

Building Organizational Firewalls Against Burnout

(Article three in a three-part series on *Burnout in Law*)

BY ROBIN OAKS

This final article in a three-part series highlights how legal culture, environments, and organizational leadership contribute to burnout. The World Health Organization defines burnout as a “syndrome resulting from chronic workplace stress that has not been effectively managed.” Although individuals might be encouraged to manage stress effects with self-care strategies (i.e., mind-body, growth mindset, healthy eating, exercise, and optimal sleep practices), occupational, environmental, and leadership dimensions also play a part in burnout prevention.

Although excessive workload or time demands are often cited as common organizational factors contributing to burnout, research carried out by Bakker et al. (2005) confirmed that other conditions create chronic work fatigue, distress, and strain. The following factors contribute to satisfaction—or stress, depending on the degree to which they are part of an employee’s work experience and perceptions: 1) opportunities for growth, accomplishments; 2) recognition, and meaningful, challenging work tasks; 3) clear, consistent, constructive, and skillful feedback; 4) consistent communications about roles, performance, and expectations; 5) relationship connections that feel safe, inclusive, collaborative, and authentic; 6) supportive supervisors that model conduct of fairness, civility, and respect; and 7) autonomy and flexibility with work hours and workload.

The business costs associated with burnout are high. Studies estimate that on average the organizational financial cost of an employee leaving their job might be up to or over a year’s worth of what that person’s salary equaled. There are visionary changes happening in law firms that reflect what is valued beyond profits. For instance, Morgan, Lewis & Bockius, LLP, ranked number four in Vault.com’s Best Law Firms for Employee Wellness survey, allows associates to count time attending the firm’s skills training sessions

towards their required totals for billable hours. These ongoing sessions by the firm’s well-being coordinator that promote performance and stress management (i.e., mindfulness, feedback literacy, resilience and leadership skills) are considered strategic investments in the firm’s and employees’ success and sustainability.

We are all impacted by our work environments and relationships with others, whether we work as a solo practitioner, in a law firm or corporate setting, or in the courthouse. In the largest national survey of judges on workplace stress and wellness conducted in 2019 by CoLAP, sources of stress and drain for judges included: long hours working without breaks, incivility and unprepared attorneys, hearing contentious family law or severe trauma cases, insufficient staff support (turnover), inadequate court facilities or security concerns, and isolation in judicial service.



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The Importance of Supportive Leadership and Skillful Communications

So, what factors in legal work settings contribute to high demands and low resources that push legal professionals down the slippery slope of burnout—or perhaps out of legal practice altogether? The following are five themes of demands impacting employees’ physical and psychological energy reserves: 1) cultures that incent for neglecting needs and hostile competition, 2) ambiguity and lack of transparency about roles and expectations, 3) repetitive and relentlessly taxing work tasks with limited supportive resources or variation, 4) breakdowns in necessary communications to problem-solve solutions, and 5) perceived misalignment of work with goals, growth expectations, interests, and values. Cynicism and isolation become coping strategies for dealing with chronic demands—external or internal.

Several studies have shown that supportive leadership is highly associated with lower levels of burnout. The perception that supervisors in the workplace will and can effectively address demands and provide needed resources creates a buffering effect against chronic stress. Supportive supervisors directly monitor and address work conditions by problem-solving ways to ameliorate tension experienced around work-family conflict and modeling effective stress

management, self-care, and change management strategies.

In one recent study,¹ researchers discovered that expressing gratitude to employees *before* they are expected to engage in distressing tasks helped counteract some of the negative emotions associated with demanding undertakings. The research revealed that expressing gratitude early – not later, makes employees 1) more likely to *persist* when faced with emotionally and physically taxing demands, and 2) become *more resilient* after setbacks. “Anticipatory gratitude expressions—compared to hope and no emotional expression—prior to completing a distressing task increased persistence, all via the mechanism of social worth.”

This research underscores why legal leaders need to anticipate how certain work changes and demands will impact employees to better mitigate the stressors and uncertainty distress that may arise. Also, supervisors set the tone for what constitutes work culture. For instance, in a recent study about leadership styles and values, it was found that dominant managers (those using coercive managing methods based on fear and control) lead to higher levels of unethical employee conduct.²

“While a dominant leader might not actively promote unethical behavior, their style can create an atmosphere where subordinates feel compelled to engage in unethical actions to meet expectations or avoid conflict.” Leaders who display emotional volatility, unpredictability, or rule by command and control create work cultures in which pressure to conform, fear of repercussions or making mistakes, and unethical, competitive behaviors become the norm. These conditions further create stress, tension, and low morale.

Through my legal work for several decades investigating “toxic” workplace conduct and evaluating work climate issues, I’ve seen how supervisors, work environment, changing conditions and cultures can detrimentally impact employees physically, mentally, emotionally, and occupationally. The following are characteristics of supportive supervision and high performing, healthy work environments:

- Ongoing transparent and candid communications about workload management, resources and expectations that also address employees’ strengths, goals, experiences, and interests.
- Respectful and positive interactions, conflict resolution and collaboration skills, and rewards and recognition for accomplishments with constructive feedback and fairness.
- Well-being self-care practices modeled and encouraged (including taking breaks and vacations), recognizing individual concerns for work-family balance,

cultivating authentic connections, and ongoing assessments of what helps employees strive and thrive.

