

Improving lawyer performance
through personality science

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Jumbo Shrimp, Genuine Naugahyde, and Optimistic Lawyers


What can the psychology of resilience teach us about improving lawyer performance?

Presented by Larry Richard, J.D., Ph.D.
Founder & Principal Consultant, LawyerBrain LLC

Leadership Council on Legal Diversity
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Phoenix, AZ • Thursday, September 18, 2014

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Change



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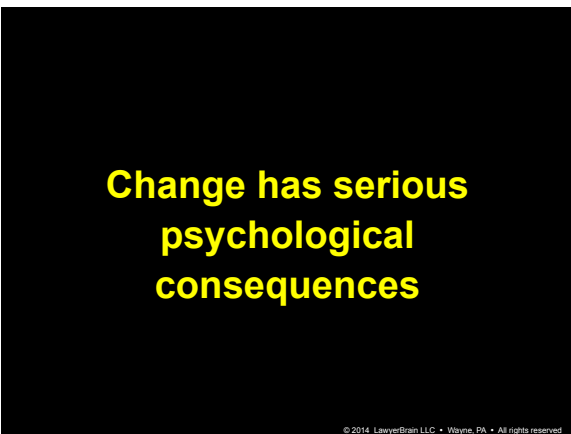
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“Change”

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Change Causes s-t-r-e-s-s



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Change → Uncertainty

- **Change & Uncertainty** have important psychological consequences
 1. Cause us to operate at the worst end of our spectrum, instead of our best
 - ✓ Decreased accountability
 - ✓ Reduced teamwork, cult of the individual
 - ✓ More individual negativity (vicious circle)
 2. Degrade Cognition (e.g., more errors of omission, distractability)
 3. Cause mood swings, anxiety
 4. Affect physical and emotional health
 5. Undermine organizational culture, lead to a negative climate

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Change has an even stronger adverse impact on lawyers. WHY?

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Why are lawyers more vulnerable to the effects of change?

1. Negativity: an amplifier
2. Personality: Can further amplify

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As a result, we pay a price

- Lower Resilience
- 1.5 times as many divorces than the average
- More substance abuse than average
- Higher job dissatisfaction
- Lower “life satisfaction”
- And 3.6 times the likelihood of depression . . .

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1. Negativity

- Negativity is built into the job description
 - ✓“What’s wrong?”
 - ✓“Who made a mistake?”
 - ✓“What exceptions are there to the proposition?”
 - ✓“What could go wrong in the future?”
 - ✓“Who’s at fault?”

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What kind of person would be attracted to such a profession?

What kind of person could thrive on such a steady diet of negativity?

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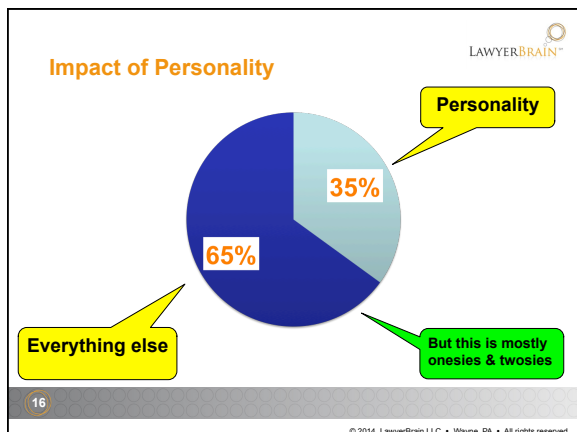
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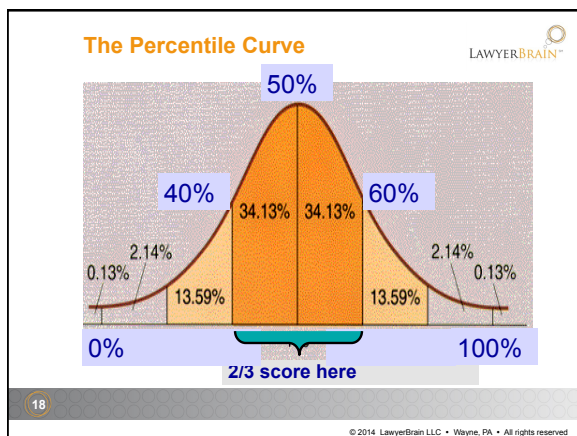
2. Personality

