

*Psychological Tools for Lawyers to Build Resilience for  
Prolonged Pandemic Stress*

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Lawyers Concerned for Lawyers MA*



# *Psychological Tools for Lawyers to Build Resilience for Prolonged Pandemic Stress*

Welcome to this moment

Grounding Meditation



# Topics/Objectives

1. Learn about the impact of the Covid-19 pandemic on mental health in the legal profession
2. Cognitive strategies to combat negative thoughts
3. Introduction to breathing and meditation to calm the nervous system
4. Finding ease and satisfaction in daily living

# Mental health for lawyers prior to the pandemic

The ABA/Hazelden Betty Ford Foundation 2016 study showed “Substantial rates of behavioral health problems were found, with 20.6% screening positive for hazardous, harmful, and potentially alcohol-dependent drinking. Levels of depression, anxiety, and stress among attorneys were significant, with 28%, 19%, and 23% respectively.<sup>1</sup>

A recent ALM Survey from February 2020 (legal professionals working inside large or relatively large corporate law firms) revealed even higher rates of mental health issues among lawyers.<sup>2</sup>

- **64% of respondents reported feelings of anxiety; 78.1% knew of colleagues experiencing anxiety.**
- **73.4% reported that work conditions were contributing to the respondent’s *own issue(s)* of anxiety, depression, substance abuse, or other mental health problems.**
- **The majority of respondents cite four workplace issues negatively impacting their mental well-being: always on call / can’t disconnect (72.0%); billable hour pressure (63.6%), lack of sleep (58.6%), and client demands (58.8%).**
- **Two-thirds of respondents (67.0%) report that work has caused their personal relationships to suffer. Nearly three-quarters (74.1%) acknowledge that the profession has had a negative effect on their mental health.**

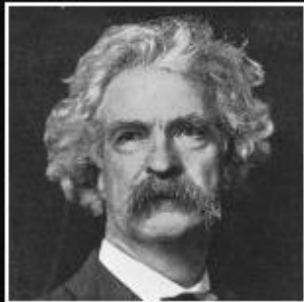
1. Krill, P.R., Johnson, R., and Albert, L., “The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys,” *Journal of Addiction Medicine*, 10(1), 46-52 (2016).

2. <https://www.legalevolution.org/2020/06/what-needs-to-change-to-improve-mental-health-in-the-legal-profession-171/>

# Mental health for lawyers in the time of Covid-19

- The COVID-19 pandemic and resulting economic downturn have negatively affected many people's mental health including lawyers .
- In a recent poll taken published in August of 2020, over half of (53%) of adults in the United States reported that their mental health has been negatively impacted due to worry and stress over the virus, significantly higher than 32% in March.
- Mental health burden will likely increase as the fall and winter months approach with higher numbers of infections and uncertainty leading to greater isolation and potential financial distress.
- A recent survey of Australian corporate lawyers showed that 74 percent of respondents said they were having trouble focusing on the job as a result of shifting to remote work, 55 percent were having trouble sleeping, and 50 percent were facing job uncertainty.<sup>2</sup>

1. <https://www.kff.org/health-reform/issue-brief/the-implications-of-covid-19-for-mental-health-and-substance-use/>
2. <https://www.afr.com/companies/professional-services/lawyers-feel-mental-health-hit-of-covid-19-20200630-p557kj>



allauthor

There has been much tragedy in my life;  
at least half of it actually happened.

