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POSITIVE PSYCHOLOGY COACHING MODEL FOR THE LEGAL PROFESSION

ABSTRACT

This paper proposes a new model of executive coaching addressing the unique characteristics of the legal profession. The model incorporates positive psychology, appreciative inquiry, and transformational coaching as guiding principles. The model distills interventions and processes most likely to be successful in counteracting the maladaptive thought and behavioral patterns cultivated in the legal profession, thereby empowering legal professionals to thrive.

*106 INTRODUCTION

The overall purpose of this paper is to explore how developments in executive coaching based in positive psychology (the science of what makes people and institutions flourish) can be used to counteract the maladaptive thought and behavioral patterns cultivated in the legal profession. The impact of this approach is to create thriving law firms by empowering the people who work there to achieve greater alignment and fulfillment in their personal and professional lives. Positive psychology applications can play an important role in designing an organizational culture that addresses the specific struggles that lawyers face as a result of unique elements of their profession. In addition to creating impact across the legal profession, this approach arms individual clients and teams with a toolkit for addressing challenges and flourishing in their chosen profession.

The objective of this paper is to show that “positive lawyering” will lead to high-performing and resilient lawyers, as they take critical steps towards success and happiness in the practice of law. I use “positive lawyering” loosely to encompass behaviors such as: cultivating a positive and optimistic mindset; building self-awareness, advancing social and emotional intelligence competencies; refining and promoting meaningful and purposeful work; strengthening positive relationships; and clarifying impact to self and others. The proposed model of executive coaching demonstrates how executive coaching can help lawyers learn from their past successes; find worklife balance; dream and work toward their best possible future selves and limit perfectionist tendencies that hinder courageous action. These behavior changes lead to positive change in individuals, their teams, and, by extension, change the culture of the legal industry at large. It is critical to note that the outcomes of the proposed approach are contingent on buy-in from the leadership and systemic implementation across the organization. As explained below, an individual client cannot thrive in a toxic environment, no matter the tools that are available to them.

As I reflect on my experience as a corporate lawyer and my own legal education, I recognize the chronic lack of opportunities provided for introspection and self-development. I realize now that I arrived at my first position as an associate at Davis Polk & Wardwell LLP, an elite global law firm, having little to no self-awareness and a very informal understanding of communication, psychology, human behavior, and leadership. This lack of focus on an integral part of what makes us human leads to a vast amount of wasted energy, resources, and opportunity--both for individuals and the organizations of which they are a part.

My interest in this topic was energized by an opportunity to develop a new curriculum for Fordham Law School (FLS). In January 2021, I embarked *107 on teaching a full-semester course at FLS entitled *Positive Lawyering*. The purpose of this course was to create the most successful, high-performing, self-aware, and resilient next generation of lawyers. While acknowledging the very real systemic problems the profession is facing, the course focused on the toolkit that law students can cultivate to shift their own mindset towards positivity and resilience.¹

This paper offers a blueprint for coaching lawyers considering the unique challenges of the legal profession. I begin with an overview of the literature that informed my thinking regarding the culture of the legal profession and investigation into the current state of lawyers' happiness and mental health-- and the resulting business impact. What follows is an explanation of positive psychology and the related concepts of appreciative inquiry and transformative learning. After a summary of my major findings, I offer a new model for executive coaching in the legal industry.

REVIEW OF SELECTED LITERATURE

The legal industry is plagued by mental health problems, job ambivalence, and overall dissatisfaction.² As Anne Brafford, one of the drafters of the *National Task Force* explains, “‘My-Life-Sucks-More-Than-Yours-A-Thon’ [is a game that] plays out daily among lawyers [and] provides a peek into current law firm values ... it is a competitive race to the bottom in which lawyers trade ever-worsening tales of sleep deprivation, mounting deadlines, and missed family vacations.”³ In fact, a national survey reported by *Forbes* ranked lawyers as the unhappiest professionals in America.⁴ Lawyers have *108 been found to be 3.6 times more likely to be unhappy and depressed than other professionals.⁵ Countless studies conducted over the last several decades surveying lawyers' mental health problems have supported these findings.⁶

Multiple scholars have now documented how the compensation model based on billable hours creates a race to the bottom in terms of culture, well-being, client service, and overall industry integrity at law firms.⁷ In addition, the repetitive and demanding nature of the work, often removed from actual client interaction, lacks a sense of meaning and purpose for many lawyers, particularly junior and mid-level lawyers in “BigLaw”⁸ and in legal departments of other large organizations. When these conditions are coupled with individuals' perfectionism and skepticism--signature personality traits of the legal profession--these organizations face a resulting existential crisis: They must change to survive.

Based on my personal experience, I can attest to the accuracy of these worrisome claims about the state of the legal industry. My interest in this topic was engendered during my time as an attorney at Davis Polk & Wardwell LLP (often ranked in the top 10 of U.S. law firms) and as in-house counsel in the legal department at Credit Suisse. Having witnessed the debilitating culture that hinders many lawyers, I was inspired to explore how executive coaching can help legal professionals--from law students to attorneys to entire organizations--improve and thrive.

Over the past few years, the legal profession has increasingly embraced the practice of executive coaching. According to conversations with directors of professional development in many large firms, as well as general market research, it has become clear to me that many firms even view coaching as a critical part of their recruitment, retention, and talent management strategies. In fact, many of the firms decided to bring the coaching capability inhouse with internal coaches. Furthermore, many external coaches focus specifically on the legal industry. While firms have become significantly more open to coaching, a true “coaching culture” is still in its infancy across most of the profession. Funding for coaching remains primarily reserved for partners *109 and gaining approval for associate-level programs is difficult. In addition, coaching is often viewed as a remedial “fix” for underperformers, as opposed to a truly transformational experience for high-potential lawyers.⁹

This paper suggests that coaching legal professionals in a holistic manner will tremendously improve attorney well-being, and that a business case exists to support this investment. The definition of “well-being” is important to clarify here, as discussions of well-being are often separated colloquially from conversations around career and leadership development and accomplishments. Yet these concepts are, in fact, deeply intertwined, particularly within the legal industry. The final definition of “well-being” selected by the National Task Force is deeply rooted in the PERMA™ model of positive psychology, developed at the University

of Pennsylvania, and borrows from other highly respected models of well-being, as presented in Table 1 below. It must be recognized that well-being encompasses occupational pursuits, creative and intellectual endeavors, positive relationships (both personal and professional) and a sense of meaning, purpose, and accomplishment. For the purposes of the National Task Force and this paper, lawyer well-being takes a broad, whole-person approach to ensure that lawyers are thriving both personally and professionally.

