive Classroom Climate and Law School Atmosphere
 - Encourages "a single-minded focus on competitive achievement"³¹
- WB Curriculum to Inspire Shift Professional Identity Development

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ABA *THE PATH TO LAWYER WELL-BEING REPORT**

- Enhance the Effectiveness of Legal Organizations;
- Improve the Professional and Ethical Behavior of Lawyers; and
- Help Individual Lawyers Thrive in 6 Domains
 - Physical
 - Emotional
 - Intellectual
 - Occupational
 - Social
 - Spiritual



Be a Well Being

*(ABA 8-14-17)

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- **Physical**
 - Exercise, Diet, Sleep & Minimize Addictive Substances
- **Emotional**
 - Manage Emotions to Support Mental Health, Achieve Goals & Inform Decision-making
- **Intellectual**
 - Monitor Cognitive Well-being & Foster Ongoing Development
- **Occupational**
 - Financial Stability, Satisfaction, Growth & Enrichment
- **Social**
 - Connection, Belonging & Making Contribution
- **Spiritual**
 - Meaning & Purpose



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GENERAL RECOMMENDATIONS



- Identify Stakeholders & Reduce Toxicity in Profession,
- Eliminate Stigma associated with Help-Seeking Behaviors,
- Emphasize Well-being is part of Lawyer's Duty of Competence,
- Educate Lawyers, Judges, & Law Students on Lawyer Well-being, and
- Take Incremental Steps to Instill Greater Well-being in the Profession

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LAW SCHOOL RECOMMENDATIONS

- Identify Organizational Practices that may contribute to well-being problems, and Assess Changes that can be made
- Educate Faculty on Well-being Issues in the Legal Profession
- Provide Well-being Curriculum for Students
- Provide Student Resources on Mental Health and Substance Use Disorders
- Create Peer Mentoring Program
- Discourage Alcohol-centered Social Events
- Survey Student Well-being



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LEGAL EMPLOYER RECOMMENDATIONS

- Create Policies & Practices to Support Lawyer Well-being
- Provide Training & Education on Lawyer Well-being, including New Lawyer Orientation



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WELL-BEING & ACADEMIC PERFORMANCE RESEARCH

- Teaching Well-being Skills Enhances Student Performance
 - Standardized Tests
 - **Social & Emotional Training**
 - **Decision-Making, & Critical Thinking**
 - Study Habits, Homework Submission, Grades, and Adult Education Attainment, Health & Wealth
 - **Self-Regulation Skills**



• Adler, A. & Seligman, M. E. P. (under review) "Increasing Well-being Enhances Academic Performance in Bhutan." *American Education Research Association Open*.
 • Adler, A. & Seligman, M. E. P. (under review) "Well-being and Academic Achievement: A Call for Research Action." *International Review of Education*.

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POSITIVE PSYCHOLOGY WELL-BEING FRAMEWORK

(THRIVING: PERMA ADLER & SELIGMAN 2016)

- **P**ositive Emotions,
- **E**ngagement,
- **H**ealthy **R**elationships,
- **M**eaning,
- **A**chievement
 - Thrive across Multiple Domains
 - Hedonic WB (Feeling Good) & Eudaemonic WB (Functioning Well)
 - Absence of Crippling Elements: Depression, Anxiety, Anger, & Fear



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FOUNDATIONS FOR PRACTICE REPORT

(GERKMAN & CORNETT, IAALS, 2016)

- 24,137 Lawyers
- Blend of Legal Skills, Professional Competencies & Character
 - Character Attributes
 - Collaboration Competencies
 - Well-Being & Self-Regulation Skills



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PERMA WB & FOUNDATIONS REPORT CHARACTERISTICS

- **Positive Emotions**
 - Optimism & Energy
 - Stress Management
 - Handle Dissatisfaction Appropriately
- **Engagement**
 - Intellectual Curiosity
 - Resourcefulness
 - Flexibility, Adaptability & Resilience
 - Decision-making under Pressure
- **Meaning**
 - Strong Moral Compass
 - Self-awareness (Strengths, Weaknesses, Boundaries, Preferences, Sphere of Control)
 - Ownership, Passion for Work



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PERMA WB & FOUNDATIONS REPORT CHARACTERISTICS

• Positive Relationships

- Positive Professional Relationships
- Work Cooperatively & Collaboratively as Part of a Team
- Express Disagreement Thoughtfully and Respectfully
- Integrity, Courtesy, Respect, Tact & Diplomacy
- Tolerance, Sensitivity & Compassion
- Humility & Patience

