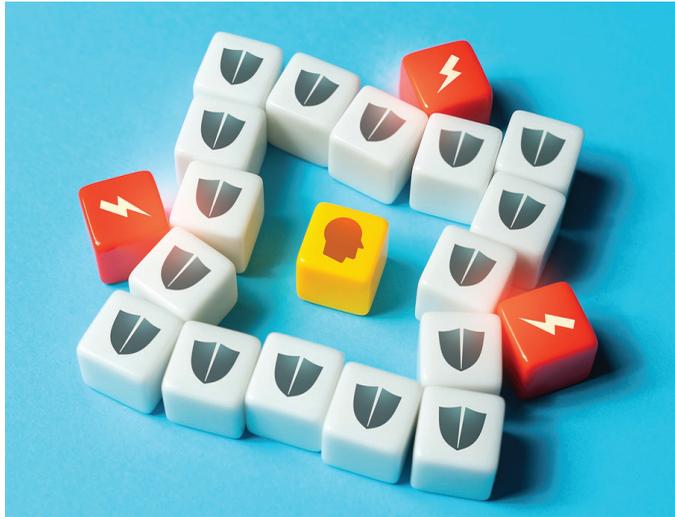


Be the Change:

A Judge's Perspective on Resilience

By Judge Sandra Engel (ret.)



Things are upside-down, sideways and coming in hot. That is how the new normal feels sometimes in the legal profession, three years after we were hit with the pandemic. Prior to March 2020, successful leaders came into 2020 having mastered their positions, and having developed proficiency in the art of management in the familiar culture and custom of our legal system. Once the pandemic hit, the paradigm shifted, and we were left with a playing field that was exponentially changed. We find ourselves several years later still struggling with how to right ourselves and find our way when many of the rules have shifted.

There were many adjustments that we had to make to adapt and succeed. There were changes in how practicing lawyers visited with clients or appeared in court, or for the law students, how they continued to learn. There were learning curves for many around technology, electronic tools for discovery, zoom meetings and presenting witnesses and evidence in remote hearings. There were different ways to file documents and communicate with the courts. We were forced to keep up, but the pressure on everyone in the system was palpable, and our stress increased. Today, hybrid virtual lawyering and judging is here, and it may be here to stay.

Another change we observed was the continuation and acceleration of the changing values of our available workforce. Not only have we had to adjust to the virtual world but, we have also had to adjust to new expectations of our attorneys. We are constantly reminded that the new lawyer of today puts a greater importance on integrating well-being into the practice of law, and the “give it all at all costs” work ethic is dissipating in many firms and law offices. We see attorneys seeking jobs that allow them to have it all: a financially lucrative and satisfying job and wellness in their workplace. We have started seeing an increase of programs to address how we support our employees with stress management tools. The polarity of what is desired by the legal community and what the legal community can offer is taxed by the inevitable changes that are necessary in adapting to the new normal.

How does resiliency fit into this shift? While some might argue the term is overused, the concept is still important to define what we need to build and rely on as leaders in our field. Our resiliency skills can help us negotiate and expound on the growth opportunities that arise in responding to changes in culture, structure and leadership so we can

maximize our efforts in this ever-changing profession.

The art of building resilience is important for many reasons, but the most important one is to help lead you and your organization through times of change. We know that morale in an organization, law office or courthouse comes from the top down, so by finding ways for you and your employees to respond to the new normal, your entire organization's health is improved.

The American Psychological Association defines Resilience as: Resilience is the process and outcome of successfully adapting to difficult or challenging life experiences, especially through mental, emotional, and behavioral flexibility and adjustment to external and internal demands.¹

Many studies have shown that raising the resilience of your workforce will have a positive effect on the increase in productivity. We are less stressed, burned out and dissatisfied when we can use tools to increase our resilience. Raising our ability to handle change and other stressors also contributes to improved self-esteem, a sense of control over life events, a sense of purpose in life and improved interpersonal relationships.²

Resiliency can be learned:

The good news is that resiliency can be learned, and there are many ways to start increasing your resilience immediately. Asking yourself how resilience shows up for you is a great place to start. When we survey our work and leadership style through the lens of resilience, we can assess where we have room to grow. By ferreting out where most of your stress comes from as a partner, an associate, a judge or a solo practitioner, we can start to see what areas we need to focus on to develop our skill set.

As a recently retired judge with over 26 years in the local legal community, with 16 of those on the bench, I have seen many great leaders demonstrate this skill and have experienced it myself. There is no magic pill or set of instructions, though there are practical things we can do to help us build resilience muscle. The most important thing is the willingness to be open to a new mindset, a new lens with which we view the moments of stress or struggle in our every day.

Below are some strategies that have proven useful for judges and lawyers in our legal community.

