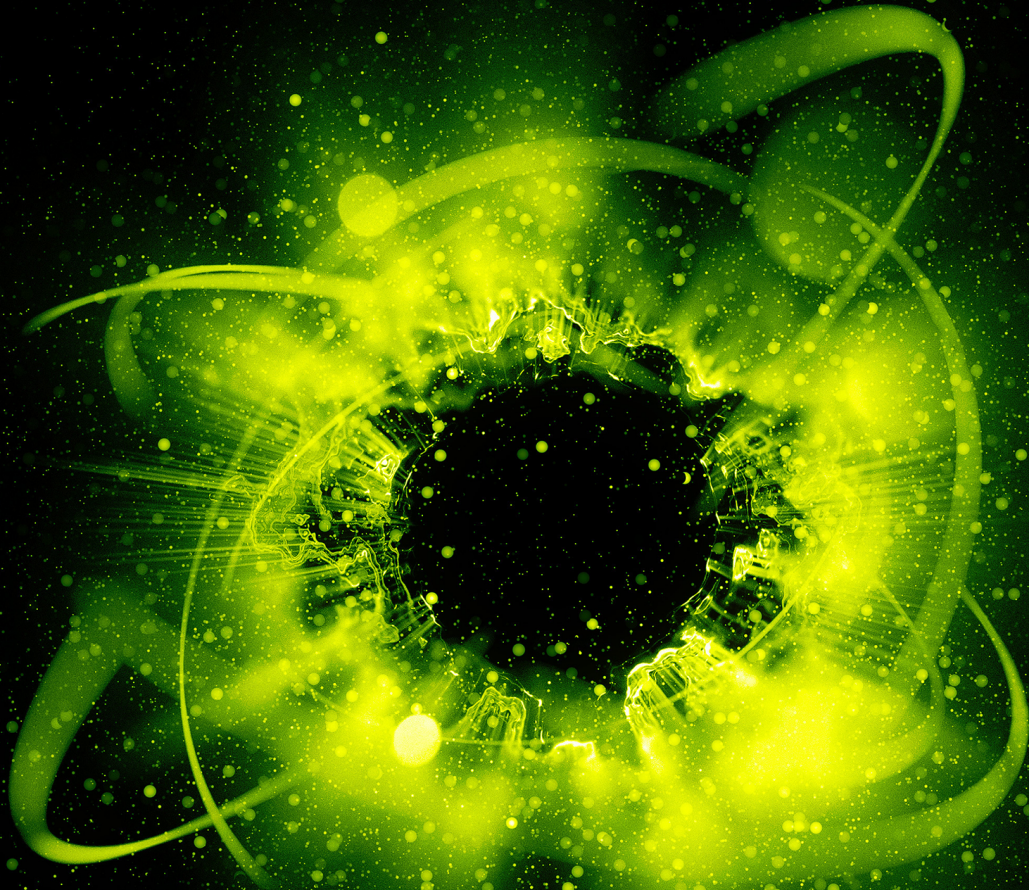


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Leading through the
pandemic: Well-being
for chief legal officers

The concept of leadership was evolving even before COVID-19. In fact, 80 percent of respondents to the 2019 Deloitte Human Capital Trends survey believed that leaders would need to demonstrate unique and new skills to be effective in the 21st century.¹ COVID-19 has put a spotlight on the conversation around effective leadership, and many leaders, including legal executives, are challenged to respond to business impacts unlike anything previously seen and for which the enterprise was not well prepared²—while also navigating the evolving expectations of their stakeholders.

The COVID-19 challenges are immense, and the stakes are high. Alongside the rest of the C-suite, the chief legal officer (CLO) and their outside counsel will likely be on the front lines of both response and recovery. For CLOs, this means continuing to take an active seat at table as the enterprise navigates the risks associated with high-stakes decisions on unprecedented issues. In a recent survey of 110 general counsels,³ 67 percent said their workload has increased as a result of COVID-19, and more than half rated the pandemic as having a severe impact on business. Faced with these increased demands on time, energy, and insight and the heightened volume of unique challenges and elevated risk, how can the CLO and those within and supporting the legal function not just persevere through the increased and prolonged pressure, but also demonstrate strong leadership? The answer is twofold: First focus on your own well-being, then reimagine the way you engage your team.