• Achievement

- Commitment to Excellence



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NEW COURSE AT UNIVERSITY OF DENVER PROFESSIONALISM AND WELL-BEING SKILLS FOR THE EFFECTIVE LAWYER

Objective: Support professional identity formation and growth in the professionalism and well-being skills of future lawyers

1st Half:

- Professional Identity & Development
- Lawyer Well-being Issues
- Brain Structure
- Learning, Memory, & Habit Formation
- Stress & Impact on Cognition
- Self-Medication & Brain Function
- Nutrition & Building a Healthy Brain
- Optimizing Brain Health & Mental Strength

2nd Half:

- Research on Essential Attorney Soft Skills
- Self-Awareness
- Self-Development
- Social Proficiency
- Wisdom
- Professionalism
- Leadership

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COURSE ASSESSMENTS & ACTIVITIES

- Online Assessments
 - Mindfulness Attention Awareness Scale (Positive Psychology Center, University of Pennsylvania)
 - Assess your Implicit Social Attitudes Assessment (Harvard Project Implicit)
 - Values in Action Survey of Character Strengths (VIA Institute on Character)
- Journaling
- Well-being Training
 - Mindfulness & Meditation
 - Yoga
- Class Presentations
- Final Paper



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THREE QUESTIONS PRACTICE CULTIVATE MINDFUL PERSPECTIVE



- When is the most important time?
 - Now, because it is the only time which you have some control over
- Who is the most important person?
 - The person you are interacting with
- What is the most important thing to do?
 - Do your best to serve the person you are interacting with

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CULTIVATE OPTIMISM WITH GRATITUDE PRACTICE

MARTIN E. P. SELIGMAN, FLOURISH: A VISIONARY NEW UNDERSTANDING OF HAPPINESS AND WELL-BEING (2011)

- Journal or Reflect on
 - Three Things I'm Grateful for
 - What Went Well
 - Things that went well today and why

EAPL's
Dear Diary

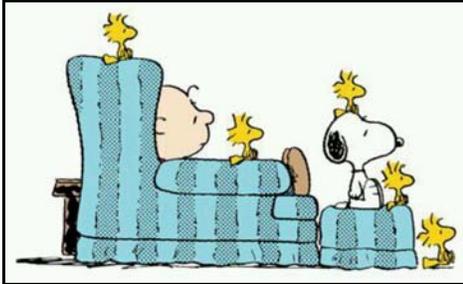


- Doubling down on optimism: the mind can't tell the difference between actual experience and reflection Shawn Achor

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NOTICE THIN SLICES OF JOY

- Blue Sky
- Sip of Coffee
- Cute Animal Tweet Off
- Online Comics



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RESEARCH GRATITUDE PRACTICE

- Over 100 studies, grateful people
 - More positive emotions
 - Accomplish more goals
 - Sleep better & feel more alert
 - More enthusiastic and energetic
 - Lower blood pressure
 - Live 7-9 years longer

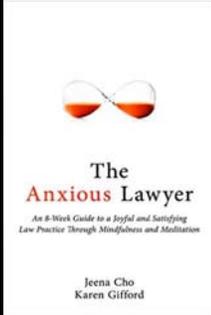


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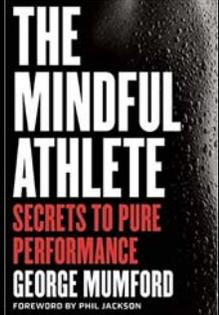
MINDFULNESS RESOURCES

- The Anxious Lawyer: Jeena Cho & Karen Gifford
- The Mindful Athlete: George Mumford
- Search Inside Yourself & Joy on Demand: Chade-Meng Tan

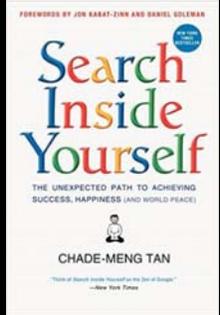




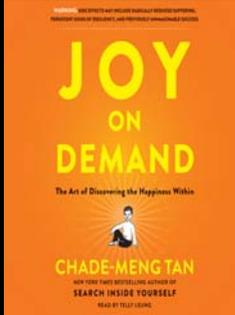
The Anxious Lawyer
An 8-Week Guide to a Joyful and Satisfying Law Practice Through Mindfulness and Meditation
Jeena Cho
Karen Gifford