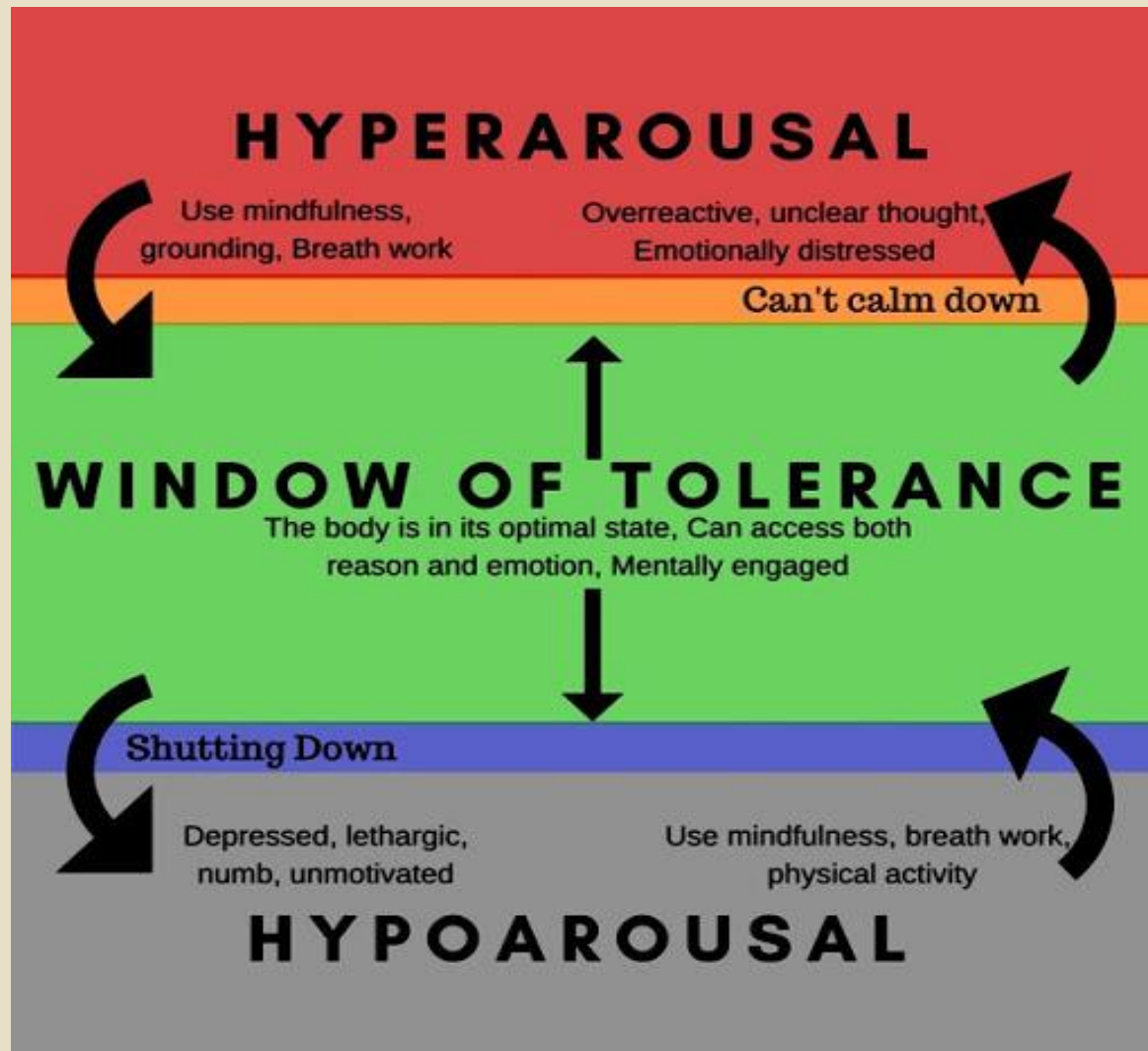
-Mark Twain

# Stress and the worried mind

- In 2005, the National Science Foundation published an article summarizing research on human thoughts per day. The average person has about **12,000 to 60,000** thoughts per day. Of those thousands of thoughts, **80%** were negative, and **95%** were exactly the same repetitive thoughts as the day before.
- Another 2005 study at Cornell University found that, **85%** of what we worry about never happens!