In this article, we explore the insights, experiences, and advice of experts who focus their work on legal professionals. Those experts, psychologists **Dr. Deborah Day** and **Dr. Larry Richard**; expert in organizational behavior **Chris DeSantis**; executive coaches **John Mitchell** and **Heather Hubbard**; and Deloitte's chief well-being officer, **Jen Fisher**, have helped to inform this article so that we might understand the unique leadership experience of lawyers in the COVID-19 pandemic and how you might begin to adapt your leadership approach to the evolving demands.

To frame the conversation, it is important to understand where we are. All of the experts we talked to agreed that we are in a period of loss. Chris DeSantis, expert in organizational behavior, notes that many people have not yet come to terms with the potential long-term impact of the situation. While work-from-home mandates may not last forever, some of the ways we work have likely been forever altered. This grief or mourning over what has been lost is amplified by the conditions in which we find ourselves. DeSantis describes it:

"We are challenged by the convergence of our different selves. Let me explain: Self Complexity Theory is the notion that you are different under different circumstances and with different audiences. For example, at work you are a lawyer, a colleague, an adviser. But at home you may be a parent, a soccer coach, and a neighbor. Before COVID-19, these two selves infrequently had to actively coexist in the same place, at the same time. Because of the shelter-in-place orders, the cancellation of schools, and the mandate to work from home, some of these usually differentiated selves are being forced to coexist in the same place, at the same time, all the time. This is very difficult because we are no longer able to compartmentalize, and many people have become exhausted with the constant and relentless shifting of selves that is now taking place."

This exhaustion can inhibit our leadership success, but, says DeSantis, there are ways to counteract the effects, and a strong leadership presence is possible, even now. DeSantis, like the other experts, agrees that a focus on self should be the first priority, followed quickly by intentional focus on leading others.

Focus on self



Well-being

Dr. Larry Richard is both attorney and psychologist. He has spent his career focused exclusively on the psychology of lawyer behavior. He suggests that all humans have three basic needs: the need for predictability, for control, and for connection. COVID-19 has disrupted all three, he argues, and many lawyers are more deeply affected than many others.

Lawyers have a higher need for predictability; they are, as a group, more skeptical and suspicious.^{4,5} It is reasonable to expect that current events have thus frustrated lawyers' ability to find the requisite level of predictability. When it comes to control, lawyers generally prefer a high degree of autonomy.⁶ For anyone who is in this high autonomy category, COVID is more disruptive because it has removed choice, and thus control. Finally, lawyers tend to deprioritize social connection because the profession has traditionally been less collaborative and more focused on individual contributions.⁷ This de-prioritization of social connection is compounded by social distancing and shelter-in-place orders.

To be clear, this characterization of lawyer behavior is not a criticism; these traits make lawyers effective at the work they do, but are also making COVID-19 more challenging to navigate.

Dr. Deborah Day, a forensic psychologist, is seeing the impact of COVID-19 on the lawyers she works with: "A lot of lawyers are feeling anxious because they are isolated. They are fearful about the future and they don't have a strong network they can connect with."

To begin to better manage these challenges, the experts we interviewed suggest the following well-being tips:

- Practice mindfulness and meditation, which have been scientifically proven to increase focus, positively affect decision-making, and enhance stress resiliency. 10 minutes of controlled breathing can lower blood pressure, promote feelings of calm and relaxation, and help us destress.
- Eat light and eat often (every four hours) to maximize your energy. 80 percent⁸ of foods you consume should be nutritious (fruits, vegetables, whole grains, low-fat dairy, protein-rich foods). Be mindful of alcohol consumption.
- Set boundaries for yourself related to technology use and exposure. This includes setting boundaries for work—which may be harder if you're working from home—and limiting your consumption of news, especially sensationalized news.
- Protect time to rest and sleep—seven to nine hours of high-quality sleep nightly are recommended.⁹
- Make time for physical activity, even on your busiest days. Studies show that five to 10 minutes of movement every two hours makes us more engaged, productive, and healthy.¹⁰
- Be self-aware. Understand how you react to stress, and be more aware than usual of those reactions. Also be mindful of the activities that give you energy and those that drain you. Whenever possible, spread out draining activities. Try to take note of daily rhythms—are you more energized in the morning? Do harder tasks then. If you're more of a night owl, save difficult tasks for the evening.
- Stay connected to others. Sixty-seven percent¹¹ of lawyers were already feeling that their personal relationships were negatively affected by their work before the pandemic. With fragile personal relationships to rely on during the pandemic, and with fragile bonds being tested by virtue of the crisis, lawyers potentially face their most challenging personal moments without the full support of others. Especially now, actively and intentionally invest in your relationships with others.



