

Improving lawyer performance
through personality science



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

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Agenda

- Pop quiz
- **What is “Positive Psychology” and why does it matter to lawyers in particular? What can it teach us about improving lawyer performance?**
- **7 principles, including some practical tips**
- ***NOTE: Your LCLD staff will e-mail a .pdf of my slides to everyone***

Pop Quiz: True or False?

1. Lawyers, on average, are no more skeptical than most other professionals. **T? F?**
2. “Happiness” is too subjective to measure. **T? F?**
3. You can change your happiness “set point”. **T? F?**
4. The best way to deal with a negative experience is to mentally rehearse the problem situation until you master it. **T? F?**
5. If you absorb over 90% of the information presented today, you will be a happier lawyer. **T? F?**
6. It takes twice as many positive thoughts as negative ones to produce thriving or flourishing (2:1). **T? F?**

Pop Quiz: True or False?

1. Lawyers, on average, are no more skeptical than most other professionals. **Lawyers are the most skeptical profession.**
2. “Happiness” is too subjective to measure. **FALSE.**
3. You can change your happiness “set point”. **TRUE.**
4. The best way to deal with a negative experience is to mentally rehearse the problem situation until you master it. **FALSE! Just the opposite is true.**
5. If you absorb over 90% of the information presented today, you will be a happier lawyer. **FALSE. Info not → chg**
6. It takes twice as many positive thoughts as negative ones to produce thriving or flourishing (2:1).
It takes a 3:1 ratio --- exactly.

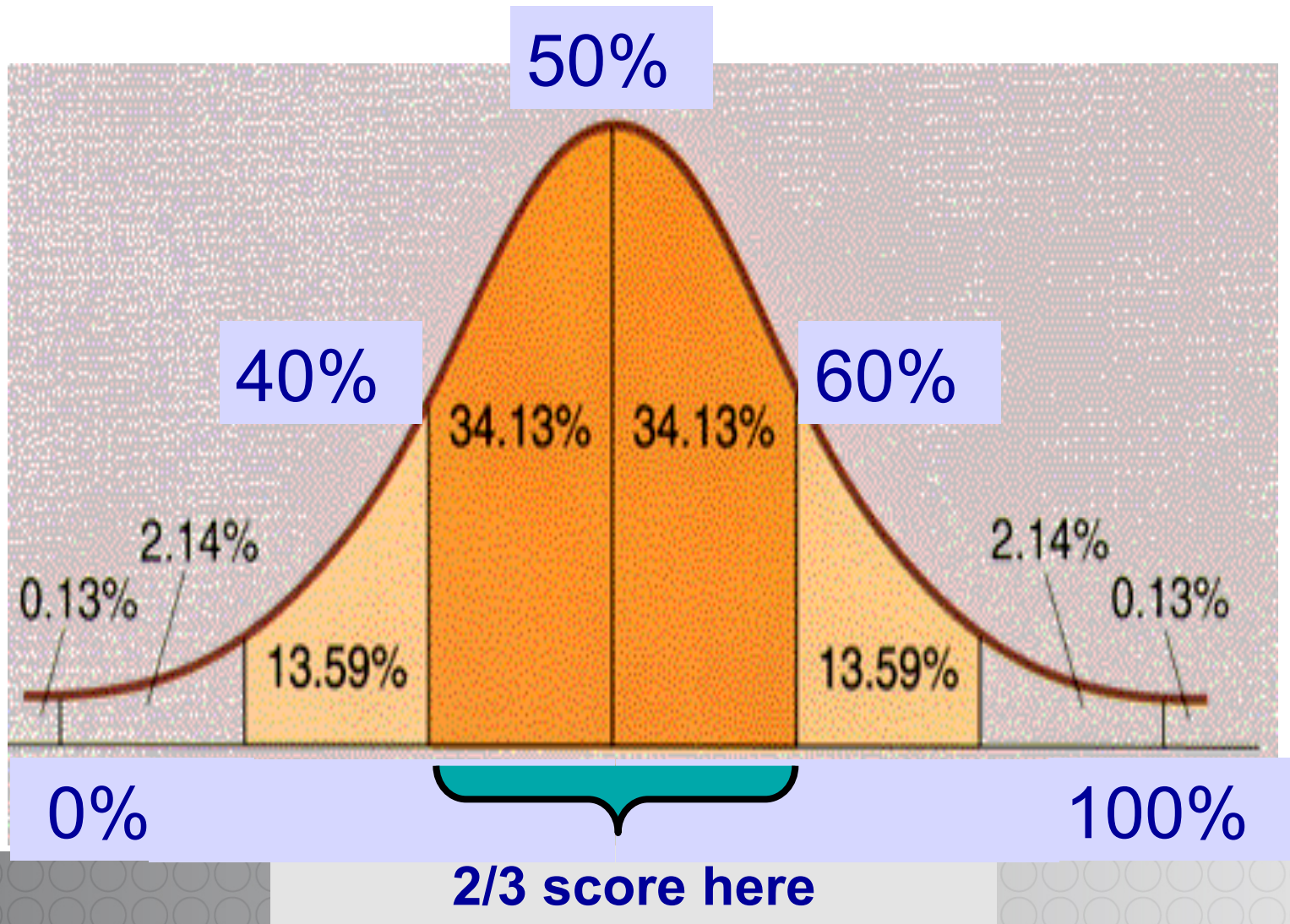
What is “positive psychology”?

