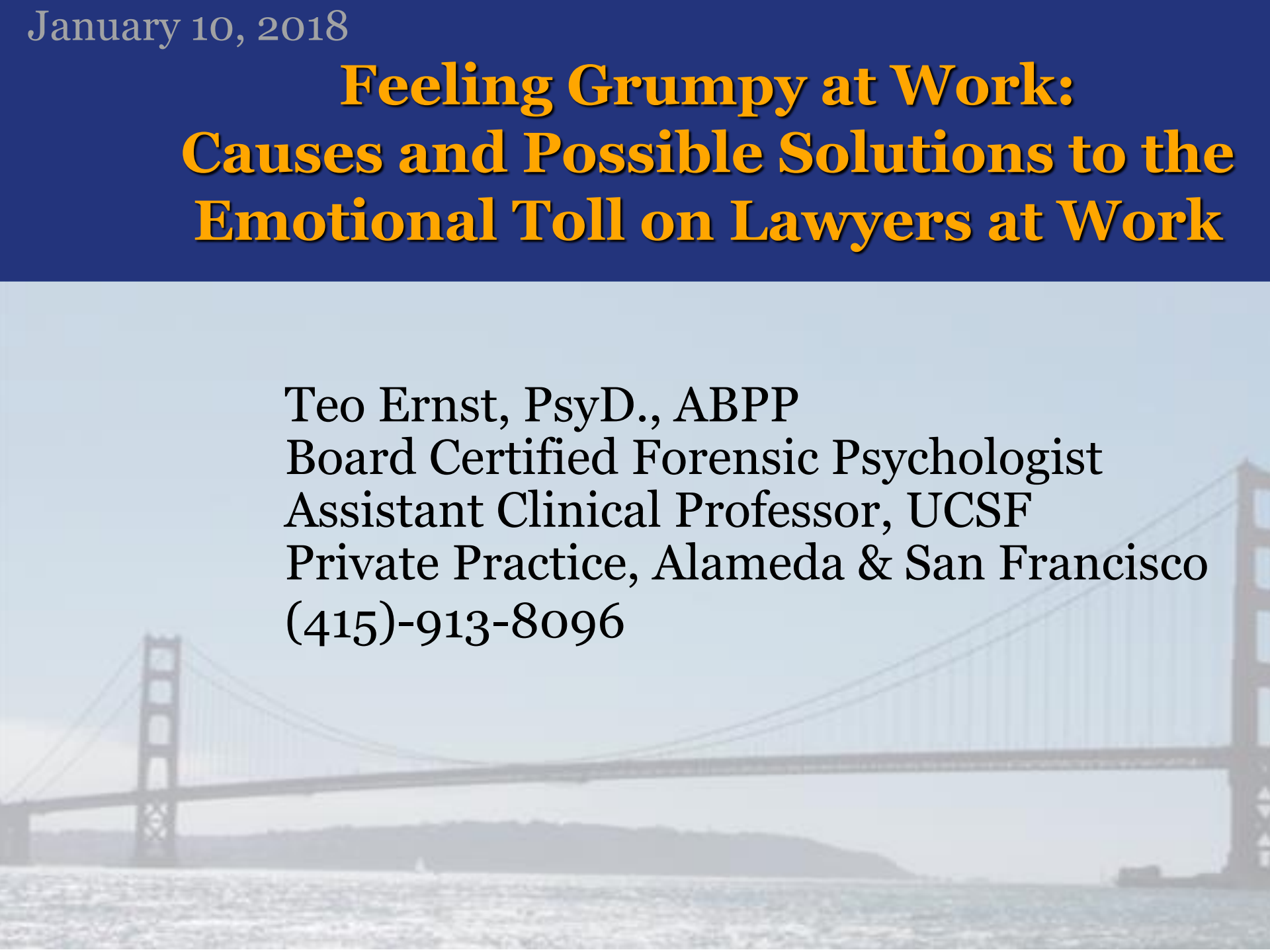


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Feeling Grumpy at Work: Causes and Possible Solutions to the Emotional Toll on Lawyers at Work