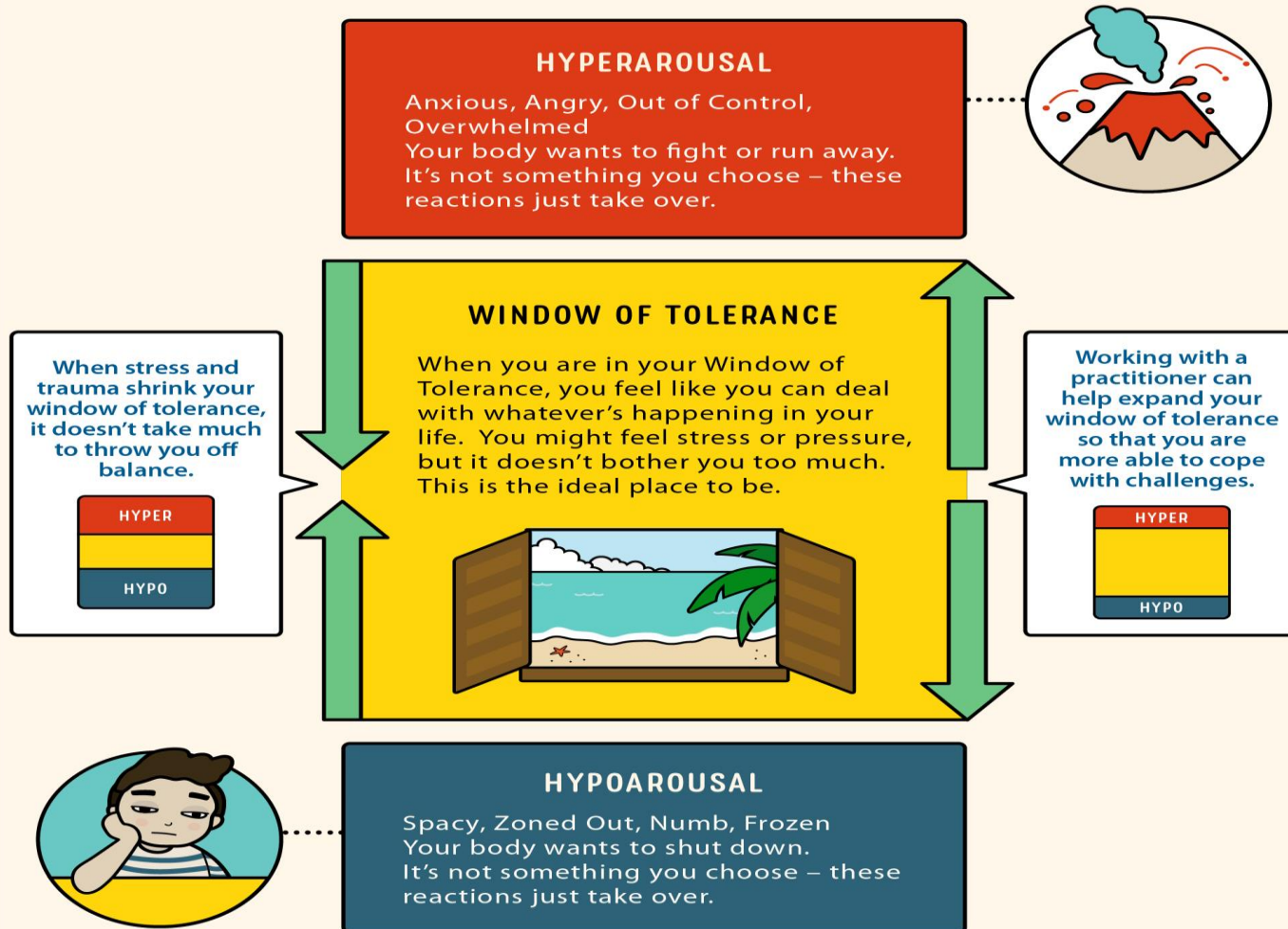
Source: <https://tlexinstitute.com/how-to-effortlessly-have-more-positive-thoughts/>