THE MINDFUL ATHLETE
SECRETS TO PURE PERFORMANCE
GEORGE MUMFORD
FOREWORD BY PHIL JACKSON



FOREWORD BY JON KABAT-ZIN AND DANIEL GOLEMAN
Search Inside Yourself
THE UNEXPECTED PATH TO ACHIEVING SUCCESS, HAPPINESS (AND WORLD PEACE)
CHADE-MENG TAN
"One of the best books I've read on the art of being." —New York Times



FOREWORD BY JON KABAT-ZIN AND DANIEL GOLEMAN
JOY ON DEMAND
The Art of Discovering the Happiness Within
CHADE-MENG TAN
"One of the best books I've read on the art of being." —New York Times
READ BY TONY DANIEL

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OGLETREE'S MINDFULNESS PROGRAM

- Goals
- Program Roll Out/Buy-In
- Strategies
- Program Outcomes
- Program Impact

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WHAT IS MINDFULNESS?

- A way to pay attention:
 - The objective awareness of what is going on in you and around you in the present moment
 - Paying attention in a particular way; on purpose, in the present moment, and non judgmentally
 - The art of observing your physical, emotional and mental experiences with deliberate, open and curious attention.

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A BRIEF MINDFULNESS MEDITATION

- Follow the breath
- When you breathe in, know you are breathing in. .
- When you breathe out, know you are breathing out.
- When your thoughts come, can you just watch them?



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PRACTICE OF RESPONSIVENESS

- Mindfulness: Awareness, I.N.C.
 - Mindfulness allows you to be aware of and equally present with pleasure and pain.
 - Mindfulness allows us to change our response to the dis-regulating forces surrounding us.
 - Awareness – waking up to what is
- I – Investigation
 - N – Non-reactivity
 - C – Choice



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QUESTIONS

Mindfulness

- Awareness
 - What's happening?
- Investigation
 - How do you know?
- Non-Reactivity
 - Can I stay present?
- Choice
 - How can I respond in a way that supports well-being?

A 3D white figure is sitting on a red, curved path that resembles a question mark. The figure is in a thinking pose, with one hand on its chin. The background is a white gradient.

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AN EXERCISE IN OBSERVATION

- What is actually happening in your physical space?
- Can you report it objectively?
- Can you listen without responding?
- Can you repeat back what you heard without commenting?
- What does it feel like to be heard?

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PROGRAM GOALS

- Support Firm and Client goals while building a positive environment for participants of Mindfulness Program Services
- Regular class offering and internal trainings
- Develop and refine on-going and new program curricula
- Design internal marketing programs to encourage participation
- Develop surveys and performance evaluations to identify and evaluate program strengths and weaknesses

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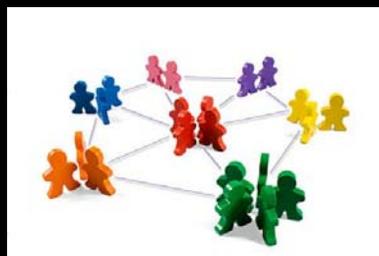
PROGRAM ROLL OUT/BUY-IN

- Survey firm needs
 - Seek input from all stakeholders in the firm
 - Meet employees where they are
 - Top-down buy in
 - Voluntary participation
 - Possible incentives
- Introduce Mindfulness

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PROGRAM ROLL OUT/BUY-IN

- Introduce Mindfulness
 - Meditative practices
 - Relational Mindfulness
 - Practices at Work



- Relational Mindfulness – what is it?
- How does Mindfulness work at work?

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STRATEGIES

- Create Routine
 - Use multiple internal channels to provide information on the value of mindfulness
 - Focus on positive and practical health aspects
 - Use technology
 - Digital apps



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STRATEGIES

- Live experiences
- WebEx/Interactive programs
- 6 – 8 week course
- Recruit internally to hold space and spread message
- Share science

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STRATEGIES

- Measure ROI
 - Encourage engagement by clearly determining goals
 - Compare absenteeism, engagement and satisfaction
 - Look at health costs
 - Look at retention numbers



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PROGRAM OUTCOMES

- Increase in Positive affect
- Decrease in Negative affect
- Reduction in Depression and Stress for Intervention Group (and not for Control Group)
- Increase in psychological resilience

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PROGRAM IMPACT

- Depression
 - -25.68
- Anxiety
 - -8.70
- Stress
 - -14.81
- Mirrors earlier studies
- qew



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MINDFUL KINDNESS PRACTICE

- MAY I HOLD THIS TOO, WITH KINDNESS



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QUESTION

What does building a legal culture premised on attorneys living a life of well-being have to do with diversity and inclusion?

