

# Strategies for ‘Lawyering Well’ During Well-Being in Law Week

BY ROBIN OAKS

You’re invited to attend a week-long event of speakers in late October who will share evidence-based strategies and topics about lawyering well. Each day at noon (12:00 – 1:15 pm) by Zoom, starting on Monday, October 28, 2024, and each day through Friday, November 1, 2024, a line-up of nationally recognized professionals will present on a wide range of fostering well-being topics for legal professionals. MCLE credits will be provided, including wellness competence, elimination of bias, and ethics. Also, plans are being made to have a drawing that will include at least a dozen wellness/well-being books, gift certificates, and products for lucky attendees.

As the SBCBA Well-Being Director and Chair of the Well-Being section, throughout this past year I’ve met professionals who are enthusiastic advocates for fostering well-being in the legal profession. I’ve also met skeptics (even some cynics) who are on the fence about whether well-being in law matters at all. Is lawyer well-being an oxymoron? I’m convinced that attending the well-being in law week event will broaden your perspective about why well-being and wellness practices do indeed help us live and work better – and support lawyering well.

As lawyers, we are trained to be skeptical, to question everything and believe almost nothing, focusing mainly on how to problem solve and defend, analyze all positions, and make predictions to assess risk and prevent future harm. Legal “thinking” creates mindsets that we bring not only to our lawyering, but also to how we live life. The questions we ask repeatedly as part of our trade often create neural pathways that keep us focused on what has or could go wrong – instead of on how to thrive. Understanding the research and practices that support well-being may help us see beyond the half empty cup, allowing us to have a much needed, refreshing sip from the glass half full. One mindset focuses on problems, the other on possibilities.

Legal “success” is not just the opposite of failing to make a living or not being profitable. Lawyering *well* means a lot

more than you might have considered. “Well” means more than the absence of illness. It’s defined as being healthy, fighting fit, vigorous, in tip-top condition, and robustly alive. It also means being skillful, competent, effective, wise, successful, accomplished, and fully living. I’ve chosen the speakers and their topics for the well-being in law event because they provide a well-spring of resources that can support, benefit, and energize your life as a lawyer.



Robin Oaks

The California Bar understands that in order to support lawyer competence more than strategies for prevention are needed. Lawyers are required to have MCLE *competence* education that covers preventing and detecting mental and physical problems, but now they have the option to learn about thriving, stress management, and optimal performance (i.e., wellness and well-being).<sup>1</sup>

So, consider giving yourself an hour each day for a week in late October to step away from thinking about what can go or is wrong, and explore instead some strategies for optimizing lawyering well. How exactly might the specific topics presented during the well-being in law event benefit your legal practice? Let me spark your interest by highlighting what the five speakers will cover.

## **TOPIC: Psychological Well-being for Legal Professionals: What is it and how do we find it?**

**Speaker:** Dr. Nicole Alea Albada, Ph.D., Professor/Researcher UCSB Psychological and Brain Sciences Department, Director for Education and Outreach of UCSB’s Center for Aging and Longevity Studies, Director of the Thinking About Life Experiences (TALE) Lab.

Dr. Albada will discuss different ways of conceptualizing what fostering well-being is all about. She will discuss changes in the patterns of these two types of well-being that are typically seen across adulthood and our careers. Hedonic well-being is about feeling good in the moment, and eudaimonic well-being is about striving to experience a sense of living a life of engagement, healthy relationships, meaning, and excellence. Dr. Albada will highlight the various ways that psychologists measure well-being, ranging from popular self-report measures to analysis of people’s memories for their lived experiences. The audience will be

asked to consider their well-being pathways across their legal career timelines, and how thoughts and mindsets affect fostering and experiencing well-being.