# Stress and the nervous system





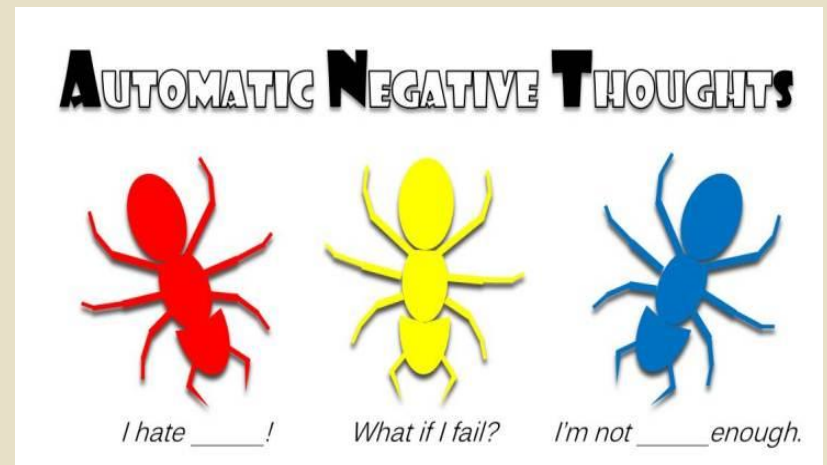
# How Trauma Can Affect Your Window Of Tolerance



nicabm

# Automatic Negative Thoughts: Black and Red ANT's

1. All or nothing
2. Always thinking
3. Focusing on the negative
4. Thinking with your feelings
5. Guilt beating
6. Labeling
7. Fortune Telling
8. Mind reading
9. Blame



Source: Daniel Amen, "Change your brain, change your life"

## Automatic Negative Thoughts (ANTS)



# Easing the Worried Mind

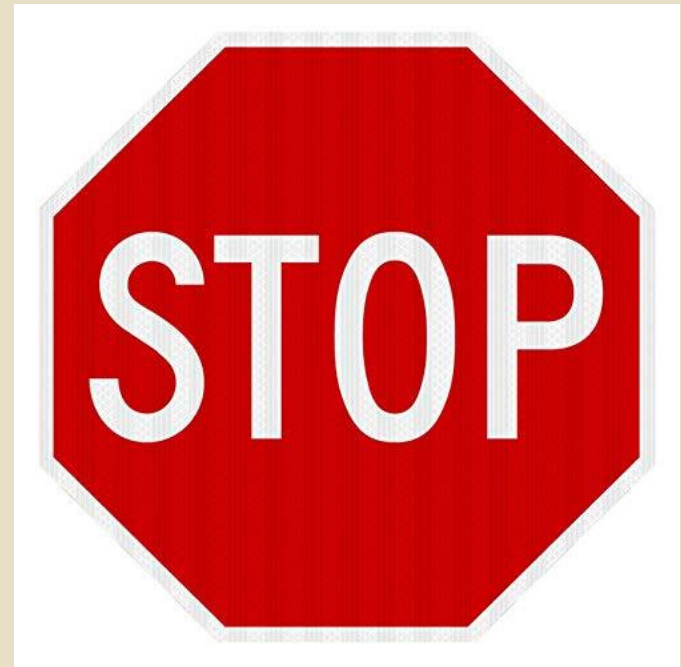
## *STOP Technique*

*S-Stop just for a moment.  
Don't react.*

*T-Take a breath.*

*O-Observe your  
experience.*

*P-Proceed. Move forward  
in a way that feels right.*





# 2 Feet, 1 Breath

Short mindfulness practice  
when worries increase:

- First feel one foot
- Then the other
- Then take one conscious  
breath

Repeat throughout the day as a  
small reminder that you are able  
to always feel the ground  
beneath you.