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The Bad News

Poll and Interview Data on Attorneys:

- 13% rates of depression (Wulsin, 2013)
- Higher rates of depression than most professions (Wulsin, 2013)
- 13% meet criteria for alcoholism in contrast to 7% in general population (National Institute on Alcohol Abuse and Alcoholism, 2016)
- Frequency of problematic drinking, anxiety, depression inversely related to seniority. (Krill, 2016)
- Female minority attorneys report higher levels of unfair treatment based on gender, race, and age, than other attorney groups.
- Rates of depression and substance abuse among minority attorneys? (Research is needed!)

Consequences of Unhappiness

- Family Conflict
- Reduced Productivity
- Violation of Client's Interests
- Career Changes
- Retention Issues

Directions on Increasing Happiness from Psychological Science



After $39\frac{1}{2}$ years of wandering in the desert, Mrs. Moses secretly asks for directions.

Psychological Explanations

- 1) Pessimism
- 2) Low Decision Latitude
- 3) Zero-Sum Game

Pessimistic Explanatory Style

Interprets cause of negative events as:

- Stable (It's going to last forever)
- Global (It's going to undermine everything)
- Internal (It's my own fault)

Pessimism Decreases Well Being

Pessimism is associated with:

- Depressive Symptoms
- Anxiety
- Increased Risk for chronic illness

(Jones, 2017)

Pessimistic attorneys are more likely to believe:

- They won't make partner
- Their profession is dysfunctional
- The economy will crash.

(Stoiber, 1995)

Optimism Increases Well Being

Associated with:

- More psychological well being
- Lower rates of depression and anxiety
- Lower mortality

(Jones, 2017)

Pessimism Usually Decreases Performance

General Research findings:

- Pessimistic life insurance agents make fewer sales
- Pessimistic undergraduates get lower grades
- Pessimistic Swimmers have sub-standard swims

(Seligman & Sculman, 1986)

The Big Exception

Pessimistic student fare better in law school

- Virginia School of Law, Class of 1987 tested with Attribution Style Questionnaire
- Students defined as pessimistic had greater achievement (i.e. higher grades, law journal success)

Why Does Pessimism Help Attorneys?

- Necessary Caution and Skepticism
- Prudence to Predict Catastrophes Before they Occur
- Anticipate a Wide Range of Problems
- Function in intentionally adversarial system

What makes you a good lawyer, may not make you a happy person



"WHAT DO YOU WANT TO HEAR FIRST, THE BAD NEWS OR THE EVEN WORSE NEWS?"

Counteracting the Negative Effects of Pessimism

- Shift Sets Between Legal Practice your Non-Work Life
- Evaluate when pessimism is professionally necessary vs. reflexively engaged in at work

Flexible Optimism to Counteract Pessimism

- 1) Become mindful of when you're in a pessimistic set
- 2) Notice catastrophic thoughts
- 3) Pretend the catastrophic thought was uttered by a rival colleague
- 4) Marshall evidence against the catastrophic thought to form more balance thought