Dr. Alba is the Director for Education and Outreach of UCSB's new Center for Aging and Longevity Studies, which "brings together researchers, scholars, and educators from multiple disciplines in an effort to improve the human experience by augmenting health span, ameliorating age-related diseases, advancing the vitality of an aging population, and investigating the societal impact of extended longevity." The TALE lab (Thinking About Life Experiences lab in Psychological and Brain Sciences, which Dr. Alba heads) uses a "multi-method approach to ask questions about human experiences. Understanding the many facets of what contributes to well-being from a scientific perspective helps us optimize our functioning, longevity, and sustainability as human beings and legal professionals.

**TOPIC: *Unlearning Silence to Unleash Our Talents and Support Legal (and Life) Success***

**Speaker:** Elaine Lin Hering, J.D., facilitator, speaker, and author of *Unlearning Silence, How to Speak Your Mind, Unleash Talent, and Live More Fully* (2024).

Having a seat at the table in legal environments doesn't mean that voices will be heard or that it's easy to speak up. This presentation will explore the many meanings of silence in the workplace and how *unlearning silence* in our lives promotes successful legal practitioners, contributes to legal work environments of belonging and inclusion, and supports engagement and life satisfaction. Ms. Hering will help us understand how we silence ourselves, we silence others, and we are silenced in workplaces and in ways that negatively impact us. Most importantly, she will provide guidance regarding what to do about it.

Elaine Lin Hering, a lawyer, has worked across six continents with organizations and individuals to build skills in communication, collaboration, and conflict management. She has facilitated executive education at Harvard, Dartmouth, Tufts, UC Berkeley, and UCLA, and is the former Advanced Training Director for the Harvard Mediation Program and a Lecturer on Law at Harvard Law School. She coaches women and minorities navigating executive leadership in majority white spaces, and has spoken at conferences ranging from the Auschwitz Institute on Peace and Reconciliation to the Global Leadership Summit.

Do you feel you can speak up about what matters and for what you or others need? What can we do to promote finding our voice, aligning with our truth in how we do our legal work, and learning how to listen to become more effective legal communicators? Ms. Hering's thought-provoking

and engaging talk will explore bringing more authenticity, engagement, peace, and leadership into our legal life and work environments.

**TOPIC: *How Mindfulness and Emotional Intelligence Impact Judicial Decision-making and Ethics, and Buffer Law Practice Stressors***

**Speaker:** Judge Jeremy Fogel, Director of Berkeley Judicial Institute, Berkeley Law School.

Apart from health and wellness benefits — mindfulness practices allow one to remain present and engaged when dealing with routine legal tasks, help to recognize and mitigate unconscious assumptions, and manage and regulate one's emotions in stressful situations. Judge Jeremy Fogel will explore how "a judge's decisions frequently are made in and affected by an atmosphere infused with emotions and passions that can confound the detached rationality with which decisions—at least in theory—are supposed to be made." This presentation will share practices about mindfulness and emotional intelligence skills, and highlight their importance for lawyers and judicial decision-making. Slowing down mental processes to notice what one is thinking and feeling, and then responding and engaging with emotional intelligence—and compassion, positively promote ethical and civil conduct, buffer work stressors, and optimize legal outcomes.

In 2018, Judge Jeremy Fogel, previously a District Court Judge, became the first Executive Director of the Berkeley Judicial Institute, at Berkeley Law School. The Institute's mission is to build bridges between judges and academics and to promote an ethical, resilient and independent judiciary. Judge Fogel has served as a faculty member for the Federal Judicial Center since 2002 and has been a lecturer at Stanford Law School for many years. Among his major areas of interest that his presentation will cover are judicial ethics, judicial decision making (including effective ways to teach judges mindfulness and about unconscious bias and the impact of emotions) and judicial and legal professionals' wellness.