# Mindfulness and Stress

We can use the mind

To change the brain

To change the mind for the  
better

To benefit ourselves and other  
beings

Rick Hanson, Ph.D.  
“Hardwiring Happiness”

# What is **Mindfulness**?

- **“Paying attention in a particular way: on purpose, in the present moment, and nonjudgmentally“- Jon Kabat Zinn**
- **“Mindfulness consists of cultivating awareness of the mind and body and living in the here and now.”- Stahl and Goldstein**

# What is Mindfulness Meditation?

- The intentional practice of attending to the stream of awareness in the present moment without judgment
- It is usually done in a sitting posture on the floor or in a chair, for varying periods of time, usually anywhere from 5 minutes to an hour. However, serious practitioners may do it for much longer periods of time

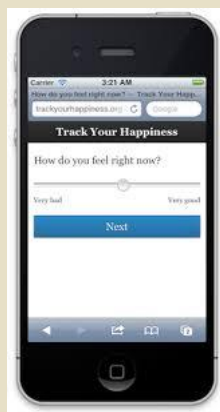


# Being present

## A Wandering Mind Is An Unhappy Mind

- Harvard researchers Killingsworth and Gilbert used a novel iPhone app to randomly contact over 2000 subjects during the day to ask three questions:

- 1: How are you feeling right now?
- 2: What are you doing right now?
- 3: Are you thinking about something other than what you are currently doing?



## BREVIA

### A Wandering Mind Is an Unhappy Mind

Matthew A. Killingsworth\* and Daniel T. Gilbert

Unlike other animals, human beings spend a lot of time thinking about what is not going on around them, contemplating events that happened in the past, might happen in the future, or will never happen at all. Indeed, "stimulus-independent thought" or "mind wandering" appears to be the brain's default mode of operation (1–3). Although this ability is a remarkable evolutionary achievement that allows people to learn, reason, and plan, it may have an emotional cost. Many philosophical and religious traditions teach that happiness is to be found by living in the moment, and practitioners are trained to resist mind wandering and "to be here now." These traditions suggest that a wandering mind is an unhappy mind. Are they right?

Laboratory experiments have revealed a great deal about the cognitive and neural bases of mind wandering (3–7), but little about its emotional consequences in everyday life. The most reliable method for investigating real-world emotion is experience sampling, which involves contacting people as they engage in their daily activities and asking them to report their thoughts, feelings, and actions at that moment. Unfortunately, collecting real-time reports from large numbers of people as they go about their daily lives is so cumbersome and expensive that experience sampling has rarely been used to investigate the relationship between mind wandering and happiness and has always been limited to very small samples (8, 9).

We solved this problem by developing a Web application for the iPhone (Apple Incorporated, Cupertino, California), which we used to create an unusually large database of real-time reports of thoughts, feelings, and actions of a broad range of people as they went about their daily activities. The application contacts participants through their iPhones at random moments during their waking hours, presents them with questions, and records their answers to a database at [www.trackyourhappiness.org](http://www.trackyourhappiness.org). The database currently contains nearly a quarter of a million samples from about 5000 people from 83 different countries who range in age from 18 to 88 and who collectively represent every one of 86 major occupational categories.

To find out how often people's minds wander, what topics they wander to, and how those wanderings affect their happiness, we analyzed samples from 2250 adults (58.8% male, 73.9% residing in the United States, mean age of 34 years) who were randomly assigned to answer a happiness question ("How are you feeling right now?") answered on a continuous sliding scale from very bad (0) to very good (100), an activity question ("What are you doing right now?") answered by endorsing one or

more of 22 activities adapted from the day reconstruction method (10, 11), and a mind-wandering question ("Are you thinking about something other than what you're currently doing?") answered with one of four options: no; yes, something pleasant; yes, something neutral; or yes, something unpleasant. Our analyses revealed three facts.

