

TRACI CIPRIANO

THE THRIVING LAWYER

A MULTIDIMENSIONAL MODEL OF
WELL-BEING FOR A SUSTAINABLE
LEGAL PROFESSION

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THE THRIVING LAWYER

The Thriving Lawyer: A Multidimensional Model of Well-Being for a Sustainable Legal Profession is based on an innovative model, grounded in science. This book serves as a resource for promoting well-being and culture-change in the legal community by educating about pertinent issues impacting lawyers, and how to address them. It is a roadmap, highlighting the many overarching and interconnected aspects of well-being, and enabling readers to identify and target the issues most relevant to their unique situations.

Along with practical strategies, the book provides a big-picture framework, illustrating how the many intersecting individual and organizational factors which influence well-being are all related, yet separate and distinct. The framework provides a foundation for creating change, and where you focus first will depend on the needs, the situation, and any unique challenges faced by you or your organization.

The Thriving Lawyer explains why, in addition to self-care, change is needed on the organizational level in terms of workplace culture and policies, as well as normalizing self-care and eradicating stigma. This book is intended to benefit individual lawyers, their organizations, and the professionals who support them, by educating, motivating, and promoting self-care and healthy work environments.

Traci Cipriano, JD, PhD, is a clinical psychologist and formerly practicing attorney who has been utilizing her education, training, research, and experience to address and promote well-being and culture-change within the legal community since 2005. In recognition of her contributions to lawyer well-being, she was named a 2022 *Connecticut Legal Awards Game Changer Honoree*. Dr Cipriano is in independent practice and is also an Assistant Clinical Professor in the Yale School of Medicine, Department of Psychiatry, Law and Psychiatry Division, and a former Consulting Clinical Supervisor in the Yale Psychology Department. She has held leadership and governance positions in the American Psychological Association, the Connecticut Psychological Association, and the Connecticut Bar Association. She was the recipient of the 2015 *Distinguished Contribution to the Practice of Psychology Award* from the Connecticut Psychological Association. www.thethrivinglawyerbook.com

“Through accurate insights and analysis that demonstrate an intimate understanding of the challenges so many committed attorneys face, *The Thriving Lawyer* offers a helpful roadmap for critical individual and institutional change needed to improve lawyer well-being. This book is a must-read for both attorneys and HR professionals across all legal organizations.”

—**Claire Coleman**, *State of Connecticut
Consumer Counsel; former Biglaw firm
associate, non-profit and government attorney*

“The interest in wellness and self-care has gained unprecedented momentum among professionals in general, and lawyers in particular. The available resources, however, tend to be repetitive and non-directive. With this book, Dr Cipriano has filled a critical void through a scientifically based model of wellness as a way of life, the basis for decision-making, and the guide for actions. She has seamlessly integrated philosophy, psychological research, and pragmatic interventions within a persuasive narrative about making a commitment to well-being. Although this book will be of interest to any professional, Dr Cipriano incorporates her education and experience as an attorney to address the unique challenges in the practice of law. Practicing attorneys, law students and law schools, and mental health professionals who advise and counsel the legal community will gain insights and strategies for promoting genuine well-being.

Dr Cipriano introduces a model of well-being that goes far beyond usual stand-alone recommendations for specific behaviors. After reading her book, I realized that I cannot attain well-being through any routine of meditation and yoga or any other add-on activity. True wellness is a state of being that affects all life domains; true wellness encompasses all aspects of professional and personal life.

Dr Cipriano does not stop with her unique theoretical model of well-being; she incorporates in an informative, compelling narrative, pathways for translating the concept of well-being into pragmatic actions. Lawyers, law students and law schools, and those who give counsel and treatment to the legal community will find this book a valued and lasting resource.”

—**Madelon V. Baranoski**, *PhD,
Yale School of Medicine*

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To my daughters, Audrey and Olivia:
May their lives reflect a full honeycomb of well-being.