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MINDFULNESS & TRANSFORMING BIAS

- Today the gross and painful inequalities of our world are readily apparent—violence, poverty, war, and the ongoing effects of racism and mass incarceration.
- As citizens, we can seek to transform *external* systems that perpetuate such suffering.
- As mindful practitioners, we can also seek to transform the *internal* systems that fuel this suffering.

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MINDFULNESS & TRANSFORMING BIAS



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BIAS: A BASIC DEFINITION

- Bias simply means “an inclination of temperament or outlook.”
- Bias also means prejudice—a disposition to pre-judge. It can be positive or negative, conscious (explicit) or unconscious (implicit).
- Implicit bias is an attitude, judgment, or stereotype that we possess without even knowing it.

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A BASIC PREMISE: WE ARE ALL BIASED!

- None of us is above reproach when it comes to the negative influences of bias.
- We are equally susceptible to the cultural influences of history, family, education, environments, media, and our own experiences.
- IAT tests show: 88% of white Americans have implicit bias against Black people. 48% of Black people hold the same bias against their own race.
- The toxins of bias run so deep that we cannot reduce them unless we are aware of them, and one important way to do that is through the practice of meditation or mindfulness.

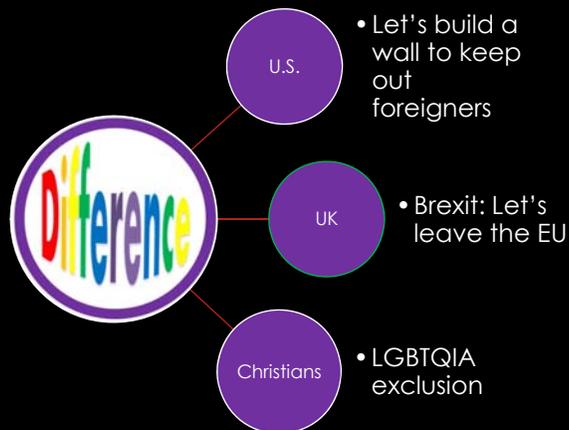
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When combined with power, bias becomes dangerous.



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REJECTION OF DIFFERENCE IS A GLOBAL PHENOMENON



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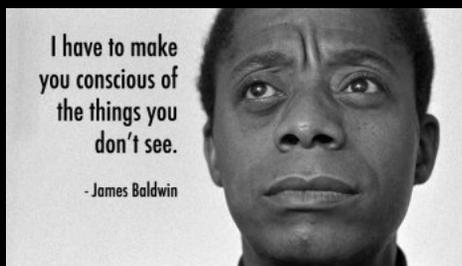
PRACTICING MINDFULNESS=REVEALING BIAS

- To practice mindfulness is to uncover bias.
- Mindfulness is paying attention in a balanced and nonjudgmental way...to actively focus our attention on the present moment with openness, curiosity, flexibility and kindness.
- To develop this particular quality of awareness requires noticing when the mind is unbalanced or judgmental—when it is biased for or against something...to experience thoughts and feelings without getting too attached to them.

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“Not everything that is faced can be changed, but nothing can be changed until it is faced.”

~James Baldwin~



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RESEARCH TELLS US PRACTICING MINDFULNESS MITIGATES BIAS AGAINST OTHERS