- Psychology: first 100 years – fixing what’s broken
- Seligman
- Research \$\$\$ + powerful statistics + scientific method
- 15 years of compelling scientific data
- LOTS of good news

What can P.P. teach us about improving lawyer performance?

- Let's start with the lawyer personality

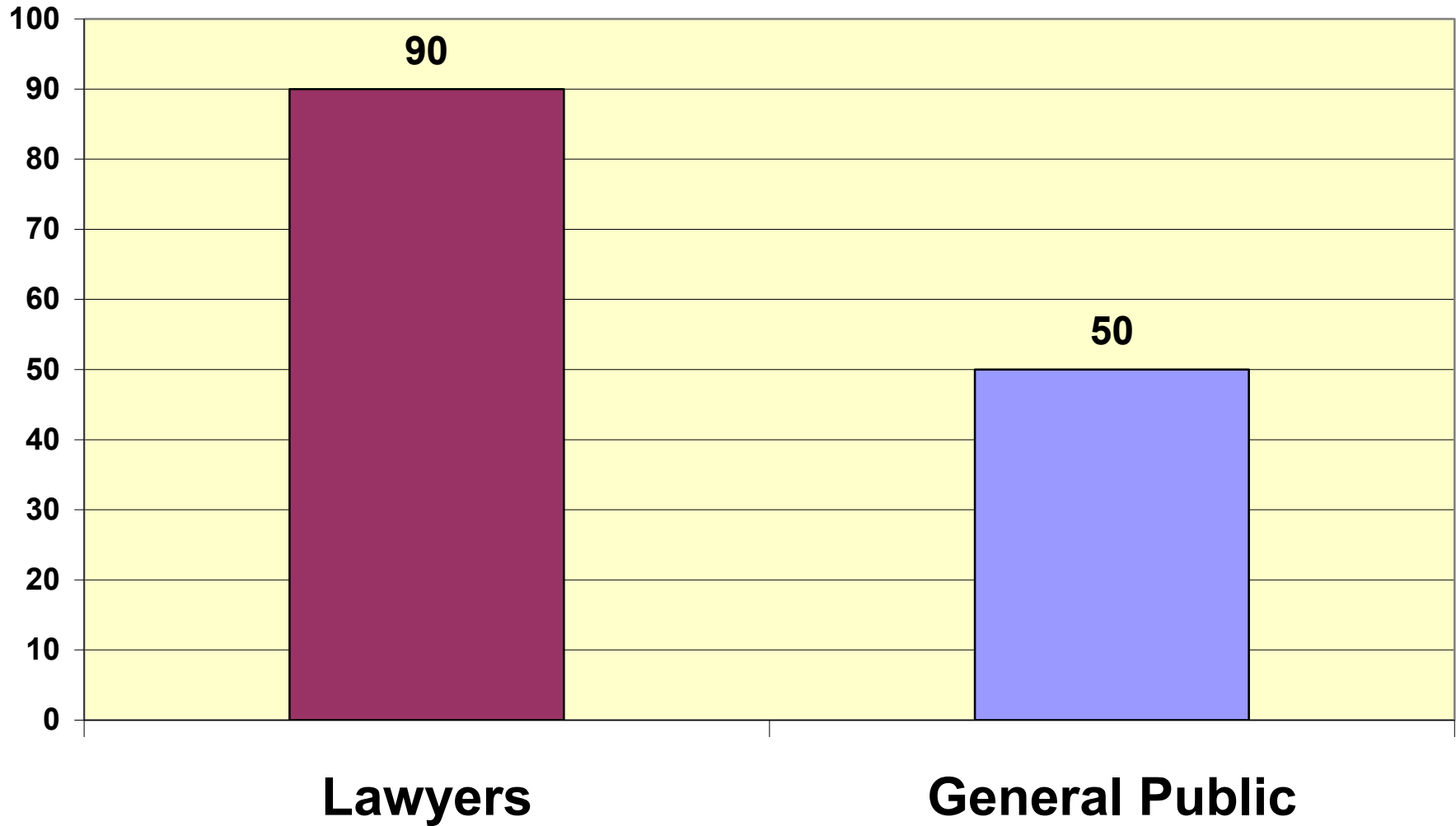