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P R E F A C E

Many aspiring lawyers are drawn to the law by their desire to bring order to the chaos of humanity. The law is a noble profession, comprising individuals who strive for justice and fairness. Lawyers are essential to the function of society, but the profession can be taxing on mind, body, and spirit. I had the privilege of being a practicing lawyer and have much admiration for the profession. I was also fortunate in that I was able to return to graduate school to obtain my doctorate in clinical psychology. What I learned as a doctoral student provided me with a framework for understanding the burdens of the law which can detract from a sense of professional satisfaction, passion for one's work, as well as physical, mental, and emotional vitality. Recognizing the importance of sustainability of the profession and continuing to attract—and retain—top talent, this book aims to help you and your organization promote well-being at both the individual and organizational levels.

When discussing the challenges of promoting well-being in the legal community, I have shared a story from graduate school:

While interviewing with a prominent psychologist, I was asked about my dissertation research. I began to enthusiastically share details about my then-cutting-edge study, which involved looking at relationships among work–life balance, perfectionism and optimism, and physical and mental health outcomes in attorneys. Before long, he interrupted me, holding up his hand, and said, “Hold on. Who the hell cares about attorneys?”

Initially, I was shocked. But once I had a chance to reflect on his comment, I realized that his sentiments were probably more universal than I would have liked to acknowledge. Lawyers are viewed by many as a privileged class, whose rewards are substantial enough to balance any adversity the profession creates.

This exchange brought forth the realization that few people, if any, outside the legal community were paying much attention to lawyer struggles. It is up to the profession itself to acknowledge and unequivocally address some of the unhealthy aspects of legal culture. Recognizing that the legal profession is a challenging one, what can be done to evolve, adapt, and make the most of the situation, as well as promote a thriving profession?

ACKNOWLEDGEMENTS

This book has been years in the making, the idea developing over time with my increasing appreciation for the many factors involved in promoting lawyer well-being. That appreciation developed thanks to many individuals, beginning with my primary dissertation advisor, the late George J. Allen, who was generous with his time and mentorship, as well as dissertation mentor Janet Barnes-Farrell, who welcomed me into her lab to learn more about work–family conflict. I am grateful to the Connecticut Bar Association Young Lawyers Section, and then-Chair Daniel Schwartz, for providing me with a platform to introduce my research and collect data. I am also grateful to Stacy Smith Walsh for her tremendous enthusiasm and support during that time with data collection, and going forward. There have been many other people along the way who have in one way or another supported my learning, growth, and development in this area, in particular Madelon Baranoski, Karen DeMeola, Beth Griffin, Michael Marciano, and Amy Lin Meyerson, as well as others who have supported my work and shared their thoughts, experiences and insights as legal professionals, for which I am very grateful. Thank you to my editor, Guy Loft, for his unwavering faith in this project. I also must thank my dedicated reviewers, Madelon Baranoski, Melanie Capobianco, and Greer Spatz, for their time and feedback. I am ever grateful to my family and friends who are always there to cheer, listen, and bring some levity. Much gratitude to my brother, David Cipriano, for his cover design. And a special thank you to my husband, Michael Cummings, for his unending support and encouragement.

Permission granted from Glasbergen Cartoon Service for use of Randy Glasbergen’s apropos “Stress is for wimps!” cartoon.

CHAPTER 1

Introduction to Lawyer Well-Being and a Guide to Reading This Book

Lawyer well-being is a hot topic, and you are likely flooded with information about many different strategies and approaches. But how do you make sense of all that information? And is there more to it? *The Thriving Lawyer: A Multidimensional Model of Well-Being for a Sustainable Legal Profession* is based on an innovative and comprehensive model which illustrates the intersection of individual and organizational factors related to well-being, providing a guiding framework for readers by pulling together these important elements in one place. Each chapter stands alone and can be read as time and interest permit. This book does not need to be read cover-to-cover in one sitting, though you certainly can do so.

Why read a book about lawyer well-being? Lawyers ensure all aspects of society—business, government, non-profit, personal—are functioning in accordance with a set of predefined values related to fairness and efficiency. Lawyers protect us from injustice and preserve our rights and freedoms. At the same time, the profession is struggling like never before. Research and surveys related to lawyer stress, depression, substance use, healthcare utilization, and suicide all suggest that law is a particularly stressful profession, and lawyer stress often arises as a result of the nature of the work, especially in combination with common lawyer traits.