***110 Table 1: Definitions of Well-Being**

DEFINITIONS OF WELL-BEING	
Author/Source	Description
National Task Force on Lawyer Well-Being	<i>A continuous process whereby lawyers seek to thrive in each of the following areas: emotional health, occupational pursuits, creative or intellectual endeavors, sense of spirituality or greater purpose in life, physical health and social connections with others.</i>
Martin Seligman, Father of Positive Psychology: University of Pennsylvania	<i>There are five building blocks that enable flourishing: Positive Emotion, Engagement, Relationships, Meaning and Accomplishment (hence PERMA™)</i>
WholeBeing Institute	<i>SPIRE well-being considers the whole person, encompassing spiritual, physical, intellectual, relational and emotional well-being.</i>
Gallup	<i>Five Elements: Career Well-Being (liking what you do every day); Social Well-Being (strong relationships and love); Financial Well-being (effective management of economic life); Physical Wellbeing & Community Wellbeing (sense of engagement with the area where you live)</i>
Merriam - Webster Collegiate Dictionary (10th ed., 1999)	<i>Well-Being: the state of being happy, healthy and prosperous</i>
	<i>Thriving: characterized by success or prosperity</i>

To enhance lawyers' thriving, success, and progress, we must first address what hinders “well-being” (within the more expansive definition) for ***111** the legal profession. A review of the literature suggests multiple unique aspects of the profession that contribute to the problem. These can be summarized in five main factors:

1. The Negativity Bias and Pessimistic Explanatory Style

It is a tough reality: All human brains are more likely to process and retain negative information than positive information. This is a result of our history as a species. If we were to survive in our pre-modern world, we had to remain ever vigilant against potential threats. An early human's reaction to a rustle in the leaves could mean the difference between life and death, and so, over time, our brains developed the “negativity bias.”¹⁰

Legal professionals unfortunately reinforce this negativity bias more than most people do. Lawyers are “built to critique, to second-guess, to demand accountability and assign culpability.”¹¹ Lawyers have to pay constant attention to many details that may threaten their clients, and “thinking like a lawyer” begins in law school.¹² One misplaced paragraph can mean the difference between closing the deal or losing it to the client's competitor. For better or for worse, the stakes are high. While lawyers need to notice these details, they are potentially harming their capacity for joy and positivity in the process.¹³ Over time, lawyers begin to feel and act pessimistic, even developing a “pessimistic explanatory style.”¹⁴ An “explanatory style” refers to the manner in which you habitually explain to yourself why events happen.¹⁵ According to the father of positive psychology, Martin Seligman, in his book *Learned Optimism: How to Change Your Mind and Your Life*, pessimists view bad events as pervasive, permanent, and uncontrollable.¹⁶ Pessimistic lawyers may therefore believe that one bad event affects their entire life, that their condition will never improve, and that they are powerless to change this.

*112 Scholars describe “the typical lawyer as a pessimist who is suspicious of change and resists being led.”¹⁷ Moreover, lawyers tend to believe that these are qualities even *necessary* for success in their profession. In *Why are The Lawyers So Unhappy*, Seligman writes:

Pessimism is seen as a plus among lawyers, because seeing troubles as pervasive and permanent is a component of what the law profession deems prudence. A prudent perspective enables a good lawyer to see every conceivable snare and catastrophe that might occur in any transaction. The ability to anticipate the whole range of problems and betrayals that nonlawyers are blind to is highly adaptive for the practicing lawyer who can, by so doing, help his clients defend against these farfetched eventualities. And if you don't have this prudence to begin with, law school will seek to teach it to you. Unfortunately, though, a trait that makes you good at your profession does not always make you a happy human being.¹⁸

To avoid the damaging psychological effects of persistent negativity, legal professionals must learn how to compartmentalize, separating the pessimistic thoughts that may be appropriate in their professional settings from their overall worldview. To do so, coaches should help lawyers develop what Seligman calls “flexible optimism,” which factors in risk and allows lawyers to do their professional work while still allowing for positive emotions and maintaining an optimistic explanatory style.¹⁹ Positive emotions are fundamental to engagement and are part of the foundation for lawyers' well-being. In fact, Dr. Sonja Lyubomirsky and her colleagues conducted a meta-analysis of 225 studies examining positive emotions and determined that people who frequently experience positive emotions have higher professional performance, job satisfaction, sociability, and other positive behaviors.²⁰

2. Perfectionism

Legal professionals tend to be highly ambitious and overachieving.²¹ These tendencies are exacerbated in law school and in the law firm environment and have been shown to be demoralizing. Research supports the view *113 that perfectionism and being a “workaholic” are common inherent traits of lawyers and that lawyers' tendencies toward perfectionism extend beyond their legal pursuits into nearly every area of their lives.²² According to Brafford, the personality traits of pleasing and achieving “result in self-destructive patterns when lawyers enter the competitive environments of law firms. Once there, everyone tries to please, managers throw everyone under the bus, and no one feels adequate.”²³

In *The Pursuit of Perfect*, renowned positive psychology expert Dr. Tal Ben-Shahar explains that, when rigidly applied, the propensity for perfectionism can impede happiness, because the perfectionist is never satisfied.²⁴ The goals and high standards set by perfectionists become impossible to attain, so the individual inevitably “rejects the possibility of success.”²⁵ Instead, Ben-Shahar suggests a model that offers a more balanced perspective as an alternative to perfectionism, which he calls

“optimism.”²⁶ According to Ben-Shahar, the “optimist” understands that “good enough” (in lieu of “perfect”) may be the best option, given the demands and constraints of life.²⁷

3. *Compensation and Reporting Structures*

The economic model for BigLaw has three main components: leverage (ratio of all lawyers to equity partners), hourly rates, and billable hours.²⁸ While the specifics of the business model lie outside the scope of this paper, what is important to note here is that “the effect of firms’ reliance on the leverage-rates-billable hour business model is a continual push to drive up lawyer rates and billable hour requirements to produce more wealth for the equity partners—with little regard for the impact on the firms’ culture and people.”²⁹ The culture is entirely driven by the hierarchy and billable hour model. True leadership, mentoring, training, or civic behavior are all disregarded and often not even a consideration for promotion, let alone compensation. The entire culture is affected by the fact that “most partners regard the long run as someone else’s problem.”³⁰ Activities aimed at personal and *114 professional development without a short-term financial payoff are thus largely ignored.

The detrimental effects on employees’ well-being should seem obvious. With all energies devoted to increasing the quantity of hours worked, attorneys experience “time famine”—not having enough time to meet their professional demands—like few other professionals. As the National Task Force stated, this time famine threatens the duty of care and individual competence.³¹ “Given their role in a public profession [lawyers] can also injure their clients by failing to provide adequate representation.”³² After all, would you want *your* lawyer working on your most important documentation at 3:00 a.m. after having just completed a 12-hour marathon to meet her other deadlines?

Furthermore, the hierarchical structure creates a lack of agency and control, particularly for junior lawyers. This refers to the fact that legal work is often not self-directed and that lawyers have little control over their job tasks and schedule.³³ Research shows that people in jobs with low decisional latitude have higher rates of depression and coronary disease because workers who have high job demands concurrent with low decisional latitude are not in a position to be able to moderate their stress. This stress compounded over time leads to severe mental and physical health consequences.³⁴

I can recall from personal experience the inability to choose one’s own work, the limited access to client interactions, the unpredictable and unmanageable hours and the general psychological state of helplessness. These emotions and experiences are well documented and pervasive for attorneys. While this is particularly true for junior associates in Big-Law, by no means are the problems eradicated with seniority.

4. *Zero-sum Nature of the Legal Profession*

The adversarial nature of the legal profession also creates situations in which legal professionals frequently find themselves in combative states.³⁵ When compared with other stressful jobs, such as surgery, it is important to remember that when a surgeon is trying to save a life, another surgeon would *115 never be sent into the operating room to derail the surgery! In the legal profession, however, lawyers are consistently pitted against one another, both during courtroom arguments and battles for prestigious clients.

