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Promoting a healthy mindset for your practice

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Promoting a healthy mindset for your practice

The legal profession for want of an appropriate description can be justifiably described as a *pressure cooker*. The ingredients that are used to cook in this pressure cooker include;

- a) people who are generally described as overachievers and perfectionists,
- b) analytical and cynical and for the most part travel through life feeling like imposters,
- c) mixed in and stirred slowly with many deadlines, high expectations,
- d) negative environments, conflict fuelled and combative clients and situations,
- e) unforgiving KPIs,
- f) long hours and fear of change.

“If there was a recipe for ill mental health this would be it!!”

Having a healthy mindset is not a luxury, but a must if we are to;

1. have longevity,
2. perform at our best
3. manage our clients and
4. effectively contribute to our society.

Undoubtedly, we’ve all seen or even maybe encountered legal practitioners who are either, (a) totally unaware of their mindset or (b) have no control over their emotions, or perhaps you may have experienced times and situations where you yourself have felt out of control whilst been stirred around in this pressure cooker.

The truth is we can’t do our jobs and be of service to anyone when we are not operating from a healthy mindset. It could be compared to a marathon runner who runs with a broken leg. We need our intellect, our intelligence, our creativity and our logic amongst other skills and qualities to be effective in our roles. However, at times we have observed practitioners who place minimal, if any real value on their mental wellbeing.

Picture this, an Olympic swimmer who eats badly, does not take care of their body and even abuses their body with unhealthy habits, then gets in the pool on race day and is expected to win gold for their country. It’s unimaginable isn’t? it would never happen!!

So why is it that as professionals, many lawyers place more value on almost everything else including money, reputation, ego, time, status and winning rather than their wellbeing? What’s wrong with this picture?

A healthy mindset in your practice is essential to encourage creativity, innovation, leadership and *“above the line thinking”*.

Experience has shown that poor mental health can cost money and reduce efficiency. When lawyers don't have a healthy mindset, they are more likely to miscommunicate, make errors, lose staff and lose clients. Perhaps you or a colleague you know has experienced some of the effects of poor mental health and can see that now more than ever, it is essential to focus on promoting a healthy mindset in the profession.

What is a healthy mindset?

Wikipedia defines mindset as '*a set of assumptions, methods, or notions held by one or more people or groups of people*. A mindset can also be seen as arising out of a person's world view or philosophy of life. A mindset may be so firmly established that it creates a powerful incentive within these people or groups to continue to adopt or accept prior behaviours, choices or tools.'

We have a mindset about and for everything in life. Our mindset as lawyers has not traditionally been known to include elements of growth mindset, mental wellbeing or focus on soft skills or rather 'essential skills'.

A healthy mindset for your practice can be said to include:

- Respect for other people's model of the world
- Flexibility in our approach to the system, our clients, our colleagues and ourselves;
- Optimism in our thought patterns
- Connection between our mind, body and our higher self
- Resourcefulness
- Above the line thinking
- Solution focused and resilient.

We have all heard and still continue to hear about people in the legal profession living with stress and anxiety or what I like to call in "*survival mode*". A healthy mindset allows us to step outside of pure survival and step into resilience so we can thrive.

In an article published in the Law Society Journal April 2019 edition written by Kate Allman and titled 'the burnout profession', it was reported that:

- a) stress – related burn out is costing Australian business \$10.9bn each year, (Beyond Blue)
- b) 33% of Australian Lawyers are suffering disability and distress due to depression (Brain and Mind Research Institute)

Our profession needs us to be in charge of our minds so we can be in charge of our results.

What I have found effective in promoting a healthy mindset and increasing my wellbeing has been to:

1. Understand how my unconscious and conscious mind works and how I filter information. How we communicate to ourselves and to other people determines how we feel and how we behave.
2. Become aware of my neurological levels and the way we process our reality and our experience and align those levels whenever there's any incongruencies.
3. Gain the ability and the skill to manage my state.

A healthy mindset results in wellbeing and this can mean so many different things to different people in different professions. It also means that we have the courage to set boundaries around our life and work especially with the increasing blurred lines as to when work starts and finishes due to technology making us accessible 24/7.