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- ### The normal lawyer personality
- People who become lawyers are outliers
 - Let's look at data
 - Caliper Profile
 - 50 years
 - 5 million+ college-educated subjects
 - Over 5000 lawyers, including 175 leaders
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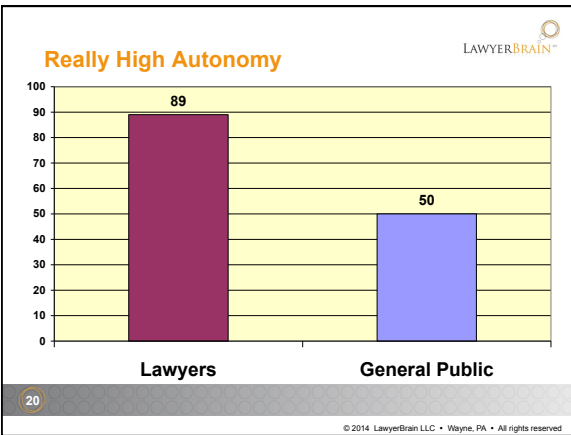


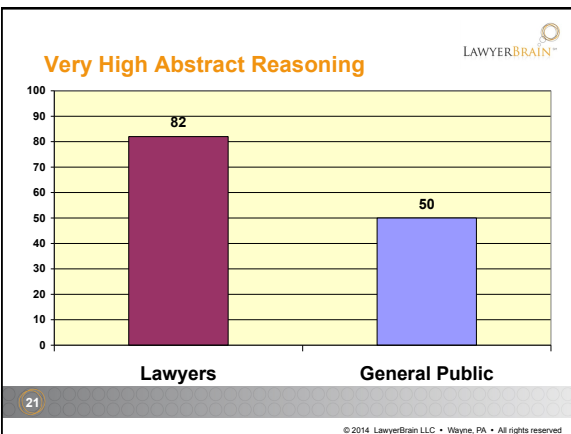
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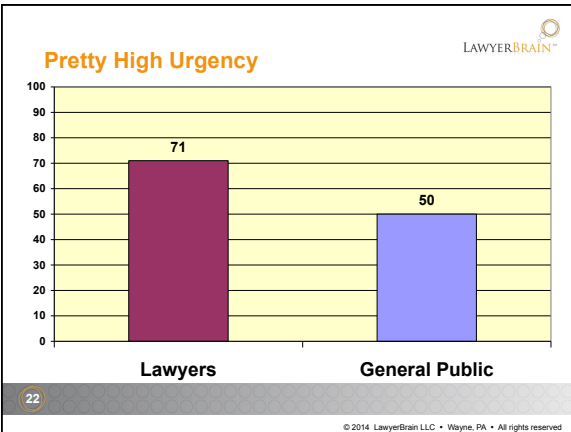
**Lawyers:
Outliers on 6 of the 18 traits!**

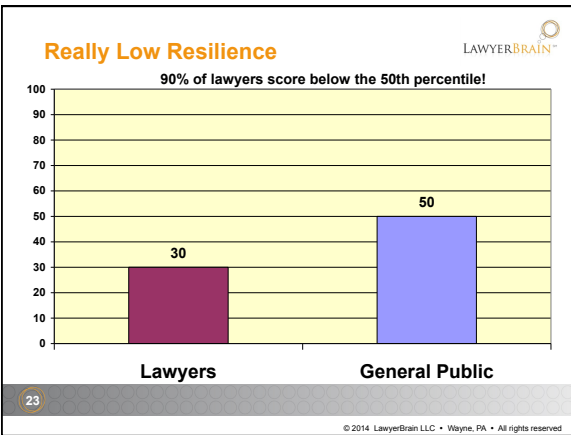
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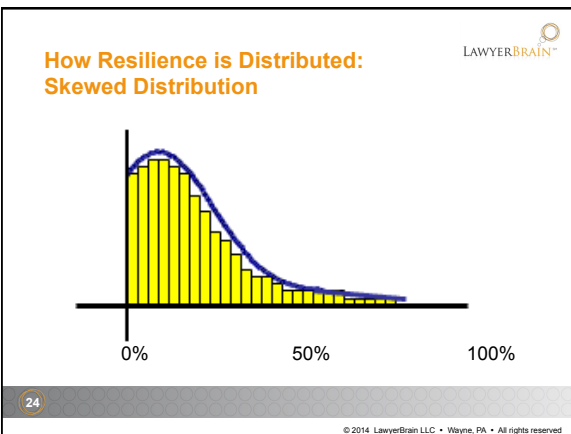
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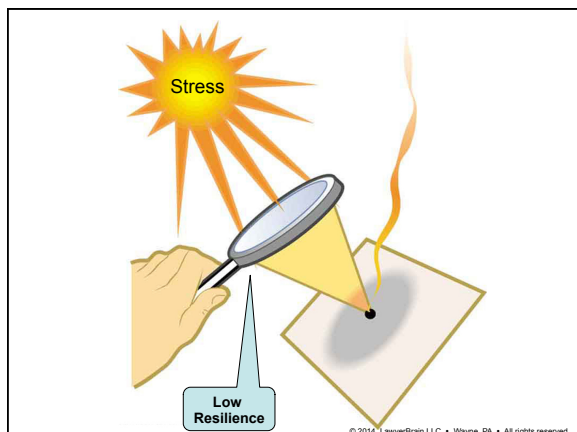