I was given the opportunity to serve as a guest lecturer for a seminar on negotiation skills at Columbia Law School in early 2020. Using examples from my mediation work as an executive coach with conflicted teams and executive boards, I shared that developing social and emotional intelligence is a primary requirement for developing one’s skills as a negotiator. The zero-sum nature of the profession is not an absolute given. A skilled lawyer who understands the value of preserving relationships may be more incentivized to find middle ground. There are, in fact, many cases that do not have to be zero-sum, but the lawyers simply never bothered looking into a potential compromise that might have benefited both sides of the case. While good negotiators lead with listening and curiosity, lawyers are trained to lead with aggressive zeal. In addition, developing social and emotional intelligence can help lawyers be more empathetic in the conversation. Despite the oppositional nature of the law, having a disagreeable disposition or antagonistic communication style is rarely helpful for lawyers, professionally or personally.

5. Lack of Job Satisfaction, Meaning & Purpose

According to the National Task Force, many lawyers show a “great ambivalence” toward their work.³⁶ Multiple surveys from the American Bar Association (ABA) revealed that most lawyers are dissatisfied with their profession, would choose alternative professions if given the opportunity and are actively considering other job prospects.³⁷ Furthermore, the intense focus on profit maximization has caused “commentators [to] criticize the legal profession as having lost its soul”³⁸ and to opine that “the profession has largely disintegrated, they say, into a collection of producers of billable hours with no sense of duty to a higher cause.”³⁹ According to Brafford, various scholars:

contend that the demoralization of the legal profession and loss of purpose beyond making money explains, in part, why so many lawyers are dissatisfied with their work (Schwartz & Sharpe, 2011; Harper, 2013). Judge Patrick Schlitz (1999) (former big firm partner turned judge) published a scathing article that identifies big law *116 firms' focus on maximizing profits as a significant contributor to lawyer dissatisfaction. Schwartz and Sharpe (2011) suggest that lawyers may improve their well-being and the integrity of the profession by re-aiming their focus on the intrinsic values of the profession--such as providing wise counsel to their clients and protecting the norms of justice, fairness, and integrity on which the legal system is based.⁴⁰

It is an unfortunate reality that lawyers tend to be motivated primarily by financial success, social comparison, and competition. While financial freedom, supporting one's family and making progress in one's career are certainly important, the level of income for which lawyers tend to strive well exceeds the amount needed to meet these objectives. This does not lead to a meaningful and happy life, as shown by recent research conducted by Larry Krieger and Dr. Kennon Sheldon.⁴¹ The study of 6,000 lawyers working in a wide variety of legal jobs asked what elements of lawyers' social surroundings contributed to their “subjective well-being.”⁴² The results showed that some of the factors that lawyers care deeply about, such as law school class ranking and income, had almost no correlation to their well-being--or overall professional success for that matter!⁴³ At the same time, autonomous motivation, intrinsic goals, connection and autonomy had extremely high correlation scores.⁴⁴ In fact, the positive relationship between need-fulfillment for connection and autonomy was three times as large as the relationship between income and happiness.⁴⁵

As demonstrated by these five broad categories, the legal profession is in trouble. Lawyers need to develop optimism, cultivate positive relationships, find fulfillment in their work, and reassess their values. Coaches should work with their clients to redefine their definition of success to save the profession, and themselves. Legal professionals need executive coaches to provide a leadership toolkit based on emotional intelligence, positive psychology, mindfulness, and resilience.⁴⁶

***117 RELATED CONCEPTS**

The executive coaching approach that I believe is best suited to the legal industry is based on a co-active model, integrating appreciative inquiry, transformational learning, positive psychology, and mindfulness to coach lawyers on how to unlock and sustain their full potential.

Positive Psychology

According to the University of Pennsylvania, where the field of positive psychology was developed, it is the scientific study of the factors that enable individuals and communities to flourish.⁴⁷ It is described as the study of “positive subjective experiences, positive individual traits, and positive institutions.”⁴⁸ Unlike traditional psychology which focuses on mental

illness, depression, and negative thinking, positive psychology is concerned with strengths and virtues--a focus which not only brings immediate positivity, but in fact long lasting well-being.⁴⁹ The resulting summary of Seligman's work on positive psychology is that a "meaningful life" that leads to lasting well-being requires five elements, mainly positive emotions, engagement, relationships, meaning and purpose, and accomplishments. These five elements are identified by the acronym "PERMA."⁵⁰ Additionally, positive psychology has now expanded beyond the individual into the field of positive organizational scholarship which concerns itself with the factors that create positive work experiences and thereby positive institutions.

Appreciative Inquiry

Appreciative Inquiry (AI) is an approach to organizational change that focuses on strengths rather than weaknesses. The premise is that there is good in every person and every organization, and by focusing on that "good," you can engage and inspire a workforce, customers, and other stakeholders in the future of the business; discover and expand upon business strengths *118 and strategic advantages; and balance financial returns with contributions to society.⁵¹

AI is based in positive psychology. Instead of traditional psychology or organizational situation analysis, AI takes a "glass half-full approach" to see what is working and what is good.⁵² Positive psychology and the AI model can be used to identify what is working in legal organizations, what are the strengths of each of the lawyers, what are their values, their dreams and how could they live with greater purpose. Together, AI and positive psychology ask, "how can lawyers and legal organizations succeed"?

According to Cooperrider and Whitney, "the principles and practices of Appreciative Inquiry (AI) suggest the idea that collective strengths do more than perform--*they transform*."⁵³ By focusing on a shared positive image, any organization, even a law firm, can begin the change process. Hart states that "this image [originates] from the aggregate of the experiences shared among participants that capture peak moments, life-giving [experiences], and stories of personal and organizational excellence."⁵⁴

Currently, AI is not being applied to the legal industry. However, given the pervasiveness of negativity in the legal profession, as discussed above, AI could be immensely useful. The language around the lawyer well-being movement is constantly framed around burnout, greed, mental health problems, and stress.⁵⁵ The suggested model outlined below would instead focus on the positive aspects of the law, enabling lawyers to reclaim their power and identities and to flourish.

Legal organizations, like any other, are comprised of individuals with rich stories, strengths, and achievements. Through a positive approach to inquiry, individual learning and positive change can affect how the legal organization sees itself and its capacity to build a positive identity, one lawyer at a time. It is impossible for any individual to thrive in a toxic culture, which is why the study and practice of executive coaching and organizational psychology looks at organizational context in addition to the specific content an individual brings to coaching, before seeking to focus on the conduct that *119 individual can take to progress.⁵⁶ Therefore, for lawyers to thrive, the existing leadership within each legal organization--and the entire legal industry that forces each individual firm to conform to certain expectations set by clients--must shift.

Transformative Learning

Transformative Learning is an adult learning theory initially developed by Jack Mezirow.⁵⁷ The premise is that adults learn by a shift in perspective and forming new meanings about their selves and their worlds through critical reflection.⁵⁸ As previously discussed, unlike many other graduate studies, law school education does not offer an opportunity to examine oneself, and continued emphasis on hard skills throughout legal practice continues to disregard personal growth. Critical self-reflection is an important part of learning and leadership development.⁵⁹ This is perhaps why leaders of legal organizations are often criticized for their inability to manage and lead teams, having been promoted to these leadership positions solely as a result of mastering specific legal tasks.⁶⁰ If we can transform legal leaders on an individual basis, there will be a "coaching ripple" effect through the entire organization.⁶¹ These transformational leaders are what author Liz Wiseman calls "multipliers" in her book

*Multipliers: How the Best Leaders Make Everyone Smarter.*⁶² Multipliers are inspiring transformational leaders who serve as role models, articulate appealing and inspiring futures, foster creative thinking, and use coaching styles to develop their teams.