It may mean that we change the way we work and adopt healthier measures to preserve our wellbeing. Maybe changing the way, we cook in the pressure cooker or releasing the pressure gage.

Let's have a look at how we communicate as human beings.

Communication happens all the time with ourselves and with other people through our verbals and non-verbals. In fact we can never not communicate!!

Awareness of how we communicate and process information is an empowering tool that can show us how we can be in charge of our minds.

When we have little to no awareness of how our communication model works it's like being in a raft going down a raging river without any means of controlling the raft. When we have some awareness, and as you already probably can see awareness creates more awareness, we are equipped with oars or even an engine to control our raft as we travel down the raging river.

We can then become more responsive and proactive rather reactive. Imagine being able to harness the power of your mind, taking back control and expanding your awareness.

There are many models of communication that can explain how we process information which results in our behaviour.

A study conducted by Ray Birdwhistle at the University of Pennsylvania into how humans communicate, found that only 7% of communication is the words we say. The remaining 93% of our communication comes from how **we say what we say (38%)** and how we communicate with our **body and physiology (55%)**.

The filters that we use to process information forms our model of the world. It is important to understand that everyone has a different model of the world. This understanding can help us respect each other. By respecting other people's model, we remove judgement and show an element of flexibility when dealing with our clients, our colleagues and our staff.

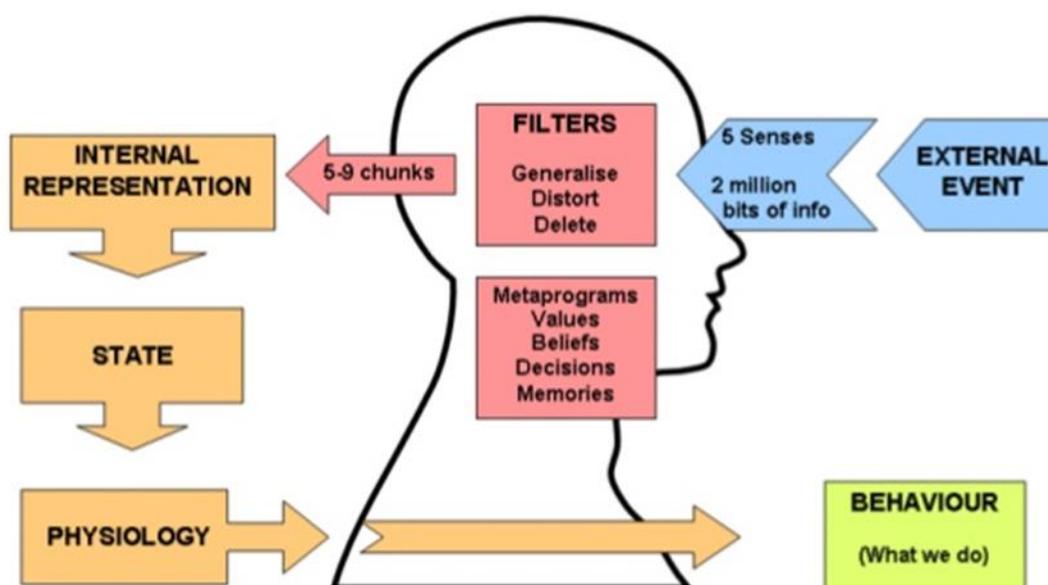
Let's now get a feel for how we communicate.

Neuro Linguistic Programming (NLP) offers one model that describes how we do this:

1. We take in information and data around us through our 5 senses. George Miller in 1956 discovered that at any one moment in time, there are approximately 2,000,000 bits of information being sent to us through our environment, what we see, hear, touch, smell and taste.
2. Out of these 2million bits, the human mind is only able to accept 134. How do we choose which 134 I hear you ask? Well, it is based on our own individual filters which comprise of many different aspects such as our values, our beliefs, our unconscious programs, also known as meta programs, our upbringing and history just to name a few. Based on those filters we then unconsciously delete, distort and generalise certain information allowing us to chunk this information into 7+/-2 bits of information that we can process at any one time.
3. This process then leads to an internal representation of the information on the movie screen of our minds which may have pictures, sounds and feelings which then creates our state or mood resulting in our behaviour (what we say and do).