First, people's minds wandered frequently, regardless of what they were doing. Mind wandering occurred in 46.9% of the samples and in at least 30% of the samples taken during every activity except making love. The frequency of mind wandering in our real-world sample was considerably higher than is typically seen in laboratory experiments. Surprisingly, the nature of people's activities had only a modest impact on whether their minds wandered and had almost no impact on the pleasantness of the topics to which their minds wandered (12).

Second, multilevel regression revealed that people were less happy when their minds were wandering than when they were not [slope ( $b$ ) = -8.79,  $P < 0.001$ ], and this was true during all activities,



**Fig. 1.** Mean happiness reported during each activity (top) and while mind wandering to unpleasant topics, neutral topics, pleasant topics or not mind wandering (bottom). Dashed line indicates mean of happiness across all samples. Bubble area indicates the frequency of occurrence. The largest bubble ("not mind wandering") corresponds to 53.1% of the samples, and the smallest bubble ("praying/worshipping/meditating") corresponds to 0.1% of the samples.

including the least enjoyable. Although people's minds were more likely to wander to pleasant topics (42.5% of samples) than to unpleasant topics (26.5% of samples) or neutral topics (31% of samples), people were no happier when thinking about pleasant topics than about their current activity ( $b = -0.52$ , not significant) and were considerably unhappier when thinking about neutral topics ( $b = -7.2$ ,  $P < 0.001$ ) or unpleasant topics ( $b = -23.9$ ,  $P < 0.001$ ) than about their current activity (Fig. 1, bottom). Although negative moods are known to cause mind wandering (13), time-lag analyses strongly suggested that mind wandering in our sample was generally the cause, and not merely the consequence, of unhappiness (12).

Third, what people were thinking was a better predictor of their happiness than was what they were doing. The nature of people's activities explained 4.6% of the within-person variance in happiness and 3.2% of the between-person variance in happiness, but mind wandering explained 10.8% of within-person variance in happiness and 17.7% of between-person variance in happiness. The variance explained by mind wandering was largely independent of the variance explained by the nature of activities, suggesting that the two were independent influences on happiness.

In conclusion, a human mind is a wandering mind, and a wandering mind is an unhappy mind. The ability to think about what is not happening is a cognitive achievement that comes at an emotional cost.

#### References and Notes

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12. Materials and methods are available as supporting material on Science Online.
13. J. Smallwood, A. Fitzgerald, L. K. Miles, L. H. Phillips, *Emotion* **9**, 271 (2009).
14. We thank V. Pihjanen for engineering [www.trackyourhappiness.org](http://www.trackyourhappiness.org) and R. Hackman, A. Jenkins, W. Mendes, A. Oswald, and T. Wilson for helpful comments.

#### Supporting Online Material

[www.sciencemag.org/cgi/content/full/330/6004/932-03](http://www.sciencemag.org/cgi/content/full/330/6004/932-03)

Materials and Methods

Table S1

References

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# Mindfulness Practices

- Informal – Weaving Mindfulness throughout your day
- Formal- mindful breathing, body scan, walking meditation, yoga



# Introduction to Mindfulness of Breathing



# Introduction to Mindfulness of Breathing

Two basic instructions

We are being aware of the sensations right in this moment

We are noticing that our minds have drifted and we redirect ourselves back to the present moment

# Introduction to Mindfulness of Breathing

Posture of dignity and ease

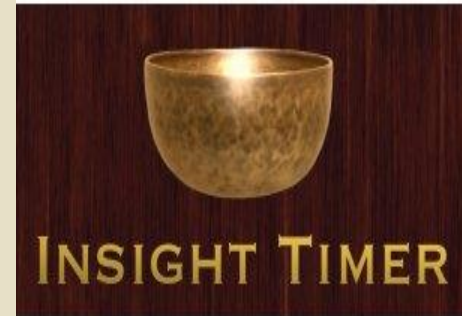
Don't manipulate the breath

Thinking is not sensing

The anchor is the breath

The wandering mind

# Apps for Guided Meditations





**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 freedom.**



**Viktor Frankl**