Ask for support: Asking for help can be hard for lawyers and judges, as we are the problem solvers--the ones that people come to when they need help--but who helps us? You become a stronger leader, not a weaker one, when you look outside of yourself for answers when things seem daunting or overwhelming, or even just a little bit difficult. If you can build your support system, including friends, family, counselors, massage therapists, meditation teachers and colleagues, you open up a world of support and connection which most of us are craving as we emerge from virtual times. Executive Coaches are another group that can support your professional development as an attorney and Judge but also can help support you through times of transition and change. Go to <https://www.sbnm.org/Member-Services/Professional-Development-Program/Certified-Professional-Coaching> and find resources around Executive Coaching.

Develop mental agility: When your job demands changes to certain established systems or just threatens the existing structure that you have finally mastered, take a minute and reflect. Have I handled change in the past successfully? Do I look up to someone who has navigated change well? How did they do it? Most importantly, try and look at this as a chance to embrace the opportunity to grow instead of responding out of fear of whether you can handle it. A shift in awareness can prove invaluable, such as looking for the gift in a challenging situation.

Create compassion for yourself and others: When we examine challenges that come up, be those health scares, huge unsolvable problems dumped on our desk, tough colleagues or bosses who make unreasonable demands, how can we change our lens and view it from a different perspective? We can shift into showing some empathy for that person or ourselves, being more compassionate about where we are and not being so critical of ourselves and others. We may need to consider that the offending person is looking at things from a different perspective and maybe does not have the tools to deal with change or conflict themselves. When you look for compassion in the situation, you can respond in a different way than responding out of fear or anger.

Detachment Breaks: Taking a break during the day sounds so easy but many of us continue working straight through, trying to maximize our billable hours or work through our heavy caseload so we can get home and relax. Productivity increases once we start to give ourselves breaks during the day. Finding the time that works for you is important. For example, it could be after every 90 minutes of work, you stand up and walk around, maybe even outside. Just detaching from work for a short time can refresh and restore your ability to self-regulate and increase productivity.

Exercise mindfulness: There are many apps you can use, but simply focusing on the here and now can make a huge difference in helping us get out of our heads for a moment

and into a quieter space where we can think more freely. I will admit that, as a high energy, action-oriented person, being told that mindfulness and meditation would help me was a bit of a tall order. When I found out that just controlling my breath and all my thoughts was also a type of meditation, it was a game changer. I added five minutes to my time I spend drinking coffee each morning and incorporated a practice of simply concentrating on my breath. When a thought comes, I acknowledge it and then send it on its way and return to thinking about my breathing. Whether the thought is negative or positive, I simply honor it and let it go, returning to the breath. This may seem simplistic, but many of us on the bench and in the legal field have found that, when tough things happen, simply acknowledging your thoughts or feelings about it and letting it go really decreases stress. It can become a healthy habit.

Fine tuning your Locus of control: We, as attorneys and judges, tend to think our responsibility is to serve as the fixer; the problem solver. People hire us to give them the answers to all their problems. They appear in front of us so that we can decide the dispute so that they can finally move forward with their lives. What we forget is that we do not have the ability to control everything around us. We have a small area which is in our locus of control when it comes to human behavior and relationships. We have control over how we show up in this world, how we communicate and how we react to others in our orbit, but we do not have control over how people hear us, how they feel about us, what they feel is best for us or how others feel in general. Sometimes we take ourselves down because of someone's negative opinion of us, or we feel absolutely devastated at something terrible that happened. When we can shift the lens that we view it from, see it with compassion and think about what is in your control in the situation, you will find that your perception changes and your stress can be decreased.

Incorporating even one of the above tools can put you on the path to growing your resiliency skills. As a result, you may see a decrease in your stress and increase in the joy you find in your work in this important legal career.

For more on this topic, visit <https://www.sbnm.org/Leadership-Committees/NM-Well-Being-Committee/Legal-Well-Being-In-Action-Podcast> and listen to Justice Barbara Vigil (ret.), Judge Shammara Henderson and Judge Brett Loveless share their wisdom on how they find resilience on the bench.

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Endnotes

¹ American Psychology Association, “APA Dictionary of Psychology” (2023) *Definition of Resilience*, accessed 9/12/23 via <https://dictionary.apa.org/resilience>
² American Psychiatric Association foundation, Center for Workplace Mental Health, *Resilience: A Strong Workforce Needs It*, (2017), accessed on 9/12/23 via <https://workplacementalhealth.org/mental-health-topics/resilience#:~:text=Raising%20resilience%20contributes%20to%20improved,and%20improved%20employee%20interpersonal%20relationships.&text=Employers%20reap%20the%20rewards%20of%20increased%20productivity>