We do this over and over again all day everyday unconsciously and, in a nano second each time!!

THE NLP COMMUNICATION MODEL



Now because this process happens to everyone in our individual way and based on our own individual filters, each of us will have a different internal representation (movie in our minds) of the same event which can result in 2 people having two different interpretations or experiences of the same event.

Miscommunication is one of the most common reasons for complaints received by the LSC. As lawyers we need to take responsibility for the way we communicate. Understanding that our clients, our team and our colleagues have their own model of the world that they filter our messages through, we need to ensure that we are flexible in our communication style and congruent with our message. This may mean that we communicate:

1. With as much or as little detail as needed
2. In a way that doesn't assume that the receiver can read our mind.
3. On the same level as the receiver's understanding of the subject matter at hand
4. Effectively in written form, verbally and non-verbally
5. By asking our clients better questions that go below the surface of the communication so we can truly grasp their motivations, their values, their beliefs and expectations.
6. With responsibility for the messages we send and the flexibility to adapt our style and change how we communicate.

The meaning of our communication is in the response we receive!!

Neurological Levels

Sometimes in our practice we may feel stuck or incongruent. Do you at times feel like you are doing all the right things, but you are not moving anywhere? Or maybe that you know what to do but you just can't get yourself to do it. This may be on a personal level in your practice or with your team or firm.

What if you can identify where you are stuck? You would have a greater opportunity to work on what isn't working and create more congruency and alignment with your teams and yourselves.

Albert Einstein suggested that you cannot solve a problem at the same level it was created, you have to go to a higher level.

For example, many lawyers do not behave as effective leaders in their practices. Trying to change their behaviour on that level will not solve the problem. They may need upskilling in leadership skills which means we need to work at the level of capability to solve the issue at the level of behaviour.

We can do this through what is called Neurological levels.

So what are neurological levels? This work was adapted by Robert Dilts from the work of an anthropologist Gregory Bateson. The basis of this work describes how our experience manifests by different levels and layers of how we operate, that make up our reality.

The levels describe our experience of a situation, a challenge or a reality at six different levels that climb up in hierarchy as shown here.



At the bottom of the pyramid is our environment – the concrete **where and when** of our experience. This is the first level and is the most tangible of all levels as it describes the physical environment and the context, in which our experience takes place.

It is often blamed for when we are unhappy, “I need to change jobs”, “I need to get out of this house or relationship”; “I need to move countries in order for my experience to change”. What then happens is that we realise that we have taken ourselves with us!

Behaviour - The next level is our behaviour – the **what** of our experience in each context of our lives. This is the level that describes what we do and how we behave when we are in that environment. The way you behave in certain environments would differ. If the issues lie in the way that you behave then you need to look at your capabilities and skills to address whether you need to upskill in order to behave or do differently.

This brings us to the next level of the pyramid - Capabilities/skills – this is the **how** of our pyramid and are very much driven by what we believe we are capable of. This level affects our behaviour as it dictates How we do what we do based on our level of skill in that

environment. So when the issue lies on this level, upskilling alone may not be the answer, we may need to look a little higher and change beliefs about what we can be capable of.

We then move to the level of beliefs and values. This is where we are guided by what matters to us and what we believe about our capabilities. This is our **why**. What happens at this level very much affects what we are capable of and therefore what we do in the environment.

The higher level is our identity. This is **who** we are when we believe what we believe, are using what we are capable of, to do what we do in the environment.

Robert Dilts, took the levels to an extra platform that is described as the Greater Whole, or sometimes referred to as **what else**, where we are a part of something outside of us that is bigger than us that we somehow belong to. This could be our family, our professions, our community, our world, our universe, our spirituality, our higher purpose or our bigger picture.

We perform at our best when we are congruent and aligned in our levels.

Our identity as lawyers tends to infiltrate every other experience in our lives. I speak to lawyers who tell me that they can't stop being a lawyer, that they work such long hours and are consumed by compulsive thinking and overthinking about their work that they feel like they never stop working. That even when we are not lawyering, we behave and believe as though we are. The substance and alcohol abuse for some lawyers, seems to be one of the only ways they can switch off – only when they are numb!