The Percentile Curve



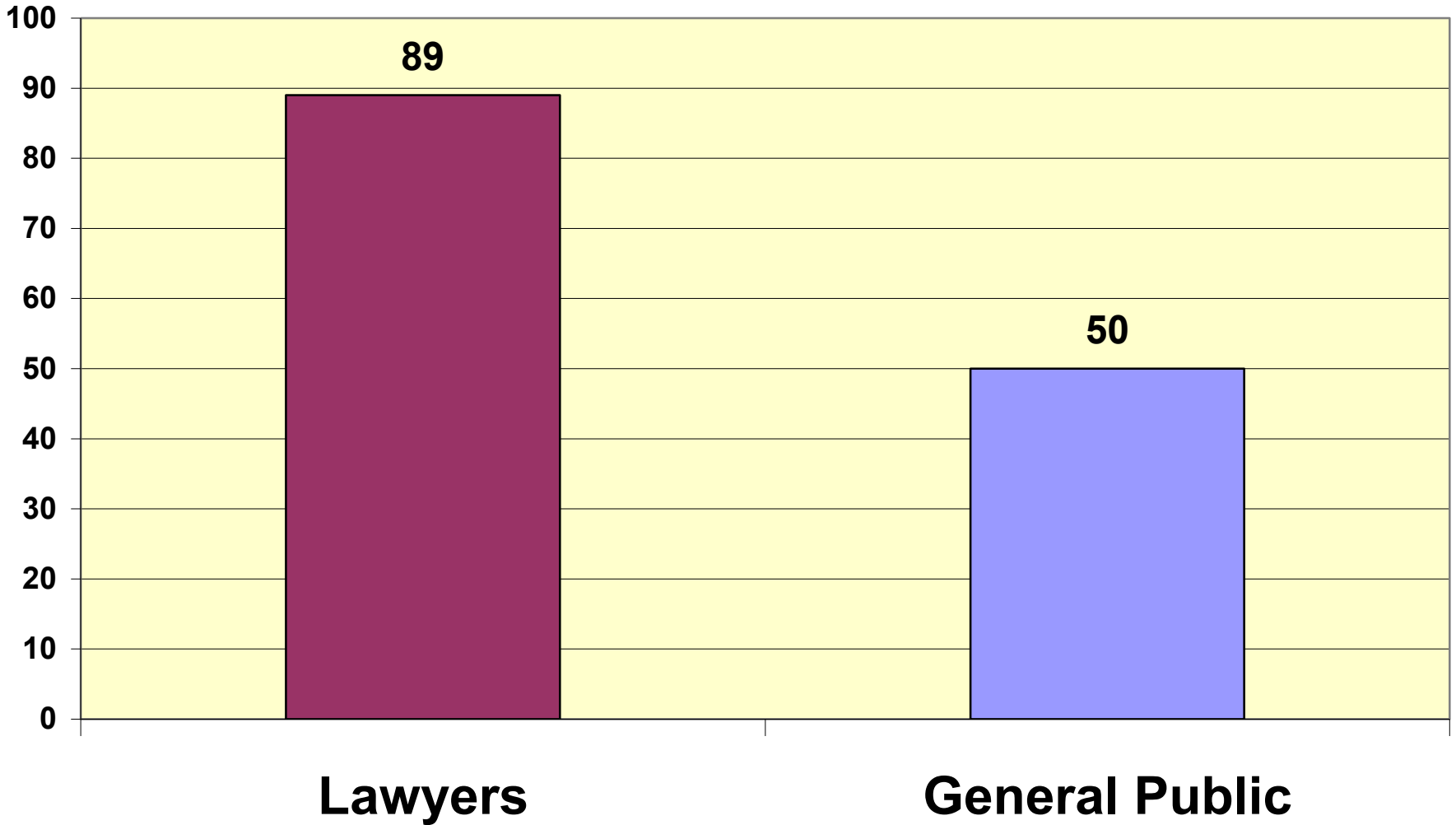
The Role of Personality

- Plays a large role in understanding lawyers
- People who become lawyers are outliers
- Let's look at data
- Caliper Profile
- 48 years
- 4 million+ college-educated subjects
- Over 4000 lawyers, including 150 MP's
- 6 of 18 traits!