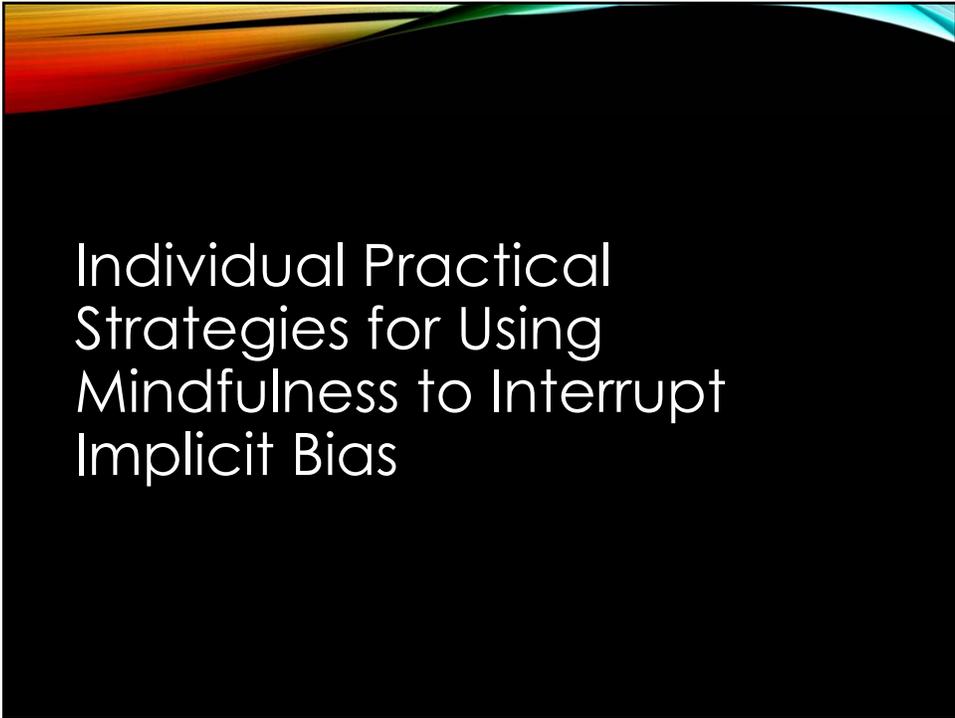
- Initial studies have shown that even ten minutes of mindfulness practice can reduce implicit racial and age bias.
- Studies have also shown that those who participated in a brief Loving-kindness mindfulness meditation (LKM) specifically directed toward a racial out-group reduced their racial bias toward that group.

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RESEARCH ALSO TELLS US MINDFULNESS MAY HELP TARGETS OF DISCRIMINATION

- The current research suggests that mindfulness may be a useful coping mechanism that can mitigate the psychological toll of discrimination.
- Trait mindfulness dampens the relationship between perceived discrimination and depressive symptoms.
- Trait mindfulness likely operates as a protective individual difference for targets of discrimination.

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Individual Practical Strategies for Using Mindfulness to Interrupt Implicit Bias

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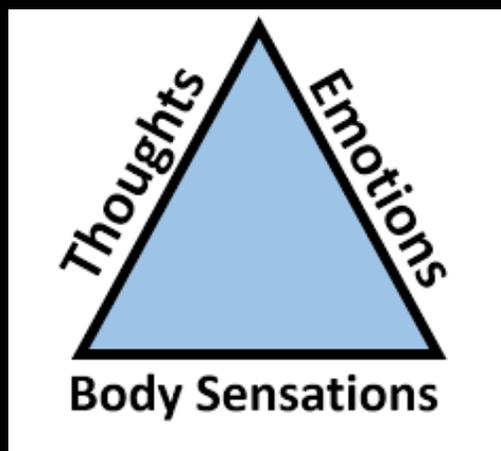


COMMIT TO DAILY MEDITATION PRACTICE

- Commit to a formal mindfulness meditation practice (use an app, join a mindfulness meditation group in person or virtually, get an accountability partner)

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USE THE TRIANGLE OF AWARENESS



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SET AN INTENTION TO NOTICE

- Set the intention to notice what's been unnoticed – to become aware of implicit bias.
- As we encounter people in our daily lives, whether in-person or in some form of media, we can use the Triangle of Awareness to observe our automatic, conditioned patterns of thinking and feeling. Watch how the mind “others” people who are different from us in some way.

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SELF-EDUCATE

- It is up to us to do the work of educating ourselves about people with other identities. When choosing a book or movie for entertainment, we can purposely choose one that is created by people with identities different from our own. We can seek diverse experiences with the intention of stepping outside our comfort zones.
- We can even bring up the issue of implicit bias with friends and colleagues, perhaps sharing our intention with them and seeing where the conversation leads.
- We also recognize that every individual's experience is unique and that each person holds multiple intersecting identities.

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OGLETREE'S PLEDGE TO DIVERSITY AND INCLUSION: AN ACTION PLAN

Pledge to Diversity and Inclusion: An Action Plan – Part 2
2019



Ogletree Deakins is proud to have a tradition of professional development, diversity, and inclusion. We believe that by soliciting, valuing, and incorporating the myriad viewpoints of our lawyers and staff, we are stronger, more creative, and better able to serve our clients in accordance with the Client Pledge.