Resilience

In addition to well-being, elevating personal resilience could be an important focus for lawyers. Dr. Richard says, “For the last 25 years my research has shown that lawyers have depressed levels of resilience.^{12,13} COVID-19 can amplify the potential consequences of low resilience.” But not all hope is lost. Our experts agree that it is possible to build resilience; in fact, the Navy Sea, Air, and Land (SEAL) Teams, commonly known as the Navy SEALs, have proven it using mental toughness training techniques. The SEALs focus on what they call the “big four” techniques.¹⁴ These include goal-setting, mental rehearsal and visualization, self-talk, and arousal control.

- **Goal-setting** – Concentrating on goals to bring structure to chaos. Explained more fully, this technique encourages SEALs to stay focused on things they can control. Much of what happens in SEAL training is outside of the trainee’s control, but trainees can control their responses, and they are trained to focus on those responses, not the circumstance, to help get them through exceptionally challenging exercises. The SEALs training coordinators explain that creating certainty where you can may help to decrease anxiety overall. For lawyers, this may be as simple as trying to anticipate any decisions that can be made in advance and making them. Simple decisions like planning your meals, blocking time for exercise, and rest allow you to reserve more mental energy for bigger decisions that come up during the day.
- **Mental rehearsal and visualization** – Envisioning a future encounter allows you to feel more natural and react more appropriately when you are actually in the situation. To leverage this technique, SEALs are encouraged to visualize difficult situations, especially those that will be stressful or challenging or that could create fear. The more they mentally rehearse being in stressful situations, the less stressed they are when the situation occurs and the better able the SEALs are to respond appropriately. This technique can work in any stressful situation; the key is to imagine the situation and your reaction in your mind over and over again.

- **Self-talk** – A focus on your thoughts and an emphasis on positive messages can help to override fear. The average person talks to themselves at a rate of 300–1,000 words per minute.¹⁵ SEALs are taught to repeat positive messages—“you are strong, you are capable, you can get through this,” for example. Like SEALs, changing your internal dialogue to be positive and empowering can change the way you approach your day and your most difficult tasks. To change this habit for the better, ask yourself if you would say the things you say to yourself out loud, or if you say them to or about a friend. If the answer is no, then focus on new, more positive messages.
- **Practice arousal control** – Slow and deliberate breathing can combat panic, and large exhales mimic the body’s relaxation process. SEAL trainers note that arousal control alone is not effective, but the combination of the “big four” techniques is very effective. Like the experts suggested in an earlier tip, mindfulness and meditation, including breathing exercises, can lead to improved resilience for lawyers, too.

By focusing on these techniques, the SEALs have raised their selection program pass rate for one of the most difficult selection programs in the US military from 25 to 33 percent.¹⁶



We sat down with Jen Fisher, Deloitte's chief well-being officer, to talk about tips for thriving in the face of this pandemic and the economic consequences that might follow. Jen has spent the past five years leading Deloitte's well-being initiatives and has been a frequent speaker in legal communities on the importance of well-being.



What has been your/Deloitte's guiding principle in making well-being a priority now and in the months and years before the pandemic?