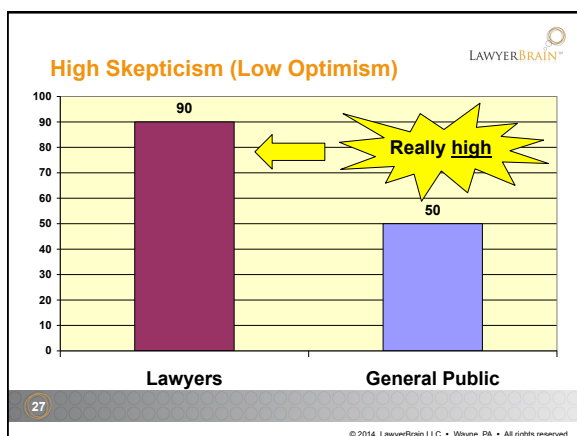
Personality and Resilience LAWYERBRAIN™

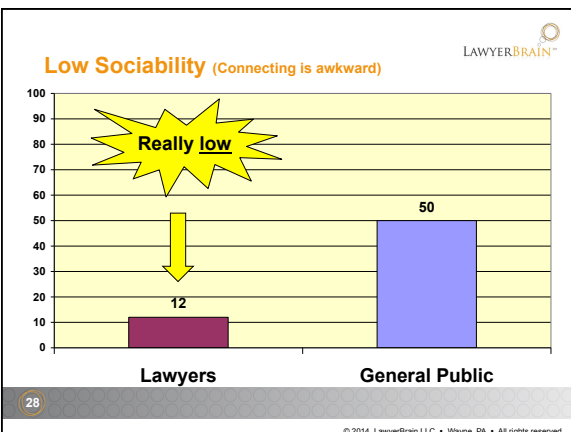
- High Resilience:
 - a) Realistic Optimism (optimistic “explanatory style”)
 - b) Good social connection

(Science, not mindless “happy talk”)
- We have lots of data about how lawyers score on these

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- Human beings want . . .**
1. Increased life satisfaction (happiness, meaning)
 2. Increase work satisfaction (mastery, impact)
 3. Increased relationship satisfaction
 4. Longevity
 5. Good health
- Source: *Triumphs of Experience*, by George Vaillant (2014)
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The #1 Predictor for All 5?

Social Connection

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**Good News:
You can do something
about change, stress,
negativity and low
Resilience!**

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**You can't control change.
But you *can* control your
response to change**

And that makes all the difference.

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WHAT DETERMINES HAPPINESS?



Sonja Lyubomirsky, Professor, U. of California, Riverside



The most significant breakthrough in psychology in the past 100 years . . .

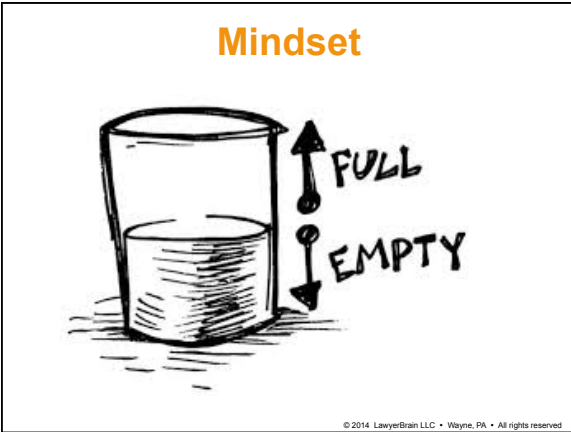
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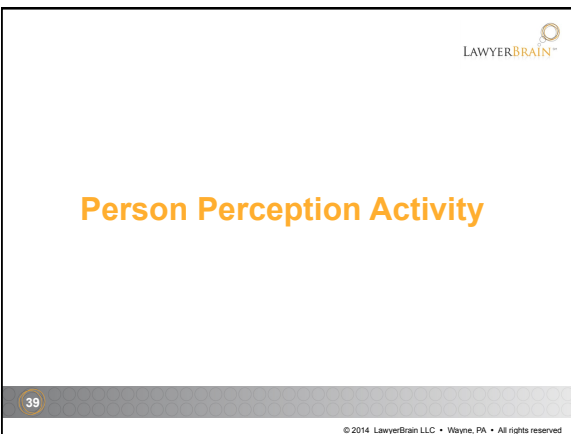
Thoughts → Feelings → Behavior