While the study of AI and Transformative Learning is significantly more complex than addressed here, these concepts, together with positive psychology, are the basis for the coaching approach that I argue will be the most useful for the legal industry.

*120 *Summary of Major Findings*

- **The Legal Profession is Experiencing Unique and Devastating Challenges.** The legal industry is plagued by mental health problems, job ambivalence, and overall dissatisfaction. Multiple scholars have now documented how the compensation model based on billable hours, combined with the zero-sum nature of the profession and the high levels of pessimism, perfectionism, and competition, create a race to the bottom in terms of culture, well-being, client service, and overall industry integrity at law firms.⁶³

- **Positive Psychology Principles Can Counteract Lawyer Challenges.** Positive psychology applications focused on positivity and optimism; engagement, positive relationships, cultivating meaning and purpose, and a positive relationship with accomplishments can counteract the structural problems causing dissatisfaction within the legal profession.⁶⁴

- **Transformational Coaching Through an Appreciate Inquiry Approach.** While coaching generally has gained popularity across the legal profession, coaching is still often viewed as a remedial “fix” for underperformers, as opposed to a truly transformational experience for high-potential lawyers. To counteract the unique challenges of the profession, a deeper process of transforming perspectives through a focus on the positive can help lawyers thrive.⁶⁵

- **Lawyer Wellbeing Makes Good Business Sense.** Law firms should invest in the wellbeing of their people to address the very real business challenges of retention, absenteeism, and malpractice. The research on employee engagement and productivity is clear--a happy and healthy workforce is best able to achieve superior long term business results.⁶⁶

*121 APPLICATION AND IMPLICATION FOR COACHING PRACTICE

In today's fast-changing workplace, soft skills are not a luxury, but a necessity. Lawyers need these skills to manage uncertainty, foster innovation, and ensure lasting organizational success.⁶⁷ Executive coaching encourages and guarantees a culture of self-awareness and collaboration. This way, we are taking definitive strides toward helping lawyers bring their best selves to work every day. Through executive coaching, lawyers can improve their mental agility and performance, manage their stress more effectively, and live better lives--both personally and professionally.⁶⁸

I offer the below coaching process to address the unique challenges of legal practice and provide a coaching experience based in positive psychology, appreciative inquiry, and transformational coaching. Whilst this approach is explained in this paper at the individual level, to be successful, it must be implemented at the systemic, organizational level. Critical support from leadership is necessary--together with an alignment of personal values and expectations with those of the organization. The method of

delivery of the coaching interventions may not necessarily be in a 1:1 format. These topics may be addressed in a peer coaching or team coaching dynamic. Any coach working within an organizational context should consider the unique opportunities and challenges of that environment and adapt the coaching intervention to the organization's desired outcomes.

122 *The Legal Professional Coaching Process has three pillars: Mindset, Meaning & Impact

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

I. MINDSET: CULTIVATE FLEXIBLE OPTIMISM, PROMOTE COURAGE AND POSSIBILITY, BUILD CAPACITY FOR SELF-AWARENESS AND MANAGEMENT.

The first step of the coaching model is to evaluate the client's mindset. This refers to the client's assumptions about learning, emotions, behavior, and change. While mindset and worldview have broad assumptions and consequences, given the problems associated with lawyers' specific and systems issues, particular attention must be paid to (1) cultivating flexible optimism; (2) promoting possibility and courage thinking; and (3) providing opportunities for self-awareness and instilling capacity for self-management.

Connection with Columbia Coaching Certification Program (CCCP)

The model was informed by my learning and participation in the Columbia Coaching Certification Program (CCCP). CCCP is an executive coaching *123 education program at Columbia University which focuses on the development process that builds leaders' capabilities towards their personal and professional goals, and by extension to their organizations and industries.⁶⁹ CCCP is based on three coaching foundations: Principles, Competencies, and Process.⁷⁰ Evaluation of the client's mindset falls within the first phase of the CCCP "Process"--specifically evaluating the client's "Context."⁷¹ The CCCP "Context" requires paying attention to three important steps--"Entering and Contracting," "Developmental Frames," and "Situation Analysis." Entry and Contracting and Situation Analysis are equally present in all coaching engagements regardless of the client's specific circumstances or field of practice, as that is how the coaching arrangement initiates and how the coach delves deeper into the client's specific topic.⁷² However, the "Developmental Frames" portion of the CCCP process is of particular importance while working with lawyers. The CCCP framework of developmental frames refers to three behaviors: (1) "clarifying client's relationship (identity/concept) to self and to others; (2) determining emotional and social capacities (strengths and limitations); and (3) building the client's capability for growth and change."⁷³

During the "Mindset" phase of the legal professionals coaching model, clients are asked to dig deep into their limiting beliefs, acknowledge that their actions are responses to those limiting beliefs and the emotions they cause, and learn to be intentional about how they live their life. Hence, to "build the client's capability for growth and change" we must first address their pessimistic mindset, their fear of failure and perfectionism, and build their social and emotional capacities.⁷⁴ I suggest doing so through the three applications below:

A. Cultivate Flexible Optimism

The Legal Professional Coaching Model begins with the coach working to reframe the client's cognitive bias and explanatory style. As discussed above, the research is irrefutable in that lawyers must learn to be optimistic *124 in their personal lives (while still maintaining the adaptive pessimism required of their profession).⁷⁵ In the coaching context, a "disputing technique" can be used with clients. If the client experiences an adversity (such as a senior partner displaying discontent with a particular work product), often the client may catastrophize and determine that the consequences are inevitable (such as a lack of promotion opportunity). A coach can help the client dispute these limiting beliefs and help the client see other possibilities and opportunities. This can help the client cultivate resilience by building their internal resources and developing the ability to see negative events as external (as opposed to being one's own fault), specific to the single situation (as opposed to pervasive throughout one's entire life), and changing (as opposed to permanent).⁷⁶

Likewise, the job of a coach with a client suffering from the negativity bias is to help them “rewire” their brain for positivity: to see the good in life. Neuroplasticity refers to the brain's ability to create new neural pathways, and research on neuroplasticity has shown that our “day-to-day behaviors can have measurable effects on brain structure and function.”⁷⁷ The “three good things” exercise is a quintessential positive psychology exercise that can be employed here.⁷⁸ This exercise entails writing down three things that went well each day and reflecting on these things at the end of the day. Multiple studies, in which participants were asked to write down three good things that happened to them each day for a period of time, showed promising results for increasing levels of well-being.⁷⁹ Coaches should ask their clients to reflect on why each good thing happened. The rationale here is simply that people may not be especially mindful about good events, even when they count them. Accordingly, asking clients for an explanation leads to “deeper” thought so the client does not miss the potential benefits of conscious gratitude. When these types of exercises are done consistently, the client's brain actually “re-wires” for the positive.⁸⁰ In this way, teaching lawyer clients positivity practices counterbalances their negativity bias.