It is no wonder then that many lawyers suffer from ill mental health. When our identity as lawyers is constantly present, then our beliefs and values about who we are and what is important to us becomes confused when we are not at work.

Again awareness is the first step and from there change is always possible.

Try this out for yourself and take sometime to answer these questions.

<p>Greater Whole What is your ultimate purpose in your career?</p>	
<p>Identity Who are you in your career or your practice with your skills? What is your identity?</p>	
<p>Beliefs and values What do you believe to be true about yourself as a lawyer? What do you believe about the law? What do you believe about clients? What do you believe about other practitioners? What do you believe about the profession? What is important to you in your career and your practice (your values)? This is the why of your experience</p>	
<p>Capability How skilled are you not just in the area of law that you practice in but in all areas of your practice?</p>	
<p>Behaviour What do you say and do in your practice with the skills that you have.</p>	
<p>Environment Where and when do you behave as a lawyer?</p>	

State Management

Our ability and skill to control our state even when under stress and duress is a powerful tool. This is called state management.

Athletes are taught this skill as mental toughness. To be in charge and in control of their own emotions so that they are not affected by their opponents' trash talk, can endure the harsh training and can get in the zone so they can perform at their best.

This by far is the most effective skill that we can acquire to run our emotions rather than have them run us.

We see many people and in particular lawyers who are at the mercy of what happens to them. They may have a bad day at court, a run in with an opposing solicitor, or a problem with a client. Perhaps you have yourself experienced losing control of your ability to respond and your emotional reactions, and you may have experienced the consequences that could follow.

Having state management skills allows us to manage and reduce stress, become more resilient, enhance our leadership skills, improve our emotional intelligence and compartmentalise our lives. Ultimately it allows us to perform at our best and be responsible for our results.

Our emotional states or moods are often habitual or automatic, and when we're not paying attention and intervene, they can overtake us and affect our thinking capabilities and drain our physical energy levels.

Imagine going to court to appear in a matter where your opponent is not pleasant to deal with, perhaps your case is very difficult and the client is very unrealistic in their expectations and difficult to manage. What emotions do you notice? How does it affect your body? How do you hold yourself? What are you focused on? What do you say to yourself?

The answers to the above questions will determine your state or emotional mood in that situation. There are resourceful states that you can choose to be in to handle situations when you find yourself in an unresourceful state.

We are triggered daily in our jobs and in our careers by external stimulus that results in us reacting by having an emotional state and a resulting behaviour that may or may not serve us.

I'm curious are you aware of your triggers?

Awareness is key as it creates the choice of how we respond.

A state is an emotional condition or mood that a person has at any given moment in time. We all have emotions all the time. This means that when we have a thought we have an emotional response which neurologically causes a reaction to happen inside of us. Our bodies then correspond in a movement or posture.

There are therefore 2 components to a state:

1. The internal state of how you see, hear, feel, what you focus on and what you say to yourself;
2. The external state which is your physical state or how you hold and move your body.

When you can manage your state, you can choose to control it versus it controlling you.

There are 3 steps to state management:

1. Become aware of the state that you are in and give it a label;
2. Accept that you are in that particular state
3. Choose the state that you would rather be in and step into it.

Stepping into a state requires you to think about the resourceful state that you would rather be in and let yourself experience that state fully.

To be able to access a particular state easily and effortlessly, you can use an anchor to produce certain resourceful states. An anchor is a trigger that produces an emotional response. It can be an image, a sound or a physical touch point that reminds you of that state and brings on that state automatically. Some people may have a power move to get into a certain resourceful state or a word they say to themselves. Others may have external triggers like a piece of clothing that they put on to feel a certain way or a physical location that changes their state.

This pressure cooker is not forgiving at the best of times and if left unchecked our emotions could lead us down rabbit holes and very rocky roads that can make managing our practice a challenging and sometimes impossible task. When we are in charge of our minds we are in charge of our lives.

As Viktor Frankl once said *“Between stimulus and response there is a space. In that space is our power to choose our response. In our response lies our growth and our freedom”*.