As of 2022, a multitude of surveys have been conducted in the legal community, including in the US, Canada, the UK, Australia, and Singapore, and by the International Bar Association. These surveys confirm what we have long suspected: The legal profession is universally a high-pressure profession dominated by competitive perfectionists, with little room for error, low psychological safety, and high rates of burnout, depression, anxiety, and substance misuse.

Advances in technology, once revered as products which would make our lives easier, particularly smartphones and mobile devices, have further blurred the line between work and home life. This lack of separation of professional and personal roles has limited attorney “downtime,” while at the same time arguably exacerbating the negative effects of certain pre-existing personal traits and professional stressors, with an overall negative

impact on lawyer well-being. It is incumbent on the legal profession to acknowledge there is a problem, own it, and begin to address it. Change is slow and imperfect, and yet it must begin somewhere. At the very least this change needs to begin at the top, with leaders in the law, law firms, and law schools.

There are myriad occupational risk factors faced by lawyers, such as time pressures, billing pressures, rainmaking pressures, the adversarial nature of profession, and technology. Lawyers are particularly susceptible to the disadvantages of modern technology—always accessible by phone, email, or text, 24/7, 365. Common pressures, such as multiple competing deadlines, time management and organizational difficulties, unreasonable opposing counsel, office politics, and personal crises over time can lead to chronic stress. In addition, depending on practice area or pro bono work, lawyers often experience compassion fatigue, burnout, and vicarious trauma.

If there is a sincere desire to improve lawyer well-being, the focus needs to be on prevention and on promoting wellness before someone reaches a crisis point, begins abusing alcohol or drugs, or even contemplates suicide; or before work suffers because thinking is not as quick, clear, and sharp; before physical illness takes its toll; or before relationships with colleagues, significant others, friends, and children deteriorate. Stress is toxic, and it permeates all aspects of our lives and our work. It is easy for conscientious, competitive, hard-driving individuals to take for granted our minds, our bodies, and our relationships; but if we do not tend to them, they will suffer, along with our work quality and productivity.

All lawyers, if they have not done so already, need to begin to think about how they deal with the stress of the profession and what strategy or strategies help to reduce their stress and improve their individual well-being. We are not going to eliminate the stress of the legal profession (nor do we want to, as some degree of stress is adaptive, see Chapter 3, Attention to Overall Physical and Mental Health), though changes in organizational culture can be made to mitigate it. It is no longer adequate to expect individual lawyers to figure everything out on their own, even after attending a few workshops. And realistically speaking, it isn't possible or adaptive for individual lawyers to change their approach to self-care, managing competing work and home life demands, and relating to others in the workplace, when the overall culture does not support them in doing so. Broad cultural change within the legal community is needed, and it is essential that this change come from the top down, promoted and role-modeled by senior lawyers, not just human resources staff.

If you are an organizational leader, I ask you to begin the dialogue, or continue it, and if you are early or mid-career, I ask you to suggest such a conversation to your leaders. If you do not know where to begin, start with this book.

What Can You Expect from This Book?

The goal of this book is to promote well-being and culture-change in the legal community by educating about some of the most pertinent issues impacting well-being on individual and organizational levels, and how to begin to address them. This book is intended to benefit individual lawyers, their organizations, and professionals who support them, by educating, motivating, and promoting self-care and healthy work environments. Consider it a roadmap, highlighting the many overarching and interconnected aspects, and enabling readers to identify and target the issues most relevant to their unique situations.

With this goal in mind, the book is written to be user-friendly and easy to read, allowing you to focus on those chapters most relevant at any particular moment. The content is based on psychological science, as well as my education, training, and experiences as both a psychologist and a formerly practicing lawyer. While each chapter will include a bibliography at the end, the goal is to provide you with an easy reading experience, and not distract you with references, footnotes, or endnotes. Throughout the book I have inserted anonymous quotes, from lawyers with whom I have crossed paths, related to the topic within each chapter.