***125 B. Promote Courage and Possibility**

Perfectionism has been associated with a fear of failure and can lead to an inability to take action or diverge from commonly established ways of doing things. In fact, some scholars point out that lawyers' “rigid intolerance for failure is so extreme and ultimately perverse that it disables [them] from being capable of sound decision-making.”⁸¹ The role of the coach is to unpack these limiting and perfectionist beliefs and to help lawyers stop catastrophizing. If they can let go of the perfectionist tendencies and focus attention on taking a new perspective, they will be able to expand their worldview, transform their perceptions, and reframe their level of understanding.⁸²

As discussed above, coaches should help the clients shift from perfectionism to “optimalism.”⁸³ Coaches should help their clients understand when good is simply good enough. Coaches could help clients remove perfectionist tendencies through self-compassion work. For instance, an exercise could involve asking the client to share their perceived inadequacies: what they dislike about themselves or their work or the factors that make them feel ashamed, unworthy, or self-conscious. The client can then be asked to imagine someone who is unconditionally loving, accepting, and supportive: someone who sees his or her strengths and opportunities for growth. By imagining the perspective of this person and how this person encourages and supports, the client can take steps toward change in a compassionate and nonjudgmental manner.⁸⁴ When lawyers learn the skills of self-compassion, they will be able to live and work courageously, since fear of failure is driven by the inner critic, and the best way to quiet the inner critic is through self-compassion.

C. Build Capacity for Self-Awareness and Management

As Ronda Muir points out in *Beyond Smart: Lawyering with Emotional Intelligence*, studies show that lawyers score above-average in intelligence but below-average in social and emotional intelligence.⁸⁵ This can be traced to the fundamentals of legal education where lawyers are taught to “think like a lawyer” and be skeptical of emotions, instead adhering to the *126 “rational man” standard. As Linda Parsons noted in her 2014 unpublished research paper, when lawyers are engaged in the coaching relationship, “they are not trained to develop answers ‘from inside’ but, rather, are external fact collectors. Asking lawyers to ‘look for an answer inside themselves’ is unfamiliar territory.”⁸⁶ Lawyering with emotional intelligence requires clients to have an awareness of their own emotions and be able to tap into and manage those emotions. In addition, social awareness requires the client to tap into the emotions of others and effectively manage the relationship by exhibiting empathy and other skills. As Daniel Goleman points out in *Social Intelligence*, while we often conflate these concepts, each has its own unique competencies that must be trained, as set forth in the chart below.⁸⁷

Table 2: Social and Emotional Intelligence Competencies

EMOTIONAL INTELLIGENCE	SOCIAL INTELLIGENCE
Self-Awareness -> What we sense about ourselves	Social Awareness -> what we sense about others
	- Primal Empathy, Empathetic Accuracy, Listening, Social Cognition
Self-Management	Social Facility (Relationship Management)
	Synchrony, Self-presentation, Influence, Concern

While coaching lawyers, coaches should help clients to expand their awareness and build their emotional vocabulary with a focus on the competencies noted in the chart above. Coaches can do so through resources, such as assessments to help clients become more aware of their strengths (e.g., the VIA Character Strengths Survey), their learning styles (e.g., the Kolb Learning Style Inventory), their listening styles (e.g., the Personal Listening Profile) and their thinking style (e.g., the Neethling Brain Instrument). Coaches should ensure that clients move from self-awareness (that the assessments may provide) to actual behavior change. This can only happen when coaches use appreciative inquiry and transformational learning strategies to put the concepts into real life application for each client.

***127 II. MEANING: SENSE OF SIGNIFICANCE, SENSE OF CONTROL, IDENTITY**

Just as the first phase of the model aligns with the CCCP initial phase of “Context,” the second phase of the Legal Professional Coaching Model aligns with the second phase of the CCCP model--“Content.” Similar to “Context,” “Content” has three behaviors, which are (1) “Feedback”; (2) “Exploring Options”; and (3) “Planning.” The CCCP program describes the objective of this phase as “alignment - learning for knowledge.”⁸⁸ In this step, clients begin to look at observational feedback as they explore the payoffs and unintended consequences of their options, imagine their possible futures, and create a plan with priorities, goals, and critical success factors to work towards those possible futures.⁸⁹

Similarly, during the “Meaning” phase of the Legal Professional Coaching Model, lawyers begin to look at the feedback they derive from their work. Do they have a sense of significance? (i.e., are they intrinsically motivated and thus producing at a top level?) Coaches should encourage creating an action plan with respect to defining the tasks, relationships, and cognitive significance of their clients' roles. Lastly, this phase involves identifying values (which aligns with the Developmental Frames phase discussed above) and creating goals and plans to live and work in line with these values.

A. Sense of Significance

Developing significance is about having a sense of meaning: the M in the positive psychology PERMA™ model.⁹⁰ It is about recognizing a purpose greater than ourselves and how we can impart this calling to others. As Daniel Pink states in *Drive*, his book explaining intrinsic versus extrinsic motivation, management is “finally realizing that we're full-fledged human beings, not single-minded economic robots,” and he argues that the general workforce is looking for “purpose maximizing” work.⁹¹

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As the National Task Force found, lawyers tend to be “ambivalen[t]” about their work.⁹² This can lead to disengagement and apathy.⁹³ To counteract this lack of meaning and purpose, coaches can help their clients rewrite the narrative of their work through a job crafting exercise developed at the Yale School of Management, as outlined below.

***128** Any job--from entry-level to the C-suite--can have purpose. It all depends on how you view that job. But what happens when we're stuck in a job that doesn't feel satisfying or fulfilling? What happens when we can't see the purpose beyond our daily tasks, as many lawyers struggle to do? First, clients should put aside what their job description says on paper, and instead, think about the way they exist in their roles. What are their personal strengths and weaknesses? What is the most fulfilling and enjoyable part of their job? Which aspects do they like the least? By answering these questions, they will be making strides toward an important activity known as “job crafting.”⁹⁴

Job crafting can empower lawyers to rethink and redesign their own jobs in ways that better suit their personal strengths and passions in order to foster better performance, engagement, and satisfaction. Instead of atop-down approach in which managers dictate job descriptions for their employees, job crafting calls for a bottom-up approach that inspires people to take control of their professional lives.

Most commonly associated with the research of Amy Wrzesniewski, a professor at the Yale School of Management, job crafting can be broken down into three different forms: task crafting, relational crafting, and cognitive crafting.⁹⁵ Task crafting involves changing the activities involved in our day-to-day jobs to better reflect our strengths, such as taking on more or fewer tasks or rethinking the way we perform tasks.⁹⁶ (For example, a lawyer whose greatest strength is her creativity may dedicate more time to crafting contrarian arguments to support her position.) Relational crafting is about changing the nature of our interactions with other people.⁹⁷ (For example, an extroverted senior lawyer may wish to mentor new team members or interns.) In addition, such practices also help lawyers combat the problem of low decisional latitude by taking control of their life and their work.⁹⁸

Finally, cognitive crafting calls upon us to change the way we think about our tasks, relationships, or overall job.⁹⁹ It's cognitive crafting that allows us to reframe the narrative surrounding our careers and find the purpose that fuels our daily actions. Cognitive crafting teaches us that the stories we tell ourselves about our jobs are just as important as the jobs themselves. It's the perception that matters.

***129** Studies often distinguish between work as a job, a career, and a calling.¹⁰⁰ A “job” is defined in basic economic terms.¹⁰¹ It feels like a chore that you only do to receive an income. A “career” focuses more on climbing the ladder of achievement.¹⁰² You gain skills, influence, and prestige as you progress. But a “calling” operates on a moral level, as well.¹⁰³ Your calling is a passion. It forms part of who you are as a person. It's work that has inherent meaning and value for you, rather than just an opportunity to profit or get promoted. It is these callings that promise the greatest sense of purpose and personal happiness. Coaches can help lawyers write personal mission and value statements to ascertain their sense of meaning and purpose.¹⁰⁴

To offer a personal example, I did not see the greater purpose in my work as an investment management associate at Davis Polk & Wardwell LLP. My “job” enabled me to have financial stability, and my “career” gave me a sense of professional accomplishment. However, it was not until I realized that the investment vehicles I was helping to create actually offered teachers, firefighters, and healthcare workers an opportunity to augment their retirement savings that I was finally able to see my role as a purposeful “calling.”