To answer this question, I really have to start with the story of how I got involved in this work in the first place. Six years ago, after having been at Deloitte for 15 years, I found myself in a high-pressure role without the tools to understand and manage the prolonged stress I was experiencing. I eventually got to a breaking point and burned out. I couldn't get out of bed, I couldn't focus, I wasn't enjoying things that I had previously enjoyed. I was prepared to resign from Deloitte, but luckily, I had a special mentor who helped me realize that I needed to focus on my personal well-being and recovery from burnout. She helped me redefine my professional goals, which led me to put together the business case for investing in well-being. She argued that if I was feeling this way, that there were probably others in the organization struggling with similar challenges. And so, for the last five years, I have been leading well-being. At Deloitte, empowered well-being represents a holistic approach that gives our people the support and flexibility to make daily choices that enable them to be energized, confident, and aware. It provides the opportunity for our people to personalize their experiences in the ways that matter most to them in body, mind, purpose, and financial health. At Deloitte, much like in the legal profession, we have a high-performance culture, which can create significant pressure. Our empowered well-being efforts recognize that in order to perform at your best under this kind of pressure, you need to be taking care of your whole self. And the momentum continues to build and grow; well-being is an integral part of our culture—it defines how we empower our people, how we do our work, how we treat one another.



Can you describe the range of responses you've seen from professionals over the past few weeks?

From a leadership perspective, we've been in awe at how quickly the organization was able to shift to a completely work-from-home environment. What I've most noticed is the degree to which we are honest, transparent, and authentic when we are working from home, as our kids' images come into and out of our virtual meetings, our pets make cameos, and our lives intersect with our work in ways they hadn't previously. Even our most senior leaders are hosting calls from home offices where pictures of their families and hobbies are displayed—we're getting an up-close and personal look at people's home offices, their living rooms, kitchens—really, their personal lives. What might have been considered unprofessional before the pandemic is actually giving us a deeper sense of and appreciation for each other. And although everyone is dealing with this differently, and each of us has different life situations, the connection created by the work-from-home circumstance is helping us feel like we are all in this together, all figuring it out together. I've had many people tell me that they actually feel like they know each other better now, that they feel more connected to each other.

That said, it is important to note that each person has unique circumstances, and the range of responses can be vastly different from person to person. Some are totally alone and may be feeling isolated, others are managing work while caring for children—which is different for parents of toddlers and parents of teenagers and parents of children with special needs. And don't forget those that are caring for their elderly relatives or who themselves have medical conditions that make taking care of basic necessities more challenging or even dangerous. Even under the best of circumstances, adapting to new routines and different demands can add stress and create anxiety. For anyone that already has struggles with well-being, their struggle may be even more difficult than normal. For example, one of the top strategies around well-being for those with mental illness is human connection—but with physical distancing, that just isn't possible in the way it was before. For addicts and alcoholics, meetings may have been a significant source of support, but if they can't go to group meetings, it could derail their coping strategies and potentially lead to a relapse.



What specific advice do you have for leaders?

Here are a few tips:

- **Give your team permission to not be OK** – Let them know that they have the time and space they need to adjust to evolving demands. Encourage them to reach out for help if they need it and make sure resources are known and available. It is important to have regular connection points and check-ins so you can gauge whether or not someone is checked out or nonresponsive. As a leader, you set the tone for new team norms—but you can take this moment to be inclusive by asking the team what they want the norms to be, what their needs are, and how they want to communicate, especially if there is an emergency. For some teams, it makes sense to have weekly connection points, just to catch up with each other and check in on how people are adapting without focusing on work.
- **Be open and authentic about how it's going for you.** Share how you're dealing with your situation, what you're struggling with, how you're coping. This requires a degree of vulnerability that you may not be used to, but one of the beautiful things I've observed through this is a sense of collective vulnerability. It is bringing the stress conversation to the forefront in a way that it wasn't before because it was so stigmatized previously. But now, everyone is dealing with more than normal stress, more than normal worry, and we have a collective permission to talk about those things.
- **Understand that there will likely be a long-term impact.** I am really worried right now about anyone with an existing mental health illness, and I think we are going to see an increase in the need for trauma, PTSD, depression, and anxiety treatments well after the pandemic has passed. Plus, if the economy does go into a recession, we will likely see a surge in mental health needs—one of the top drivers of suicide is financial stress. I encourage leaders to think long term about the support that is available to their teams and about their own long-term self-care.



Do you have any predictions about what happens after this?