In our 53 offices across the United States, and in Mexico, Canada, and Europe, we have a diverse workforce. We believe that by soliciting, valuing, and incorporating the myriad viewpoints of our lawyers and staff, we are stronger, more creative, and better able to serve our clients in accordance with the Client Pledge.

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OGLETREE'S PLEDGE TO DIVERSITY AND INCLUSION: AN ACTION PLAN

- Read research materials on interrupting bias with mindfulness including Bryan Gibson and Adam Lueke's Central Michigan University's study (2014, 2016), Loving Kindness research done by Alexander Stell at the University of Sussex (2015), Jeremy Gray, John Dovidio, and Yoona Kang (2013) ("the Kang Study").
- Set an intention to notice. Commit to a daily meditation practice by joining a mediation group, finding a mindfulness accountability partner, or utilizing a free app to meditate (e.g. Headspace, Simple Habits etc.).

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OGLETREE'S PLEDGE TO DIVERSITY AND INCLUSION: AN ACTION PLAN

- Practice mindfulness and uncover bias. Pay attention in a balanced and nonjudgmental way. Be present, open and engaged. Slow yourself down, pause, breathe, observe your thoughts and feelings. Catch your reaction to difference. Consider changing your response.
- Become more self-aware and make intentional choices about how you want to respond to challenging situations instead of jumping to conclusions and automatically reacting in ways that you will later regret.

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OGLETREE'S PLEDGE TO DIVERSITY AND INCLUSION: AN ACTION PLAN

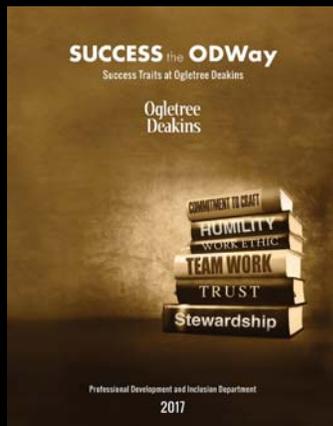
- Practice self-acceptance in order to be interested and curious rather than reacting reflexively.
- Self-educate. Do the work of educating yourself about people with other identities. Purposely choose a book, movie that is created by people with identities different from your own. Seek diverse experiences with the intention of stepping outside your comfort zones.
- Practice self-compassion. Bring kindness to the process of uncovering bias. Resist the urge to self-judge, criticize, blame, experience guilt or indifference which limits our ability to continue exploring how bias shows up for us.

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Organizational Strategies for Using Mindfulness to Interrupt Implicit Bias: Next Steps

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SODW: ASSOCIATE LEARNING GUIDE

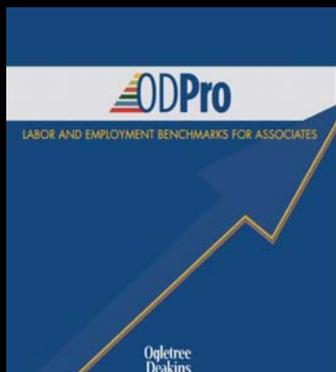


The Learning Guide describes:

- The essence of Ogletree Deakins culture
- The traits and behaviors of successful Ogletree Deakins attorneys
- The derailment patterns and personal brand killers

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ODPRO: ASSOCIATE BENCHMARKS



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THRIVE AT OGLETREE! OUR COMMITMENT TO WELL-BEING

Ensuring that attorneys and staff have the opportunities and resources they need to maintain physical health

Helping attorneys and staff maintain the psychological ability to cope with information, emotions, and stressors in a healthy balanced way.

Ensuring that attorneys and staff have resources to handle their financial affairs and successfully manage the weight of financial stress.

Providing attorneys and staff with opportunities to engage in mutually affirming personal, professional, and community activities.

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PD THE ODWAY: COMPENDIUM OF PD OPPORTUNITIES

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WELLNESS E-LEARNING MODULES

Our Commitment to Well-Being

- Introduction (0.5 min)
- Why is This Important? (2 min)
- What Does the Pledge Entail? (1.5 min)
- What Does This Mean to You? (1.5 min)
- Wrap-Up (0.5 min)

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WELLNESS E-LEARNING MODULES

**Thriving in the Legal Profession:
Maximizing Well-Being;
Optimizing Performance**

- Introduction (1 min)
- Well-Being and Productivity (1.5 min)
- Five Healthy Habits (9 min)
- Wrap-Up (1 min)

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