Many lawyers live in a perpetual state of thinking that they will be happier when they “kiss the ring,” (the words of a former client, a senior associate in BigLaw) and they are truly not enjoying the journey. Even if the ultimate goal is achieved, living in this way means that many lawyers are not leading the most meaningful life possible. When lawyers are so focused on getting ahead that they have accepted such oppressive levels of stress and anxiety as normal, it is likely a sign that they are living “off purpose.” If we can help them see their significance and live *on* purpose, their life and their work will be meaningful and rich.

B. Sense of Control

Many studies show that when people's needs are met and they are autonomously motivated, their job performance and well-being surge.¹⁰⁵ For lawyers, as other professionals, this would mean higher engagement, job and life satisfaction, and reduced burnout.¹⁰⁶ As discussed above, many lawyers *130 lack a sense of autonomy and control in their work.¹⁰⁷ Lawyers need autonomy and discretion concerning scheduling, decision-making, and work methods, among other things.¹⁰⁸ While this often rests in the hands of senior leadership, coaches should work with clients to articulate their needs and find creative solutions to this problem.

An example of a useful exercise to help clients feel in control of their own lives is the “spheres of influence” exercise. First, clients should be asked to consider all the things that are contributing to their feeling of overwhelm and then compartmentalize these items into three buckets: (1) where they have complete control and are able to resolve the issue without others; (2) where they have partial control or can influence the outcome through actions/behaviors; and (3) where the situation is completely outside of their control or influence. As an example, lawyers often feel like they have no autonomy over their schedule. To help bring control, we start by unpacking the client's perfectionist tendencies. As an example, setting boundaries by having an honest communication with a client about deadlines, instead of assuming that the work must be done by the end of the day. In addition, working with clients on behaviors such as micromanaging helps them to manage their schedule, with the added benefit of empowering their team. Becoming better managers and delegators is a critical step in the coaching journey. Coaches should help lawyers with their limiting beliefs and fears about the particular situation-- that delegating work means it won't be done as well as doing it themselves, or that a client will move their business to another firm that doesn't push back on deadlines. The reality is that clients often make assumptions, and such assumptions control their lives.

C. Identity

Beyond social and emotional intelligence, lawyers often do not have a great understanding about who they are beyond their professional expertise. What are their long-term goals and passions? What are their values? Many lawyers are hyper-achievers and see their entire self-worth as tied to their professional performance. If they are not lawyers, who are they? The job of the coach is to help the lawyer have a sense of meaning and identity.

An exercise to help establish a sense of self and identity is an exploration of personal values. A study by Kennon Sheldon and Larry Krieger found that, over the course of the first year in law school, students experience a shift from intrinsic values to extrinsic values, as well as a shift in their motivation for becoming lawyers from internal purposes, such as interest and *131 meaning, to external drivers, such as financial gain, recognition, and the desire to impress others.¹⁰⁹ Moreover, this shift is accompanied by--and correlates with--their decline in well-being over the same period.¹¹⁰

It follows that if we wish to help our clients reach their highest personal and professional potential, we should encourage them to resist the pull toward the “institutional glide path” that measures success by superficial metrics, and instead help them forge a path that aligns with their personal values and the intrinsic motivations that inspired them to become lawyers in the first place. A values discovery exercise is designed to help lawyers reconnect with their core values and identify discrete action steps that they can take to achieve greater alignment with these values in their careers and day-to-day lives.

Since values are not often a topic of conversation for lawyers (many law firms don't even list the company values on their websites), it is important to help clients understand what values are and how they differ from other constructs such as strengths, goals, or personality traits. It is also important to explain that values are not about moral or ethical behavior and that lawyers need not strive for “virtuous” values. You are not asking them to commit to a lifetime of service or non-profit work. Nor are there any “right” or “wrong” answers. Finally, it is essential to emphasize that what others have proclaimed as noble values are not necessarily those that are--or should be--authentic to them. Assuming values imposed through extrinsic sources only creates dissonance and tension. The goal is not to adopt values that others find admirable, but rather to identify those that are true to yourself, and then to devise ways to live in better alignment with them.

A values discovery exercise asks clients to identify several values that resonate most with them--the ones they deem most central to their sense of self. They might find it helpful to ask themselves questions such as: What's most important to me in life? What's my life's purpose? What must I have to experience true fulfillment? These values need to be organized, prioritized, and defined, and a clear explanation of why this value was chosen needs to be articulated. Next, lawyers should assess how well they are currently living in alignment with these values and together, with their coaches, create new goals and strategies to live in greater alignment with these values going forward.

Coaches should encourage lawyers to use their values as a guide when they are inevitably called upon to make countless decisions about what to do *132 with their time throughout their legal careers. Suggest that they make a point to check in with themselves regularly to consider whether the choices they are making and the activities in which they're engaging are concordant with their values. If not, urge them to consider whether they can find ways to spend more time and energy on activities that further their values, and less time on the experiences that conflict with them. To be sure, this is no easy task. But it is important to remind clients that if their values are not being honored, any short-term "success" will not bring the long-term satisfaction they so desire.

III. IMPACT: IMPACT FOR SELF, IMPACT FOR OTHERS, IMPACT FOR THE LEGAL PROFESSION

The impact that this coaching model is striving for is integrating professional success with increased happiness and engagement among lawyers. There is no single agreed-upon definition of engagement, but it is the subject of an extensive body of research. While this body of research is beyond the scope of this paper, some factors that are frequently cited when measuring employees' engagement is job satisfaction; a purpose or mission that imbues work with importance; opportunities to use strengths and to learn, grow, and develop; close friendships; recognition; and being in the flow (i.e., losing yourself in your work).¹¹¹ The truth is that when we are energetic, enthusiastic, and happily absorbed in our work, we succeed at the highest levels. Research shows that engagement as measured by the Utrecht Work Engagement Scale is linked to performance, productivity, retention, customer service, satisfaction, loyalty, and profitability.¹¹² This is why individual impact leads to impact for others and has ripple effects across the profession. Energy and enthusiasm come from great culture and great colleagues, so any improvements for an individual help to inspire the entire organization.

Hence, the third component of this model is using one's newly defined identity to create real change for yourself, your relationships, and the entire legal industry. This action-oriented phase aligns with the third phase of the CCCP process--"Conduct." In conduct, the intended outcome as defined by *133 CCCP is performance--learning from experience.¹¹³ This is where the client experiments and pilots action; creates opportunities for growth, self-appraisal, and renewal; and follows up on commitments. For the legal professional, the conduct phase is where clients are finally letting go of limiting beliefs by embracing a positive future, investing in their relationships, and using their new mindset and skills to change the entire culture of their organization. This change in mindset, by extension, gradually affects the legal industry as a whole. While the Phase I Developmental Frames work is constantly energizing this work, Phase III is really about taking action. It is about committing to leadership practices that inspire and empower others and creating a happy, engaged, productive, and "successful" legal industry.

