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Q&A ON REDUCTION OF INTERPERSONAL DYSFUNCTION AND SUPPORT FOR MENTAL WELLNESS

With Elizabeth Ortega

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Business of Law

A portrait of Elizabeth Ortega, a woman with dark, wavy hair, smiling warmly. She is wearing a black sleeveless top and a pearl necklace. The background is a plain, light-colored wall.

Q&A on Reduction of interpersonal dysfunction and support for mental wellness

With Elizabeth Ortega

In this Q&A, communications strategist and ECO Strategic Communications founder Elizabeth Ortega explains how law firms can reduce interpersonal dysfunction and support mental wellness on their litigation teams by articulating language and expanding on concepts that draw hope through authentic experiences.

1. How do we go about humanizing litigators in the eyes of clients and the public?

By first humanizing litigators to themselves. But let's not underestimate the complexity of that task, given the zero-sum battlefield on which the litigator goes to war. Akin to Sylvester Stallone in "Rocky," these gladiators of the law inhale raw eggs for breakfast. (Warning: It is unsafe to consume raw eggs.) The high stakes of their work can spell life or death for a product, a company, and their own reputation and career. But at what cost does a person--especially one who's been fighting their way to the top since law school (if not high school)--spend every waking hour on the battlefield?

Of course, the longer the lawyer-to-be, and then the litigator, spends in this supercharged survival mode, the better they may feel they can tolerate it. You can see how one could become addicted to the adrenaline and the way it focuses the mind. A tolerance readily develops for endless work as the price of victory, especially when that formula that has worked again and again. In fact, the more the litigator works, the more control they may feel over the outcome, and what could be better than control over the uncertainties of total war?

Only a colleague or family member might notice that the armor is staying on so long that it's getting harder and harder to take off. That the person inside has more and more difficulty transitioning away from the litigator. But even when in hell, all the incentives are for the litigator to keep going.

2. Your description of the legal gladiator is, indeed, daunting. One can see how the strain would build up and maybe cause problems at home or with the team. So how do law firms confront the long-term mental wellness challenges to their litigators while maintaining their incentives for winning for clients and the firm?

First, by acknowledging how the day-to-day stresses and successes, the day-in / day-out experiences of their litigators, add up over the long-term. How the person ultimately grounds the litigator, who must somehow integrate with the person. There must be a wholeness about the work if the person doing it is to remain whole enough to sustain high levels of challenge and stress over a career.

Luckily, this can start with something litigation firms are already good at: asking penetrating questions and not shying away from factual answers. Where firms may need outside expertise, however, is in articulating a language for exploring something that by training and inclination they do not typically give much weight.

This is where a professional legal communicator with a coaching / counseling specialty comes in. Since childhood, I have wanted to defend the underdog: to make right what is wrong. And after more than a decade propelling star litigators into new roles in global thought leadership, I became more and more intrigued by the idea of the “happy warrior.”

Is this litigator “type” born or made? What does it take to build a career on a foundation of super-charged, zero-sum adversarialism while remaining positively connected to oneself, colleagues and loved ones for a balanced life?

3. From what you're saying, it sounds like firms might begin to approach challenges to litigator mental and emotional well-being through whatever work-life balance programs they already have.

That is one angle of approach because work-life inherently encompasses the idea of the whole person. The profession's increasing acknowledgement of work-life issues in recent years probably has already made it easier for litigators to consider themselves more holistically than their peers decades ago. Another angle of approach is created by the general positivity of the language surrounding

work-life balance: the opportunity for goals-and-resources rather than problem-oriented framing.

The necessity of creating such a positive opening for the litigator to approach mental wellness is made clear by a 2021 New York State Bar Association survey of more than 3,000 New York lawyers conducted by the [NYSBA Task Force on Attorney Well-Being](#). In the survey, respondents [reported a reluctance to seek help](#) when they needed it. This should come as no surprise when we're talking about super-warriors who are naturally loath to acknowledge any chinks in their armor. Mental wellness resources must be deployed systematically and approachably where the litigator lives: at the firm.