- Psychologically safe work environments and leadership decisions aligned with values and expressed missions (i.e., belief that it is safe to speak up, learn from mistakes, and grow).

Job Crafting: Hope for Creating a Better Work Fit

A work demand by itself does not create burnout. What matters is what individually is experienced as stressful, whether one perceives they have the inner and outer resources and support to address work demands, and whether pressures creating distress or fatigue are episodic - not chronic. Job crafting is a systemic, intentional “work design process” by which leaders and individual employees work together to make features of environmental realities, values and visions align with employees’ personal and professional needs, goals, and skills.

Jane Dutton and Amy Wrzesniewski first introduced the idea of “job crafting” in 2001 in a seminal article on the subject.³ Dutton then founded the Center for Positive Organizations at the University of Michigan as a resource and training hub for supporting change-makers, managers, leaders, and employees to take evidence-based action and make organizational changes that yield positive and profitable outcomes.⁴

Job crafting is more than a one-time event; it involves ongoing assessments, creative problem-solving, and skillful communications through three avenues of focus: cognitive reframing, work tasks, and relationship boundaries. “These altered task and relational configurations change the design and social environment of the job which in turn alter” in a constructive way the following: a) work meaning, b) work identity, c) job performance, and d) well-being. “Employees can and do exercise agency to redesign their own jobs ... so it is an influential factor in how employees conduct and experience their work.”⁵

Consciously crafting work conditions involves: 1) ongoing assessing and restructuring of the nature or amount of work; 2) cognitive reframing focused on meaning, motivation, and interest in doing certain work; 3) adjusting physical environments and relationships; 4) assessing what new skills, training, and resources are needed; 5) addressing negative stressors and promoting job energizers; and 6) identifying what employees want and seek from their work experience and job-life goals.

Many legal environments may support the autonomy of legal professionals to do their work well and include sufficient support staff and physically safe work conditions.

Small Steps for Positive Change

1. Spark a discussion with colleagues or employees you supervise about what energizes them or is something that feels draining or distressing about work. Create a list of topics to explore that everyone agrees would be of interest to pursue. Discuss ways to follow through.
2. Identify one thing that you love and one thing that is tedious about your work. Think of one way to reframe what you perceive as a pain and see it somehow as a gain. Each day reflect upon something you enjoy about your work - and take a moment to savor it mindfully.
3. When you anticipate a demanding work project will happen, reach out beforehand to the attorney or staff member who will be involved somehow and say something you appreciate about them. Give your full attention when you talk, make eye contact, and mention the value and positive traits they bring to the upcoming, challenging new task or matter they'll be handling. Be authentic.
4. Start a meeting by reviewing some recent research about burnout in law and conduct an anonymous survey asking about ways to prevent and address burnout in your current work environment. Encourage candid feedback about concrete actions that can be taken to address what the survey results revealed. Follow up at the next meeting with ideas for further discussion.
5. Consider one small and simple step you can take or support you might solicit to help modify a frustrating routine task, adjust something about a challenging relationship, or address an ongoing pressure related to your work. Then, do it.

However, leaders need to strategically manage legal work stressors and value competencies (beyond those proficiencies needed to do legal work) that contribute to successful and thriving work environments. Current highly valued leadership skills for successfully dealing with change and navigating the demands of the future include: communicating effectively, managing work demands and resources, cultivating collaboration, demonstrating emotional intelligence, fostering well-being, and addressing employees' needs.

Hope for Prospering and Preventing Burnout in Law

Throughout this series of articles about burnout in law, I've highlighted numerous individual and institutional causes and cures. The experience of burnout is varied. A salient feature of extreme burnout in law is feeling hopeless and cynical that nothing can or will change—and that chronic stress and drain are permanent features of legal practice. Burnout can be prevented with awareness of its causes and a more hopeful perspective that includes fostering well-being competencies as part of our legal work cultures. The Latin word for hope is “sper,” which has various meanings, including “to prosper, and prosperous.”

In the spirit of new resolutions and creating positive habits in this new year, I'm offering a short list of strategic and simple behaviors that you might consider trying. Any of these evidence-based actions can contribute to creating

healthy work cultures, buffering organizational and individual stressors, and building a firewall against burnout to help you and those with whom you work prosper. Happy and Hopeful New Year! ■

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ENDNOTES

- 1 [Hooria Jazaieri](#) and [Olivia A. O'Neill](#), *Thanks in Advance: The Social Function of Gratitude Expressions to Employees in Distress*, *Academy of Management Journal* (2024).
- 2 Garrett L. Brady and Niro Sivanathan, *More Than Meets the Eye: The Unintended Consequence of Leader Dominance Orientation on Subordinate Ethicality*, *Organization Science* (2023).
- 3 https://positiveorgs.bus.umich.edu/wp-content/uploads/Crafting-a-Job_Revisioning-Employees.pdf
- 4 Center for Positive Organizations; <https://positiveorgs.bus.umich.edu/>
- 5 <https://positiveorgs.bus.umich.edu/wp-content/uploads/What-is-Job-Crafting-and-Why-Does-it-Matter1.pdf>