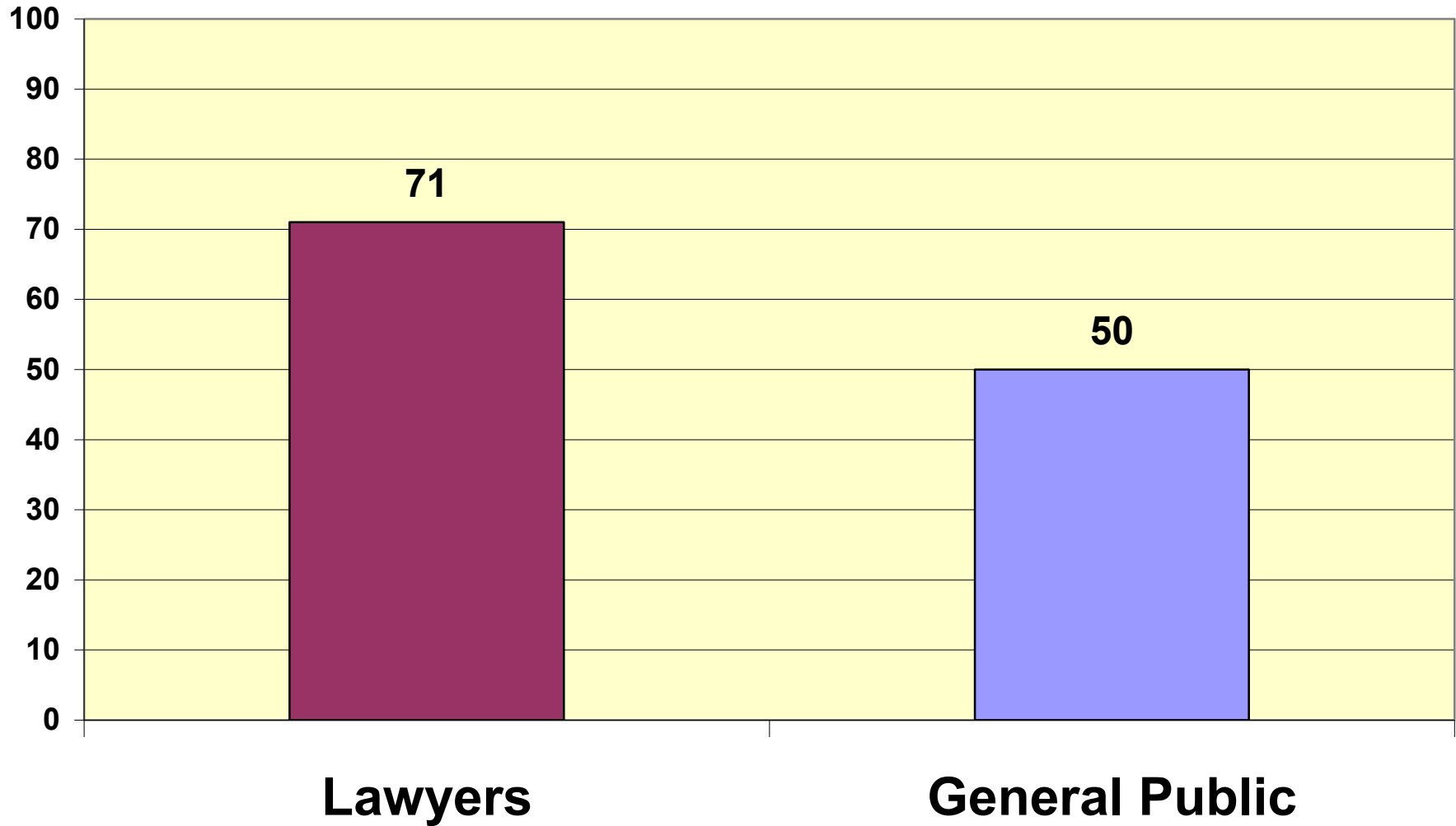
Skepticism



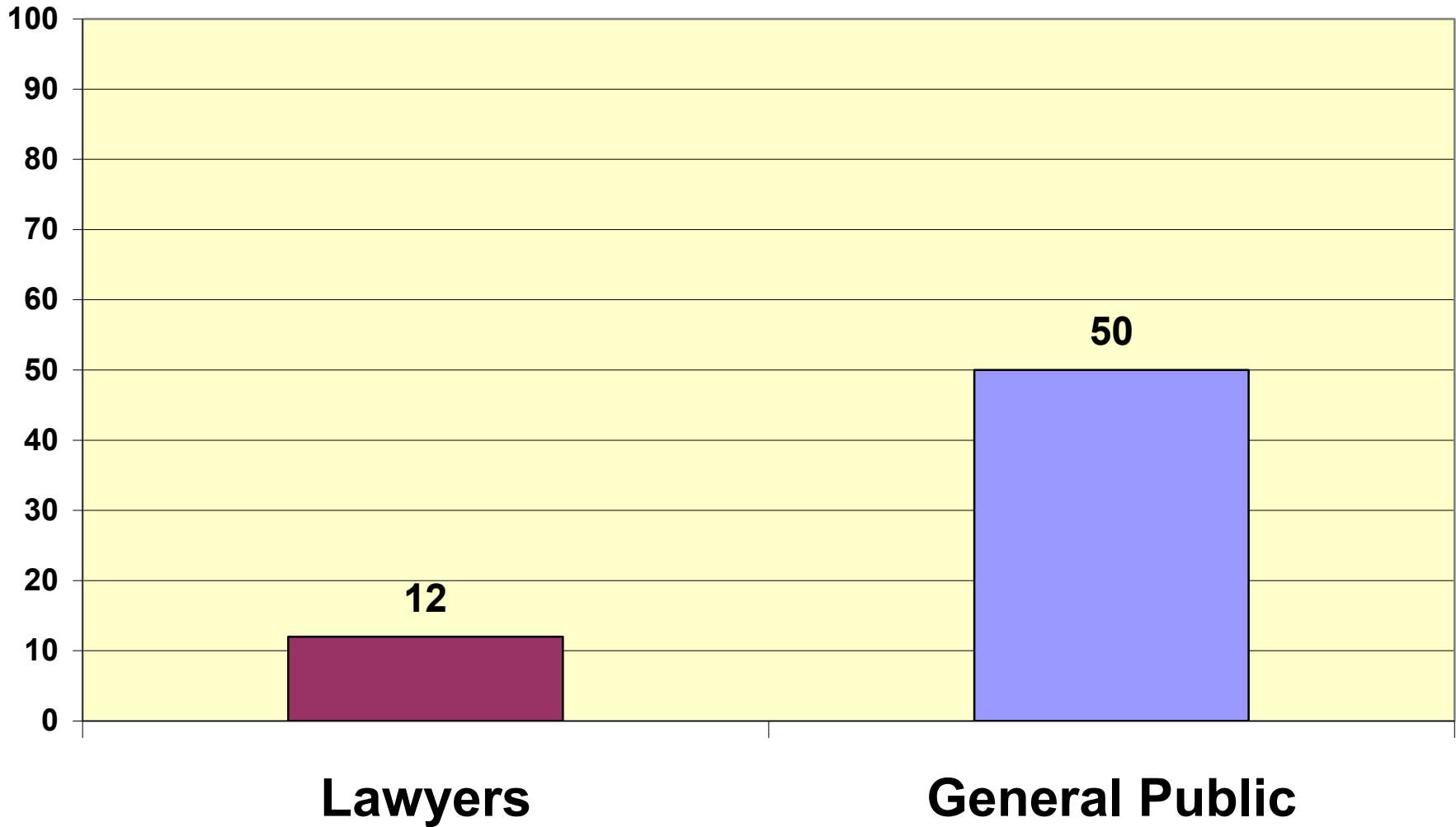
Autonomy



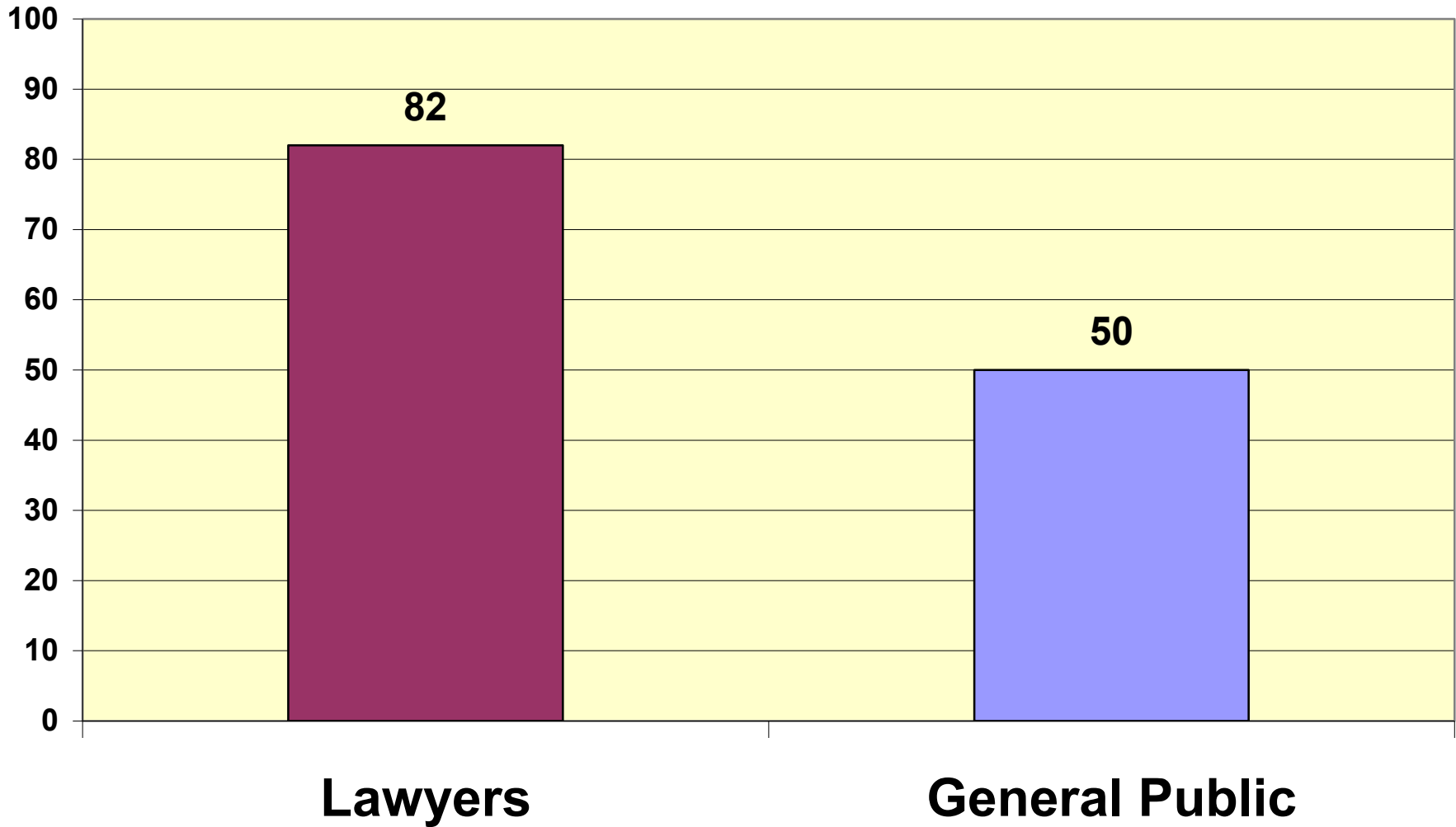
Urgency



Sociability

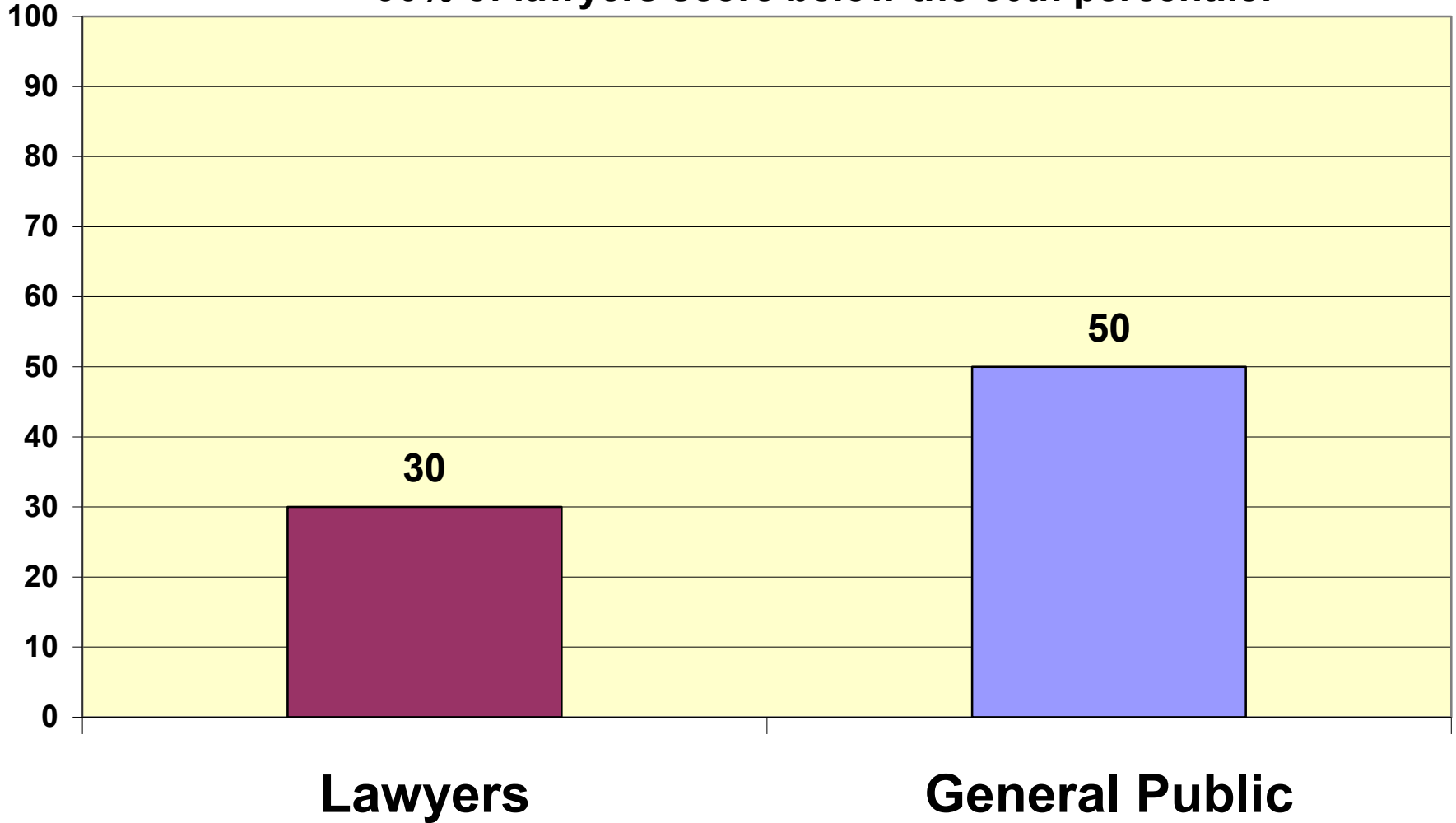


Abstract Reasoning



Resilience

90% of lawyers score below the 50th percentile!



Research shows that on average, lawyers . . .

- are famous for being negative:
 - Cynical
 - Skeptical
 - Critical
 - Pessimistic
 - Risk-averse

As a result, we pay a price

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

Do we need to change?

- Negative traits work for us – *in our roles as lawyers*
- Other newer roles
- Require social skills, emotional intelligence, positivity
- Learn to “Compartmentalize”
- Good news: There are specific forms of positivity which can make you more effective as a lawyer, far more effective in your other roles, and happier to boot

What is “happiness”?