Counteracting Pessimistic Rumination

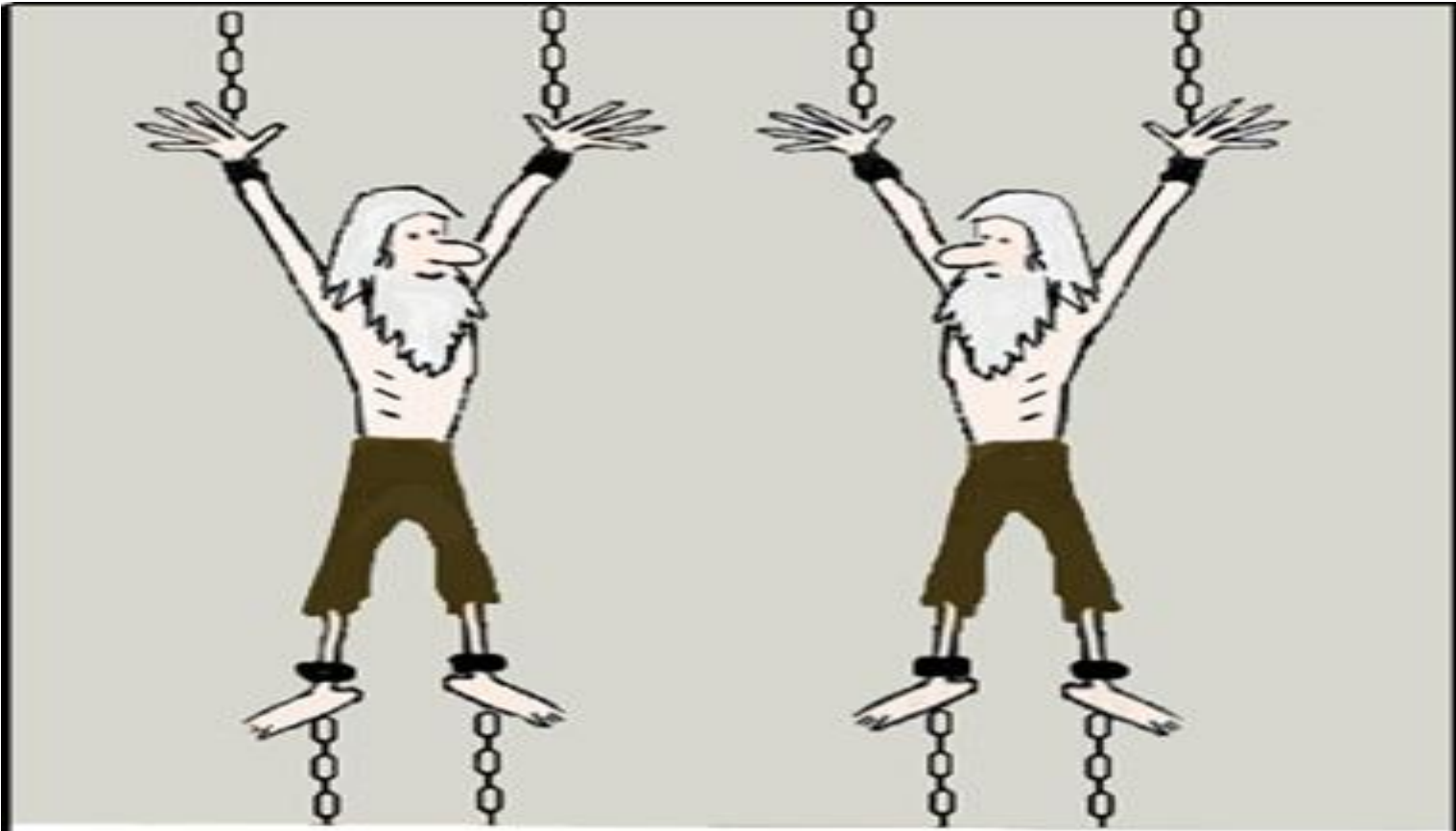
- Rumination is unsuccessful in solving problems, and gives false sense of productivity.
(Lyubomirsky & Nolen-Hoeseema, 1995)
- Shifting to new mode of thinking generates creativity
- Stop Sign Visualization
- Repetition is Key

Low Decision Latitude

- Decision Latitude (DL): Number of choices one believes one has
- Job Demands (JD): Pressure and demands of work environment.
- Workers with Low DL and High JD were more at risk for Depression and Coronary Disease than other quadrants (Karasek, 81)
- Historical Professions with Low DL High JD: secretaries and nurses

Low Decision Latitude

- Nurses & Secretaries historically in this quadrant
- Junior Associates are now also in the Low DL High JD quadrant
 - High pressure environment
 - High productivity expected
 - Risk for serious error
 - Little voice in decisions, contact with supervisors or clients, control over schedule
- Leave jobs for lower pay positions such as DA or legal aid with more decision latitude.