**TOPIC: *Successfully Overcoming Procrastination and Writer's Block***

**SPEAKER:** Meehan Rasch, J.D. and David Rasch, PhD, psychologist and author of *The Blocked Writers Book of the Dead: Bring Your Writing Back to Life!* (2010)

Law is a particularly writing-heavy profession. However, lawyers, law students, and law professors often struggle with initiating, sustaining, and completing legal writing projects. Even the most competent legal professionals experience periods in which the written word just does not flow

freely. Dr. David Rasch and his daughter, attorney Mehan Rasch, provide guidance for legal writers who are seeking to understand and resolve writing blocks, procrastination, and other common writing productivity problems. Dr. Rasch and Ms. Rasch will explore in their presentation the complexities of the legal writing process, common writing productivity issues, and practical tools for improving legal writing productivity. Whatever kind of legal writer you are, this presentation will cover common writing challenges and help identify how best to make lasting changes.

Dr. Rasch is a psychologist with over thirty years of experience assisting writers with productivity issues, and has worked as a therapist, workshop leader, writing consultant, Director at Stanford University's Faculty Staff Counseling Center. He currently works as Ombuds at Stanford and UC Santa Barbara. He has published several articles, including, one with his daughter, attorney Meehan Rasch, that focuses exclusively on legal professionals and procrastination: *Overcoming Writer's Block and Procrastination for Attorneys, Law Students, and Law Professors* (published

in *New Mexico Law Review*). Meehan Rasch has worked as an appellate attorney, was a 2011-12 Wydick Fellow at University of California Davis School of Law (King Hall), and has taught law students as an adjunct instructor of legal writing and advocacy at University of Southern California Gould School of Law.

### ***TOPIC: A Cardiologist's Holistic and Evidence-based Guidance for Managing Stress and Lawyering and Living "Whole-Heartedly"***

**SPEAKER:** Dr. Jonathan Fisher, M.D., FACC, author of *Just One Heart, A Cardiologist's Guide to Healing, Health, and Happiness* (2024)

Dr. Jonathan Fisher, a practicing cardiologist, will present about the connection between mind-body and *heart* for stress management—and what factors truly contribute to wellness, a successful and rewarding professional practice—and a happy life. He will address the similarities of stressors doctors and lawyers face and how this can take a toll on one's thriving as a professional. Dr. Fisher will share his personal and professional story about "trying to hide anxiety, depression, and burnout from others: burnishing the image of a 'perfect' student and a 'perfect' doctor." His paradigm shifting insights reveal the importance of learning what he describes as the "seven timeless traits of the heart." Based on his personal quest to discover the roots of healing and happiness, Dr. Fisher's talk provides a compelling argument to make positive psychology practices and strategic well-being interventions a cornerstone of one's professional life and to promote wholehearted living for holistic health and vitality,

Dr. Fisher's presentation will bring to a close the well-being in law week-long event (the last day is Friday, November 1, 2024, Noon-1:15). November 1st happens to appropriately be "National Love a Lawyer Day." So, consider attending this week-long event with a mindset of curiosity and with an intention of caring for lawyers, for your clients, legal colleagues, judges, legal professionals and staff—and for yourself. Participate through Zoom and hear speakers share from a (w)holistic, multi-dimensional perspective how well-being strategies can benefit your legal practice, your life, and our legal profession and community. ■

*Robin Oaks has been an attorney for nearly forty years, and for twenty-five years has provided legal services focused on independent workplace investigations and mediation. She is certified in and has studied a wide range of healing, emotional intelligence, cognitive fitness, and mind-body practices. She is a well-being*

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experience. A current license to practice in California is required. Salary range for qualified candidates is \$115,000 to \$225,000. Please submit a cover letter and resume detailing your experience to Craig Parton at cparton@ppplaw.com.

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*Well-Being*

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*consultant and offers confidential professional life coaching sessions for legal professionals seeking to optimize potential, restore balance, and thrive during stressful life changes and challenges. Contact: Robin@RobinOaks.com or 805-685-6773.*

ENDNOTE

1 For "competence" education (2 hours MCLE requirement), attorneys must take at least one hour of education in "prevention and detection of those mental or physical issues that impair a licensee's ability to perform legal services with competence" (i.e., prevention and detection education subcategory), and now also have the option of education in 2) strategies "addressing physical and mental *wellness and well-being*" (i.e., wellness competence education subcategory).