- Seligman: PERMA
- **P**ositive emotions or Pleasure
- **E**ngagement or “Flow”
- **R**elationships or Social Connections
- **M**eaning
- **A**chievement or Mastery or Competence

What is “happiness”?

- Frederickson: The Losada Line
- 3:1 ratio of positive statements/thoughts to negative
- Optimum ratio for human flourishing
- True for individuals, couples, & workgroups

7 Positive Psychology Principles

1. Happiness *causes* productivity (2-way street)
2. You can change your “happiness set point”
3. Your mindset is your biggest tool in doing so
4. Thoughts → Feelings. Emotions are your friend.
5. The importance of social connection
6. Use habit formation to produce change
7. Tips: Self-help ideas you can use

1. Happiness *causes* increased productivity

- 1543: Copernicus posits that the Earth revolves around the sun!
- “If I’m successful, then I’ll be happy”
- Research: It actually works the other way around
- Ed Diener (2002): Happiness level of college freshmen predicted how high their income was 19 years later, irrespective of level of initial wealth
- Danner, Snowden, Friesen (2001): 180 nuns born before 1917. Coded diaries for positivity. 50 years later: 90% of happiest quartile still alive vs. 34% of least happy quartile

2. You can change your happiness “set point”

- We have a happiness “set point”
- Sonja Lyubomirsky: 50% genetic + 10% setting + **40% behavioral choices**
- Adult neuroplasticity
- It's up to you!

3. Your “mindset” is your biggest tool in changing your happiness set point—and in creating higher life satisfaction

- **Person Perception Activity**

What did we learn?

- A different mindset can color your assumptions and perceptions

Mindset: What Do You Focus On?



What did we learn?

- There can be one “reality” but many different perceptions of it

Mindset

- **As lawyers, we're trained to spot problems, challenge assertions, and analyze critically**
- **Research shows that those who focus on their strengths and call to mind what works, what has been successful in the past, what they are likely to do well--*perform better and are more satisfied***

Mindset

- **The better we get at scanning for the negative, the more we miss out on the positive**
- **We can train our brains to scan for the positive**
- **Basketball video**

What did we learn?

- When we look for one thing, we miss another
- You can train yourself to be more open-minded
- *Above all, where you focus your attention determines your experience.*

Costs of scanning for the negative

- Undercuts our creativity
- Raises our stress level
- Lowers motivation
- Reduces goal accomplishment

4. Thoughts → Feelings. Emotions are your friend.

- **Cognitive Behavioral Therapy (CBT)**
- **Thoughts → Feelings. Feelings → Thoughts.**
- **Change how you think (mindset), and it will change how you feel.**

5. The importance of social connection

- **Dean Ornish and preventing heart attacks**
- **George Vaillant's study of Harvard men:**
 - 268 men
 - Since 1930's (Vaillant since 1970)
 - Most happy vs. least happy
 - Most potent predictor: "Love—full stop"
 - 70 years of data suggesting that relationships matter far more than anything else to produce lasting happiness

6. Use habit formation to produce change

- **21 days**
- **Importance of burning new neural pathways**
- **Importance of NOT regrooving old neural pathways**

7. Tips: Self-help ideas you can use

- **3 Good Things**
- **Meditation**
- **Yoga**
- **Clear written goals, in writing. Tell others.**
- **Make it easy—structure your environment**
- **Work with the inner voice**
- **Aim for 3:1 ratio**
- **Anticipation: Find something to look forward to**

7. Tips: Continued

- Commit conscious acts of kindness
- Create a “positive” environment: pictures of family, de-clutter, fresh air, window, nature
- Diet
- Exercise
- Spend \$\$\$ on *social* experiences, not “stuff” (prosocial spending: spend on others, e.g., tolls)
- Journaling – but only for “meaning”
- Exercise your signature strengths

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>
- In closing, “change” is hard . . .

Thank you.

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

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.

Contact Info

Larry Richard, J.D., Ph.D.

LawyerBrain LLC

303 W. Lancaster Ave., #332

Wayne, PA 19087 USA

T: 610.688.7400 | M: 610.304.2966

E: drlarryrichard@lawyerbrain.com

W: www.lawyerbrain.com

B: www.lawyerbrainblog.com

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