A. Impact for Self

The coaching relationship always begins with understanding the "gap": where is our client today, and where does he or she wish to be in the future. Our job, as the coach, is to act as the vehicle for getting the client to their best self, a place where they have achieved "success." However, what happens when our client's definition of success is so narrowly defined? To illustrate this point, I offer the example of a former coaching client, a high-potential senior associate on her way to making partner. She articulated success as "kissing the ring" (which means, in her case, making partner). While she referred to the "cycle of misery" that would be required to reach this lofty goal, as well as her uncertainty about staying at the firm even if she did earn this trophy, she nonetheless clung to the vision. This challenge isn't just about this client's "well-being," as this negative mindset affects her ability to service her clients to the best of her abilities.

While advancing in one's career is certainly important, when the only measurement of success is driven by entirely extrinsic motivations, well-being inevitably gets put on the backburner. Coaches should help their clients redefine "success" as a place where they are engaged, happy, healthy, and thriving. As an example of how coaches can work with clients to identify what success truly looks and feels like, asking clients to visualize their "Best Possible Self" is a helpful tool. The Best Possible Self exercise requires people to envision themselves in an imaginary future in which everything has turned out in the most optimal way.¹¹⁴ While this exercise can be used to change mindset and increase positive emotions and optimism, which we already discussed as necessary components of the lawyer coaching model, the *134 exercise goes further to also increase optimism in terms of expecting favorable outcomes for one's overall life.¹¹⁵ Thinking and writing about the possibilities often generates images of realistic opportunities that can become action plans for development.¹¹⁶

When asking lawyers to imagine their Best Possible Self, it is important to ask clients to be realistic. I have personally experienced outcomes where asking unhappy lawyers to picture their best possible selves caused feelings of disappointment due to the large gap. After the exercise, the coach should take the time to plan steps with the client to help him or her move towards his or her best possible self in a way that is consistent with the expectations of the profession.

Lawyers should let go of the limiting beliefs that personal well-being and professional success are incompatible. In fact, research shows that optimistic, positive, and resilient people not only enjoy a better work-life balance and greater overall well-being and happiness, but they also experience enhanced work productivity and are more successful.¹¹⁷

In addition, focusing on positive impact for self helps avoid burnout, which is highly prevalent in the legal profession.¹¹⁸ Burnout is a response to chronic stress and exhaustion that can lead to depression, substance abuse, and even suicidal tendencies.¹¹⁹ Addressing burnout is critical for law firms, which are constantly struggling with the heavy direct and indirect costs of absenteeism, attrition, and retention.¹²⁰

B. Impact for Others: Cultivate Positive Relationships

Positive psychology scholars have identified that relationships and social connections are crucial to meaningful lives--identifying this concept as the "R" in the PERMA™ model.¹²¹ Our biology and history as a species support *135 that we are social animals who are hard-wired to bond and depend on each other.¹²² We thrive on positive personal and professional connections.¹²³ In fact, organizational psychology scholarship has found that one of the biggest predictors of our well-being at work is our relationship with our colleagues.¹²⁴ It is no surprise that one of the pivotal questions of Gallup's employee engagement survey asks whether respondents "have a best friend at work."¹²⁵ A large body of research has found that having a friend at work significantly increases our well-being and productivity.¹²⁶ As Harvard Business School Professor Teresa Amabile points out, having a "positive inner work life" makes employees more productive and creative, "and one of the things that contributes to positive inner work life is a sense of camaraderie with teammates and close co-workers - a sense of bonding and mutual trust."¹²⁷

Coaches can help lawyers develop positive relationships through social intelligence and communication training. In *The Good Lawyer*, Douglas Linder and Nancy Levit offer a checklist of suggestions for lawyers to improve their social/emotional intelligence.¹²⁸ In fact, Linder & Levit recommend that each lawyer "[t]hink of yourself as a coach as well as a provider of legal services. Recognize that part of your job is to move clients toward more positive emotions."¹²⁹ For instance, lawyers should be able to learn to give their colleagues and clients their full attention without multitasking. In a culture where the expectation is to reply to emails within 20 minutes, coaches can help work with their clients on creative solutions to avoid interruptions and external distractions, such as checking emails. Coaches could help their lawyer clients practice active listening and paying close attention to others' body language, tone of voice, and facial expressions. Coaches may direct clients to study micro expressions through the Paul Ekman Institute as *136 a way to learn the meanings of such non-verbal cues (i.e., develop their primal empathy).¹³⁰ Utilizing coaching skills such as deep listening and presence will help lawyers to develop better

personal and professional relationships. Coaches should also help their clients see the value in investing in these relationships for their own well-being.

C. Impact for the Profession

Historically, law firm culture has focused exclusively on profitability.¹³¹ This has created a vast majority of the aforementioned problems. Coaching can help lawyers, and their entire organizations, realize that the alleged dichotomy between financial success and personal well-being is actually a false one. In fact, happy, healthy, and purpose-driven lawyers are the most successful and resilient at work.¹³²

The legal industry is plagued with retention problems due to the low satisfaction of its people.¹³³ The high turnover rate ultimately wastes resources, both financially and physically.¹³⁴ Furthermore, as Anne Brafford points out, “the spiritual cost of soul-sucking firm cultures is impossible to estimate in dollars.”¹³⁵ Coaching can affect the culture of the legal profession to create a more cohesive and collegial environment. While helping an individual reframe his or her worldview, find meaning in his or her work, and cultivate self-awareness is important work for coaches, ignoring the context and culture within which these lawyers live and work will leave little impact. How can an individual be expected to successfully execute on their plans, and grow as a result, if they are hindered at every step? Coaching attorneys with an eye toward broad change--particularly those in senior leadership positions who are able to implement firm-wide changes--is critical. Coaches can help their lawyer clients realize that, in addition to a focus on the bottom line, they should consider their teams, organizations, and broader legal industry when making decisions. Coaches can help to create transformational leaders that have a “multiplier” effect, inspiring and encouraging the rest of the profession toward positivity, resilience, and success.

***137 CONCLUSIONS**

This paper examined the unique challenges that currently pose an existential threat to the legal industry. The legal compensation model that encourages lawyers to consistently increase the number of billable hours they work, combined with the inherently adversarial nature of the law and the potentially damaging qualities of pessimism and perfectionism that are fostered within lawyers from the very beginning of their careers, has created a culture that does not prioritize personal well-being. As a result, lawyers are some of the most likely professionals to experience mental health issues stemming from stress and workaholicism, ambivalence toward their jobs, and an overall sense of dissatisfaction that not only harms lawyers' individual well-being but also the industry at large, due to high rates of burnout.¹³⁶

Drawing on extensive research and my own experience in BigLaw, I have proposed an innovative coaching experience that is specifically tailored to address the inner workings of the legal industry and the pervasive problems that threaten every lawyer's well-being. My coaching model, guided by the principles of positive psychology, appreciative inquiry, and transformational coaching, suggests a three-pillar approach incorporating (1) mindset, (2) meaning, and (3) impact.

Under the mindset pillar, coaches should counteract the professional pessimism of lawyers by cultivating “flexible optimism” that allows lawyers to remain prudent in their professional lives while adopting a more optimistic mindset personally. Coaches should also promote courage and possibility, in lieu of the perfectionist tendencies that can be damaging to many lawyers' sense of self-worth and expand the client's capacity for self-awareness and management.

