



APPROACHING HEALTH IN THE LEGAL INDUSTRY

The D&I panel on LDIA's first anniversary included the topic of mental health in the legal industry. You may ask, what does mental health have to do with D&I? My short answer is that health might be(come) the overarching topic in all D&I areas. D&I focus areas are all deeply rooted in our emotions and in the social environments surrounding us. If we get our own health, physical, mental and emotional, on the right path and prioritise our own self-care, inner balance and authenticity, we will achieve the psychological safety in the workspace that is so essential to D&I.

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The legal industry, and in fact any consulting business that relies on human capital, is in the health business. Health is paramount to every one of us and becomes the new imperative for businesses! GenZ expects us

to treat health in the same way we treat legal training and other business skills. It is also a moral obligation of all players in the industry to support older generations as they transition out. Healthy human capital is what we need to succeed in business, to ensure great client service and to have a positive impact on our communities and environment. To state the obvious, there is no downside to investing in our own health!

However, the legal industry – as part of the overall economic order – is looking at growth and profit.

Consequently, it systematically encourages us to work more, achieve more, earn more, perform better, deliver more, learn more, engage more, recruit more of the best talent, do more and better of everything. Ideally, we will do all this better than the next person. We are therefore within an everlasting race of competition and comparison. The hope is that if we succeed in achieving each virtual “next step”, we will have the recognition (and love) we believe we deserve. We will attain the

life we have always dreamt of and then be happy. Eventually. Once we become part of any law firm, its culture will encourage us to adapt to what that “firm” expects. The race for more and the competition with others is all we perceive. Our focus narrows. As lawyers, we learn to improve our technical skills, our softskills, our network, our client base, our reputation, etc. As we become more knowledgeable, more self-confident, economically better situated, we may even believe we are in control of our lives. Improvement, performance and achievement can be very rewarding, invigorating and empowering. We are rushing through life from one achievement to another and literally making a living on the drug of performance, on adrenalin. Performance athletes experience very similar pressures and perceptions throughout their careers.

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As a professional tennis player on the WTA (Women Tennis Association) World Tour, I did the same for eight years. In the world of sports, it is difficult to believe that we are ever good enough. Athletes are rarely ever satisfied with their performance, literally racing from one goal to another, always striving for more and for better. They put a lot of pressure on themselves in addition to what they perceive from their teams. When I became a transaction lawyer in finance, I came to realise that the greater the pressure, the better I became. I sought out more pressure and more work. I realised that as a lawyer I was performing in the same way I did as a tennis player. No matter how far I pushed myself, I always felt that there was potential for more. Unlike performance athletes, however, in business we do not perform for ten to fifteen years, but rather for thirty or more. So the question is, how do we develop the ability to perform long term?

The even bigger question is whether it is possible to achieve our inner balance and our own authenticity within this legal and economic “system” which is always pushing for more and for better and which is inherently dependent on growth. Law firms have, so far, not focused on the health of each individual and are learning its importance the hard way. More and

more law firm professionals are burning out, working inefficiently (through presenteeism or absenteeism, medical leaves, etc.), changing jobs, leaving the industry, avoiding law firms from the onset, struggling with depression and even committing suicide. Mental health has become an imminent crisis and the industry is now reacting to the crisis: it is determined to tackle the problem. Now at least there is the hope that mental health issues will eventually be destigmatised and handled in the same way as any other illness. Wellbeing programs, in-house counselling, workshops, various apps, self-help groups, initiatives, platforms, portals etc. are the most common means to approach the mental health crisis. All are good in their own ways and are certainly well intentioned. However, so far, they seem to focus on isolated topics or offerings selected in a rather unsystematic way. I firmly believe we should strive to provide individuals with an understanding of all components of health.

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According to the WHO “(H)ealth is a state of complete physical, mental and social well-being and not merely the absence of disease and infirmity”. We actually need to go even further: we need to help people thrive. We need to give them the same means that performance athletes use to work more efficiently within the legal industry and pursue their own personal fulfilment. Helping people overcome mental infirmity is not the same as helping them to thrive and to find their authenticity and individual happiness. The former is rather a field of clinical psychology while the latter is associated with performance psychology, self-management tools and the psychology of happiness. When approaching health, we ought to touch upon all aspects, and help people understand the full spectrum and its interconnectedness. Unless we approach health in a holistic way, and mental health is just one part, the effects will remain selective and in the worst cases, only have a short-term impact. Also, it is key that anything we offer not be opportunistic but rather based on consistency, i.e. structures that enable people to follow healthy habits for their bodies and minds. That’s not

to say selective victories are bad; in fact any step, even the smallest in the right direction, is progress. Progress is what counts, but it needs to be consistent and sustainable in the long run.