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De-Brief

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Building Psychological Resilience

- U.S. Army project
- **The key: Regular doses of positive cognitions and emotions**

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Do you scan for the Positive or the Negative?

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What builds positive emotions?

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Social Connection: “Active Constructive Responding”



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Increase Social Connection

- Dr. Shelly Gable:
- Constructive vs. Destructive
- Active vs. Passive
- 4 response styles to good news—only *one* of them builds the relationship
- “Will you be there for me when things go right?”
- **How you respond to the good news of others** is the single best predictor of an effective long-term relationship

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The Concept

Active-Constructive Responding

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	Active	Passive
Constructive	Enthusiastic, authentic support (“the joy multiplier”)	Quiet, understated support (“the conversation killer”)
Destructive	Quashing the event (“They are the parade and you are the rain.”)	Ignoring the event or taking over the conversation (“the conversation hijacker”)

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Example

Active-Constructive Responding

“I just won my first case!”

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	Active	Passive
Constructive	“That’s great. I know how important it was to you. Tell me how you did it”	“That’s nice.”
Destructive	“Well, it’s not much of a win. You could hardly call Smith a worthy adversary now, could you?”	“Did you get that memo about our new marketing budget?” or “That reminds me of a case I had”

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What else builds positive emotions?

- Increase social connection
- Increase Positivity: Need a ratio between 3:1 & 5:1
- Cognitive (“Realistic”) Optimism
- Increase meaning & purpose
- Be philanthropic – Give to others
- Capitalize on strengths
- Express gratitude

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Importance of Positive Emotions



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Positive Emotions

- Words matter

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Thank you.

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RESOURCES

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Signature strengths

- Free test of your signature character strengths
- VIA (Values in Action) website:
- Go to <http://www.authentic happiness.sas.upenn.edu/Default.aspx>

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Recommended Books

- **The Resilience Factor** by Karen Reivich & Andre Shatte. Describes 7 steps, based on cognitive psychology, that can enable an individual to increase his/her Resilience. The basis for the "mental toughness" component of the U.S. Army program that I mentioned.
- **Flourish** by Martin Seligman. His most recent book. A good introduction to positive psychology.
- **Learned Optimism** by Martin Seligman. One of his earlier books, but a very important one. Describes his original model of "optimism" or "explanatory style", and how it can be learned.
- **Positive Leadership** by Kim Cameron. A synopsis of the empirical research in positive psychology as applied to organizations, as of 2008.

Note: Most recommended in **blue**

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Recommended Books, cont' d

- **Positivity** by Barbara Frederickson. Describes her original research on the "positivity" model and why we need a 3:1 ratio of positive to negative communication.
- **StrengthsFinder 2.0** by Tom Rath. Tom is a psychologist with the Gallup Organization. This book describes the 34 strengths that they measure. If you purchase the hardbound version of the book, it comes with one free coupon to take the StrengthsFinder test online. Find out your top 5 strengths.
- **The Happiness Advantage** by Shawn Achor. A very readable summary of the latest principles of positive psychology.
- **Drive** by Daniel Pink. A good summary of the latest research on motivation, including why "if-then rewards" and "incentivizing" are not great ways to motivate knowledge workers.

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Our Services for Law Firms

- Designing programs to build lawyer Resilience
- Designing & teaching leadership skills
- Training or coaching leaders
- Associate retention/engagement programs
- Keynotes and retreat presentations
- Guidance in managing organizational change
- Motivating lawyers
- Providing 360-degree or personality feedback
- Facilitating important conversations
- Repairing dysfunctional behavior
- Selecting talent
- Building teamwork

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