4. So, how does the problem-solver, the hero, ask for help? What would approachable mental wellness resources at a law firm look like?

We have to stop counting on lone lawyer “cries for help” (or concerned bystanders offers of embarrassing or unwanted help) that research shows we have no reason to expect to succeed. Everyone must collectively realize that it is good for no one, not good for the team or its outcomes, when any member of the team is being ground down by tension.

Even if work-related mental unwellness may manifest in the toxic reactions or non-reactiveness of the individual, the solution lies with the team. And law firm leadership can act to increase team communication and to improve “team play” while interrupting negative patterns of interaction that increase stress.

Let's say a partner reacts in such a way as to escalate a situation, causing distress to team members. The team can engage by pointing out the negative effect of the exchange, putting it into context and underscoring any negative pattern. When a partner raises their voice and imposes a false deadline requiring an immediate response, the team experiences a pervasive and cumulative shut-down. Even a subtle and otherwise innocuous request from someone higher up the food chain can be difficult to ignore.

Leadership can draw on resources to expand and reorganize the team to yield a more reasonable workload and response time. A good way to reduce deadline toxicity is to establish boundaries and explain that leadership has accessed and reviewed the timeline and deliverables and pulled in others to support the strategy in a respectful and timely fashion.

5. Beyond improving team dynamics, is there a place for one-to-one counseling in lawyer wellness?

On the one-to-one level, I create an approachable emotional vocabulary for those who may be largely closed off from their own emotional lives or who take refuge from family problems in overwork—in the old days, this would have looked like “hiding out” at the office.

Wellness is ultimately the opposite of being walled off in one's armor or one's office. And having the right language to stay positive and encourage connectedness is absolutely essential. So, even though we may start by naming “it,” meaning the problem, we move quickly

to accentuating the positive, bringing forward resources and techniques for positive and preventive change.

And when the idea of change, itself, seems negative or threatening we can help re-focus the person on their unexplored opportunities in the present moment so they can more innocuously re-balance away from an isolating, future-focused mindset. We are here and now. Depression remains in the past while anxiety lives in the future.

It's all about exploring alternative narratives, making suggestions and providing tools for broadening the field of awareness. When we help create authentic, new experiences of the litigator's own personal and interpersonal potential, we create and expand little oases of hope: hope amid hell. And who would intentionally and authentically experience hope but then chose to keep slogging through hell?

6. We know that the pandemic and the isolation it spread wreaked havoc on everyone's mental health. But did COVID's universal impact make it easier to kickstart the conversation about mental health at law firms?

It did. If there was a silver lining to the pandemic, it was our common experience of isolation and other mental wellness challenges. The isolation experience was a big negative. But normalizing video calls heralded a new era of constant communication from the privacy of home. And everybody communicating and working from home opened up more space for the whole individual, the integrated person, and created new bonds and ways

to relate and talk—together, not apart.

Mental health management talks and strategies took root across the workplace and community on a scale never before seen. This year's World Mental Health Day theme is "make mental health and wellbeing for all a global priority."

And, indeed, when a mental wellness challenge is experienced as universal, not as a personal shortcoming, shame and stigma are lifted. In "[Loneliness in Covid-19, Life and Law](#)", Ash and Huang write that more general acceptance of historically "shameful" experiences "may drive support for psychological interventions to mitigate the persistent loneliness, anxiety, depression, and chronic stress" across the profession.

About the Author

Communicator Elizabeth Ortega of ECO Strategic Communications in Miami, Florida counsels professional service firms and thought leaders worldwide. As an expert in business development strategies and litigation public relations, she advises firms and their clients in high-profile international legal matters. Her aim is to seize the narrative on behalf of her clients—when and if appropriate—and set the record straight.

Over the years, Elizabeth's emphasis on straightforward communications has grown to encompass mental-wellness programming. In line with this, she is currently pursuing an MS degree in Marriage and Family Therapy/Counseling with a concentration in solution-focused coaching. Elizabeth co-founded The International Academy of Financial Crime Litigators.