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So how should we approach health in any organisation and in the legal industry in particular? There are two key perspectives: (a) the organisational perspective and (b) our own personal perspective. An organisation, a (law) firm is nothing but a legal entity by way of convention. An organisation can emphasize (top down) guidelines, expectations, incentives, policies, routines etc. and also provide means and create frameworks in the form of programs and initiatives to encourage a healthy lifestyle. There is no doubt that organisations should be creating a culture where people are surrounded by healthy choices that are exercised, encouraged and praised. Any culture (defined as “the way we do things around here”) takes time to be perceived as a lasting one and at its core, should be based on what individuals repeatedly do. This is why our own personal perspective is so important. And this is the hardest part. Ultimately, we are the only ones who can make a difference (for ourselves and our environment). No legal entity, no management and no other individual will ever have the same impact as we do on ourselves. For overall health, self-care must be our priority. Self-care means bringing our bodies and minds in balance in the social environment in which we choose to live – i.e. physical, mental and social well-being (as per the WHO definition).

Performance athletes focus on four distinct focus areas:

- 1. Body (the physical strength of the body, recovery and good nutrition, must be a given, but are all subject to constant practice and focus);**
- 2. Technique (knowing the technical craft of the sports as an automatism – must be a given for every athlete as well, and must also be subject to constant practice and focus);**

3. Tactics (which are approached case by case and become more and more relevant the better the athlete becomes); and

4. Mental strength (which is needed to deliver the other three categories, but also, at the very top, nothing else but mental strength will determine whether you win or lose).

Translating this into the legal industry: technique and tactics are the skills and business tools we learn at university and on the job. However, we almost completely neglect our main sources of energy: our body and mind. We sit all day and execute tasks at our desks.

As individuals, we perceive ourselves through our bodies (i.e. our organs) and through our minds (mission control where we process everything that comes from our organs and from the outside world). What happens in our brain will sooner or later show in our bodies and we cannot separate our bodies and minds from the environment in which we live. As we adapt to our environments, to what we believe is expected from us at work and more broadly in society, we must be careful not to neglect our bodies and minds, not to become alienated from ourselves. This alienation and the effect of work-related stress lead us to switch off our “pilot”, i.e. our “thinking” brains and live on our “autopilot”, i.e. our reactive brain, where we just function automatically (more or less!). Such stress and internal alienation causes the loss of our capacity for innovation and creativity.

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So how do we achieve work-life-integration (work life balance is not the pertinent phrase given that we really need to integrate work into our whole selves)? In the digital age, work life integration depends simply on our ability to switch consciously to being in the present. This means, if we are at home, we should have clear habits of only checking emails at a certain time or not after say 9pm to protect our sleep. We should train ourselves to not respond immediately to every email, etc., but

just be where we are, at home. We need to train our brains in the same way we train our bodies. "Use it or lose it" is a phrase that is valid in all circumstances. It is all about the conscious practice of channelling our thoughts to where we are, to focus on what we are doing. Meditation is a means to train our minds and can be very helpful in this regard. We need to become aware of our personal (re)actions and triggers. We need to focus on (re)gaining conscious control over our inner dialogue, over the way we "talk to ourselves". The goal is to be able, consciously, to turn negative thought spirals into positive ones. We should not forget that the person we have the longest conversation with throughout our lives, is our self.

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Self-care as a means to our overall health is about getting a handle on our emotional lives and strengthening our bodies. We alone can take on this huge task but it is the only way to our authentic selves.

If we know what drives us, what triggers us, why we are doing what we are doing, we can find peace within ourselves. If we are self-aware, we will be able to act despite our biases. Generational conflicts will ease as we approach each other with kindness and understanding rather than aggressiveness or ignorance. Differences in (biological) sex and (socio-cultural) gender will not alienate us from each other. Social differences will fade as we approach each other as nothing more than valued fellow humans. Psychological safety, so essential to D&I, will allow us all to thrive. Can we achieve all this within an economic system that seems inherently to encourage the opposite? Today I believe we can if we get our own main driving motives (the "why") right and focus on giving instead of taking, receiving and entitlement.

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