Under the meaning pillar, coaches should combat lawyers' ambivalence toward their work by fostering a sense of significance and purpose within their clients. Coaches should also nurture the client's sense of control and individual identity, since lawyers often suffer under the assumption that their entire sense of being is tied to their professional and financial success.¹³⁷

Lastly, under the impact pillar, coaches should help clients reframe their understanding of success as one that is linked to their personal wellbeing and internal motivations, rather than simply an external construct--defined by superficial values such as promotions and bonuses--that often leads to burnout and depression. Coaches should also help clients discover positive

relationships and social connections both at the office and at home. *138 Focusing on the impact on the client's self and on others will ultimately have a positive impact on the client's law firm, as well. Lawyers who feel more purposeful and satisfied will be more productive and resilient at work--and less likely to quit the profession.¹³⁸

This new coaching model, uniquely designed with high-achieving lawyers in mind, is poised to benefit not only an individual client but also the legal profession as a whole. Coaching individual lawyers will have a ripple effect across their respective organizations and the legal community at large. Specifically, coaching lawyers in leadership positions provides an opportunity to spark transformational change by empowering those leaders to have a “multiplier” effect within their broader law firms, inspiring those around them and further developing their teams. It is important to note, however, that the method of delivery should be bespoke and must consider the unique opportunities and challenges of the organization to ensure leadership buy-in. Therefore, the coaching model could be applied while working directly with individual clients, but also in group and team formats.

It is time to retire the harmful belief that personal well-being and professional success are mutually exclusive. The coaching experience that I propose will help lawyers enjoy greater professional and personal satisfaction. Such healthy and fulfilled lawyers will be more productive and purposeful employees, thereby yielding superior business results and ensuring thriving law firms.

Footnotes

- a1 The Preston Associates, Executive Coach. Fordham Law School, Adjunct Professor of Law. J.D. 2010, Columbia Law School. M.A. 2020, Columbia University.
- 1 Many students enter law school having been inspired by their own internal dreams and motivators, but over the course of their education, they begin to place greater value on external and superficial motivations that ultimately harm their sense of self and personal well-being. My students have shared with me these feelings and concerns as primary motivators for enrolling in the course. There is also a critical gap in the existing law school curriculum, which prizes traditional intelligence but typically does not cultivate social and emotional intelligence within new lawyers. I believe it is crucial to begin coaching future lawyers while they are still learning. Otherwise, the industry is doomed to perpetuate the same problems that this paper will outline. If we can provide the next generation of lawyers with a toolkit for attaining professional and personal success, before they even enter the workforce, then we will be one step closer to improving every lawyer's well-being and transforming the industry for the better.
- 2 See generally Anne M. Brafford, *Building the Positive Law Firm: The Legal Profession at Its Best* (Aug. 8, 2014) (unpublished Master's thesis, University of Pennsylvania) (on file with University of Pennsylvania); STEVEN J. HARPER, *THE LAWYER BUBBLE: A PROFESSION IN CRISIS* (2013); Jarrod F. Reich, *Capitalizing on Healthy Lawyers: The Business Case for Law Firms to Promote and Prioritize Lawyer Well-Being*, VILL. L. REV. 361, 361-418 (2020).
- 3 Brafford, *supra* note 2 (capstone at 7).
- 4 See Jacquelyn Smith, *The happiest and unhappiest jobs in America*, FORBES (Mar. 22, 2013, 2:55 PM), <https://www.forbes.com/sites/jacquelynsmith/2013/03/22/the-happiest-and-unhappiest-jobs-in-america/?sh=68bdd4al2edd>; See also Lizzy McLellan, *Lawyers Reveal True Depth of Mental Health Struggles*, LAW.COM (Feb. 19, 2020, 11:00 AM), <https://www.law.com/2020/02/19/lawyers-reveal-true-depth-of-the-mental-health-struggles/>.

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- 5 Martin E.P. Seligman, Paul R. Verkuil, & Terry H. Kang, *Why Lawyers Are Unhappy*, 23 CARDOZO L. REV. 33, 37 (2001).
- 6 Reich, *supra* note 2, at 367-370.
- 7 See HARPER, *supra* note 2; Brafford, *supra* note 2.
- 8 “BigLaw” refers to the largest 200 firms in the U.S. ranked by gross revenue in *The American Lawyer*, a legal trade publication.
- 9 Susan R. Jones & Kate Neville, *The Current Environment Needs Leadership: Coaching Can Help Lawyers Lead*, https://www.americanbar.org/groups/business_law/publications/blt/2020/10/leadership-coaching/ (last visited Nov. 15, 2021). For an example of true leadership coaching for lawyers, I suggest reviewing the article written by my colleagues at The Preston Associates regarding the questions leaders in law should consider to rebuild after the pandemic, available at: <https://www.linkedin.com/pulse/a-z-questions-leaders-law-consider-build-back-better-we-bramley>
- 10 Amrisha Vaish, Tobias Grossmann, & Amanda Woodward, *Not All Emotions Are Created Equal: The Negativity Bias in Social-Emotional Development*, 134 PSYCH. BULL. 383-403 (2008).
- 11 BEN MACEWEN, GROWTH IS DEAD: NOW WHAT? LAW FIRMS ON THE BRINK 41 (2013).
- 12 Jason M. Satterfield et al., *Law School Performance Predicted by Explanatory Style*, 15 BEHAV. SCI. & L. 95, 100-04 (1995); Todd David Peterson & Elizabeth Waters Peterson, *Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology*, 9 YALE J. HEALTH POL'Y L. & ETHICS 357 (2009).
- 13 See Seligman et al., *supra* note 5, at 33-34.
- 14 Martin E. P. Seligman & Peter Schulman, *Explanatory Style as a Predictor of Productivity and Quitting Among Life Insurance Sales Agents*, 50 J. PERSONALITY SOC. PSYCH. 832 (1986).
- 15 *Id.*
- 16 MARTIN E. P. SELIGMAN, LEARNED OPTIMISM: HOW TO CHANGE YOUR MIND AND YOUR LIFE 84-101 (2018).
- 17 See Brafford, *supra* note 2, at 16.
- 18 MARTIN E.P. SELIGMAN, AUTHENTIC HAPPINESS: USING THE NEW POSITIVE PSYCHOLOGY TO REALIZE YOUR POTENTIAL FOR LASTING FULFILLMENT 203 (2002).
- 19 Seligman, *supra* note 14, at 290-292.

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- 22 Susan S. Daicoff, *Lawyer, Know Thyself*, 46 AM. U. L. REV. 1337, 1418 (1997); Seligman et al., *supra* note 5.
- 23 Brafford, *supra* note 2, at 16. *See also* SHIRZAD CHAMINE, POSITIVE INTELLIGENCE 31-55 (2012) (exploring the “pleaser” and “hyper achiever” saboteurs).
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- 26 *Id.*
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- 28 Harper, *supra* note 2; Brafford, *supra* note 2, at 10.
- 29 Brafford, *supra* note 2, at 12.
- 30 Harper, *supra* note 2, at 104.
- 31 National Task Force on Lawyer Well-Being, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* (2017) <https://lawyerwellbeing.net/wp-content/uploads/2017/11/Lawyer-Wellbeing-Report.pdf> (last visited Sept. 28, 2021).
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- 33 Seligman et al., *supra* note 5, at 56-57; Brafford, *supra* note 2, at 19.
- 34 Hannah Kuper & Michael G. Marmot, *Job Strain, Job Demands, Decision Latitude, and Risk of Coronary Heart Disease Within the Whitehall II Study*, 57(2) J. EPIDEMIOLOGY & CMTY. HEALTH 147 (2003).
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- 36 National Task Force on Lawyer Well-Being, *supra* note 31.

- 37 Brafford, *supra* note 2, at 20, 50.
- 38 *Id.* at 25.
- 39 *Id.*
- 40 *Id.* at 25-26.
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