I have a plan!

Browman

Remedies to Low Decision Latitude

- High Pressure Environment can't be changed but Decision Latitude might
- Institutional Goals to Reduce Unhappiness and Increase Retention:
 - Give Associates Increased control over schedule
 - More Frequent Contact with Supervisors & Clients
 - Earlier Voice in Management
 - Mentoring
 - Identifying and Capitalizing on Associates Strengths

Zero Sum Games

- Net Result is Zero: Gain on one side met with loss on the other
- Adversarial process, central to legal practice, is a classic Zero Sum Game
- Processes built on collaboration, trust, mutual benefit activate positive emotions.
- In zero sum interactions negative emotions pervade (Sadness, Anxiety, Anger)

Zero Sum Games: Effects of Losing

- Lawyers are trained to be aggressive and competitive to win litigation game
- Losing activates anger, criticism, sadness demoralization

Zero Sum Game: Effects of Winning

- Co-existing self-state experiences
- Survivor Guilt and Empathic Distress
 - Tensions with universal needs for affiliation, belonging, and equality
 - Severity of depression is correlated with survivor guilt and empathic distress. (O'Connor, 2002)
- Identification with opposing client's/attorneys projections

Potential Zero Sum Game Solutions

- Identify zero-sum mindset in non-work family/social interactions and attempt to shift to mutuality and cooperative mode
 - Utilize relationships to regulate distressing emotions and negative self perceptions
- Find non zero-sum opportunities in legal practice.
- Law school: More judicious use of Socratic training and increased collaboration among students.
- Pro Bono Opportunities

When to Get Help: Signs of Depression

- Depressed Mood Lasting Longer than 2 weeks
- Decreased Interest in Activities
- Reduced Concentration
- Decreased Libido
- Difficulty Sleeping or Oversleeping
- Change in Eating Habits
- Fatigue
- Frequent Thoughts about Death
- Suicidal Thoughts

Difference Between Depression and Busy Legal Practice

- Fatigue at end of busy day vs. chronic fatigue
- Situational vs. constant sleep changes
- Concentration loss after long hours vs. chronic concentration loss
- Brief vs. continuous sadness/emptiness
- Desire to rest during time off vs. decreased interest in life activities
- Interpersonal conflict when stressed vs. global withdrawal
- Anxiety in reaction to high pressure events vs. continual anxiety regardless of situation

When to Get Help: Signs of Alcohol Drug Abuse or Addiction

- Increased use over time
- Increased tolerance
- Withdrawals
- Increased Time Spent Using Substances
- Continued use despite legal, interpersonal, occupational consequences
- Unsuccessful Efforts to Quit or Reduce Use
- Using Increasingly serious drugs
- Drinking as coping mechanism for stress and painful emotions

Finding a Therapist: Understanding Degrees

- Licensed Clinical Social Workers (LCSW)
- Psychologist (PhD/PsyD)
- Marriage and Family Therapist (MFT)
- Psychiatrist (MD)
- Psychoanalyst (Multiple Degrees)

Finding a Therapist: Common Theoretical Orientations

Individual Therapy:

- Behavioral Orientations:
 - Cognitive Behavioral Therapy
 - Dialectical Behavioral Therapy
 - Acceptance and Commitment

- Psychoanalytic/Psychodynamic/Object Relations
 - Attachment Theory Focused
 - Brief Dynamic Therapy

Finding a Therapist: Common Theoretical Orientations

Couples/Family Therapy

- Emotionally Focused Couples Therapy
- Gottman Method
- Structural/Solution Focused
- Cognitive Behavioral

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Thank You for the Opportunity to Present

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