As a result of the historically limited interest in lawyer well-being, funding for quality research projects addressing the lawyer experience and how to best promote healthy, productive attorneys and workplaces has also historically been minimal. Therefore, the research basis of the many aspects of well-being as defined in *The Thriving Lawyer: A Multidimensional Model of Well-Being for a Sustainable Legal Profession* often reflects the application of research conducted in the general population to the legal community, in addition to limited lawyer-specific research.

BOX 1.1 FUN FACT

The societal need for, and value of, lawyers has been officially recognized in the US since the late 1700s, when America's first law schools, the Litchfield Law School in Connecticut and William & Mary Law School in Virginia, were established. Law schools had been in existence centuries earlier in Europe and elsewhere outside of the US. It is worth noting that the issue of which law school was in fact first in the US is not without controversy, but historical sources suggest the Litchfield Law School was the first applied/apprenticeship teaching institution whereas William & Mary Law School was the first academic/professorial program.

Lawyer Well-Being Needs to Begin in Law School

Let's start at the beginning. Lawyer well-being begins in law school. In addition to indoctrination with foundational caselaw and instruction on how to read and interpret it, first year law students are also taught how to “think like a lawyer”—rational, practical, without emotions that cloud judgment. Law students quickly learn that emotions are “bad”; they represent weakness and negatively influence judgment and competence. By implication, emotions are to be avoided or suppressed. This learning, when combined with the hard-driving, time-urgent, perfectionistic, and competitive traits found in many law students, can be a recipe for un-wellness. While first year students, also known as 1Ls in the US and Canada, are learning to think like lawyers, they also need to be educated on the importance of maintaining healthy self-care habits and have adequate on-campus resources to promote well-being. Fortunately, a good number of law schools now recognize this need, offering resources and programming, but the same top-down principles apply.

In addition, many law students arrive at law school with honorable goals of promoting social justice and equity, preserving the environment and the habitability of Earth, and slowing climate change, or simply empowering the underdog, whomever that may be. Very quickly however, in the hierarchical law school environment, students are lured toward opportunities which embody status and power. In addition, burgeoning law school debt may disproportionately influence career decisions based on economics rather than passions. As a result, many young lawyers find themselves seeking prestige, clout, and financial gain in corporate law jobs working most hours of the day and week, ignoring idealistic longings, and suppressing or self-medicating any emotions or feelings of dissatisfaction.

What Is Health, and Does It Depend on Whom You Ask?

The World Health Organization (WHO) defines “health” as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.” David Misselbrook, GP, Dean Emeritus of the Royal Society of Medicine, wrote about the conceptualization of health in the medical profession in 2014:

Could health be a more positive concept? Can we go beyond facts and admit values into our concept of health? Dietrich Bonhoeffer defined health as “the strength to be.” Bonhoeffer was saying that health is the ability to pursue our life story without insurmountable obstruction from illness. Unless I am an Olympic skier I can be healthy even after the loss of a leg. If I am Olympic skier I can regain health—I can still flourish—by seeking the courage to rewrite my life script. Thus health can be seen as the ability to flourish without being unduly impeded by illness or disability or, if necessary, by overcoming illness or disability.

Misselbrook raises important questions about how we view health and whether we can take a more positive, glass-half-full approach to viewing individual circumstances. I would argue the same applies to lawyers, their own individual well-being, and law firm culture.

What Is Thriving?

The WHO defines “mental health” as “a state of well-being in which an individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and is able to make a contribution to his or her community.” This definition evokes the notion of flourishing, which, according to Professor Corey Keyes, in turn reflects the presence of “positive feelings and positive function in life.” Moreover, the US Surgeon General defines “mental health” as “a state of successful performance of mental function, resulting in productive activities, fulfilling relationships with other people, and the ability to adapt to change and to cope with adversity.” In other words, thriving.

Where to Go from Here?

The legal profession will always involve competing pressures and responsibilities, adversity, and insufficient time. There will always be mental health, substance use, and physical health issues to be dealt with. These challenges must be acknowledged and appreciated before they can be addressed. But instead of focusing only on the negative, what is wrong with the profession, or what is wrong with individual lawyers, let’s focus on the issue through a more positive lens—What can we do to improve individual and organizational health and well-being? What can we do to make the most of the situation? How can we evolve and adapt to difficult challenges? And ultimately, what can we do to promote flourishing, as individuals and organizations?