Right now, we are all experiencing grief and loss—loss of the norms as we knew them, loss of routines, loss of special events or traditions, and for some, loss of loved ones who get sick or die as a result of COVID-19. None of that is good, but what gives me hope is that this collective experience is empowering a more open dialogue about well-being, about mental health, about self-care, and even about work-life integration. I am really hopeful about the continuation of that conversation beyond the COVID-19 pandemic and what it could mean for the future of work and health. I am also really encouraged by the progress I am seeing around telehealth. The relaxation of some state board standards related to telehealth could create greater opportunities for mental health treatment in communities that in the past didn't always have great access.

As Jen suggests, managing your own well-being is just the first part of exceptional leadership; next comes engagement with your colleagues and teams.



Leading others



Communication

"Failing to appropriately ensure your own well-being is a dangerous mistake for leaders because it can lead to emotional contagion," says Dr. Richard, "a phenomenon where the mood or feelings of one is spread to others in a way that mimics the contagious characteristics of some illnesses." He and DeSantis agree that even in a virtual space, others can and do perceive your mood, and in the absence of evidence to the contrary, others will often interpret your diminished well-being as disdain for them or the work they are doing. This perception may be wrong, but if it happens, it is destructive to productive teaming, especially in a virtual environment. Thus, an effective leader must "pay attention to how they communicate; this includes intense and intentional focus on mindset, pace, and empathy—all have an impact on how effective leadership actions will be, and how receptive your people will be," says Dr. Richard.

But communication does not exist absent the circumstances in which communications take place, so we must consider the impact COVID-19 has had on the social contract between worker and leader. These changes are profound. Consider the following shifts in the previously accepted terms of the worker-leader relationship:

- The boundaries between work and life have potentially dissolved. We are often familiar with our colleagues' living spaces, children, significant others and housemates, pets, and even houseplants. Biases that some have against working from home are also dissolving.
- The topic of emotional well-being is at the forefront of many business leadership topics. The collective and individual trauma of COVID-19's impact that leaders and workers may be experiencing and living through together is providing a shared experience that we may not have previously had.
- Employees are looking for safety in all forms, including physical, emotional, and even financial and digital, which have increased and become more prominent in conversation.

In light of the evolving social contract and the uncertainty of the future of work and workplace, leadership takes on a new, albeit not yet well-defined meaning, and the appropriate skill sets for effective leaders are also quickly evolving, including communication skills. With respect to effective communication in this changing leadership environment, our experts agree, there is no such thing as overcommunication if you are crafting your communications with intentionality. To achieve this, the experts offer a few tips:

- Check in frequently, with the intention of only checking in. Check-in communications should be positive, if possible, but when that isn't possible, craft messages to clearly articulate what you know, what you don't know, and what you're going to do about it. Remember that most people need a degree of certainty to feel secure. To the extent you can, try to provide as much certainty as you can.
- Separate positive and negative or work-focused messages. A message that says both "I'm concerned about your well-being" and "We really need to improve our sales" is likely to fall flat. At best, the recipient of the message will only hear the part about sales; at worst, they will judge the message to be insincere and the part that was intended to be caring as false pretenses.
- Be other-centric. "How are you?" is better than "I care about you" because it focuses on the other. Along these lines, remember that everyone grieves, copes, and recovers differently—in different ways and at a different pace. You cannot assume that anyone else is in the same phase or similarly situated as you. Assuming this can be a big mistake and is likely to make the recipient of your assumptions feel undervalued or unseen.

In an interview with John Mitchell, executive coach to legal executives and premier leadership and resilience educator, Mitchell notes that some clients are laser-focused on getting the right messages out—for those clients, there is no such thing as overcommunication. One example: “I have a client who was previously the firm’s managing partner and now leads one of the largest practice groups. Early in the pandemic he and his deputy split up the practice group list and called every single person on the team, just to check in on them. This one act has created tremendous goodwill and has provided a level of emotional assurance that may not have otherwise existed. This leader is also careful to separate out well-being conversations and functional business conversations. Nothing undermines a caring message like hammering down on billable hours requirements.”