Well-being does not just happen! Well-being is a deliberate *Way of Being*. It is intentional, involving commitment, diligence, and hard work—at least at the beginning, until the framework of well-being permeates our life. It requires planning, strategy, and follow through. When we think about the self-care aspect of well-being, and within that, the expertise aspect of self-care, adopting a new personal exercise, diet, sleep, or meditation regimen requires commitment and practice. Similarly, organizations can work toward effectuating positive culture-change through commitment and practice by proactively promoting and role-modeling a healthy work environment, as well as supporting employee self-care and well-being. *The Thriving Lawyer: A Multidimensional Model of Well-Being for a Sustainable Legal Profession* addresses the multitude of individual, contextual, and organizational factors influencing well-being, thriving, and productivity. It is up

to you whether to make a change that propels your behavior in a positive direction. You decide.

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CHAPTER 2

Introducing the Multidimensional Model of Lawyer Well-Being, aka, The Honeycomb Model of Well-Being—A Way of Being

When we think about well-being, often the first thing that comes to mind is practicing self-care.

Self-care is essential, but it is one small piece of the puzzle. There are many factors, internal and external, individual and organizational, impacting our well-being. It can be helpful to conceptualize well-being broadly, encompassing many facets.

To begin with, we can organize the many factors into three overarching general categories incorporating: 1) individual factors; 2) life-context factors; and 3) work-related factors. The composition and influence of each of these three broad categories vary by person and their circumstances. We practice self-care to help us prevent, manage, and mitigate the effects of stress and distress in each of these three general areas arising from our 1) individual thoughts, feelings, behaviors, and our physical health; 2) external pressures related to our life in general; and 3) workplace culture and legal practice-related pressures.

The Honeycomb Model of Well-Being, addressed later in this chapter, is a more specific model arising out of these three domains, reflecting individual and contextual factors within each domain, including actions that involve thinking, behavior, and relating at the personal, social, and organizational levels.

What Does Well-Being Mean to You?

Before you can take steps toward improving or enhancing well-being, you need to understand what well-being means to you, and what your goals are for achieving it. Does well-being mean practicing self-care? Optimal physical health? Optimal psychological health? Stress-free living? Freedom from addictions? Maintaining positive and supportive relationships? Something else?

On the individual level, we have our personal traits and how we relate to the world, including self-care, as well as our mental and physical health

THE HONEYCOMB MODEL OF WELL-BEING

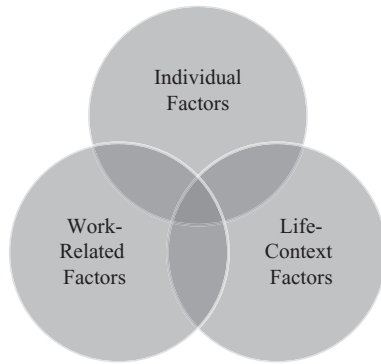


Figure 2.1 Intersection of Individual, Life-Context, and Work-Related Factors in Well-Being

status, which can serve to mitigate or aggravate stress and distress. Some of these aspects are reflected in the questions below:

- How do you manage stress?
- Do you engage in self-care strategies?
- Are you generally a positive, optimistic person?
- Do you view the world through a negative, skeptical, or cynical lens?
- Do you tend toward perfectionistic thinking?
- Are you flexible or rigid in your thinking and behavior?
- Do you appreciate the difference between being assertive versus being aggressive?
- Are you competitive or collaborative?
- Are you dealing with an acute or long-term mental illness?
- Are you dealing with unresolved personal trauma?
- Are you dealing with an acute or long-term life-threatening physical illness?

When we think about life-context factors, there are many, some of which include:

- Are you single or in a romantic relationship? What is the quality of that relationship?
- Do you live alone or with a partner and/or children or other relatives?
- Do you have school-aged children?
- Do you have elder-care responsibilities?
- What kind of social support do you have? Have you maintained healthy relationships with friends? Are there colleagues at work whom you trust and can consult for advice or ask for assistance?