Mitchell has also noted higher-than-usual self-reported levels of stress and anxiety. His tip to leaders: Try to remind yourself that not everyone will respond the way you do. Some may be more significantly affected, others less so, and some may toggle between a significant impact and not-so-significant impact over the course of time.

Heather Hubbard, executive leadership coach and business development expert, has seen a revitalized focus on well-being in many of her clients as a result of COVID-19. Her coaching and business development programs have always included a well-being element, which for some of her clients was new. In the midst of COVID-19, she is finding that her clients are asking for refreshers on meditation and mindfulness in addition to their requests for insight into business continuity coaching. But for some of her clients, the response has been a lean into overdrive mode, with little or no self-care. This, she feels, is dangerous, not just for the client, but also for the teams they lead. Like our other experts, Hubbard believes that people follow the leader’s example, not necessarily the message; thus, she says, “To be a good leader right now, you must focus on well-being. That doesn’t mean you have to have it all together though. Transparency and vulnerability are well-accepted and helpful tools to leaders these days.”





Transparency

It is true that “in today’s world of the social enterprise, transparency is one of the most valuable organizational currencies. It helps engender trust and respect in a world where many may question an organization’s true interest.”¹⁸ But even before COVID-19, organizations were not rated highly in the area of transparency; in fact, only 18 percent of respondents to the 2019 Deloitte Human Capital Trends survey believed they have a transparent and open model at work.¹⁹

According to Dr. Day, transparency is important, but taking it one step further and demonstrating vulnerability is appropriate now, even though it may be difficult for lawyers who are otherwise unaccustomed to showing vulnerability. Further, says DeSantis, “Many lawyers are intimately tied to their identity as a lawyer, and this may present challenges to their ability to be vulnerable.” DeSantis suggests that a lawyer struggling to demonstrate vulnerability try a role play exercise. “Applying mindfulness, step outside of your role as a lawyer and imagine your other identities and ask yourself, in this moment, in which ones are you feeling stress and in which ones do you find solace?” Doing this, he explains, may help reduce the stress you feel and, at the same time, remind you of what continues to be good in your life. These things help you connect more deeply, says DeSantis. DeSantis also suggests that leaders demonstrate vulnerability first. “Others are not likely to confide in you—especially where there is an imbalance of power—if you are not willing to be vulnerable first. By expressing your own challenges, you can create a sense of psychological safety, which in turn opens the door for others to admit they are feeling impacted.”

As CLOs and the legal executives that support them continue to forge ahead into uncharted territory and uncertainty, the need for strong leadership only grows. The importance of well-being, resilience, good communication, and transparency cannot be overstated in their importance to effective leadership during this time of crisis.

Endnotes

1. Deloitte Development LLC, *2019 Deloitte Human Capital Trends*, May 2019.
2. James L. McQuivey, "PandemicEX First Look: Just 43% Agree That Their Employer Has A Plan," Forrester, March 4, 2020.
3. Michele Gorman, "GCs Forced to Shift Priorities Amid Covid-19 Crisis," *Law360*, April 2, 2020.
4. Larry Richard, *The Mind of the Lawyer Leader*, *Law Practice*, September/October 2015.
5. Larry Richard, *Herding Cats: The Lawyer Personality Revealed*, Lawyer Brain.
6. Larry Richard, *Leadership in Law Firms: An Expert Guide*, Ark Group.
7. Richard, *Herding Cats*.
8. Aris Sizer, "The 80/20 Diet Rule," *Livestrong.com*, August 30, 2019.
9. National Sleep Foundation, "How Much Sleep Do We Really Need?", 2020.
10. Wendy Suzuki, "Healthy Brain, Happy Life," May 19, 2015.
11. Lizzy McLellan, "Lawyers Reveal True Depth of Mental Health Struggles," *Law.com*, February 19, 2020.
12. Richard, *Herding Cats*.
13. Richard, *Leadership in Law Firms*.
14. KJ Green, "The Brain: Mystery Explained," *History Channel*, February 9, 2012.
15. Ibid.
16. Ibid.
17. Deloitte Development LLC, *Reopening the workplace: The resilient leader's guide*, May 2020.
18. Deloitte Development LLC, *2019 Deloitte Human Capital Trends*.
19. Ibid.

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