10 Tips for Mindfulness and Well-being

Career Development

Cheat Sheet

Overworked. A survey of lawyers from before COVID-19 lockdown saw 31.2 percent of respondents feeling depressed and 64 percent reporting anxiety.

Mind your feelings. Validate your feelings of guilt for taking breaks, but also validate your need for them. Take breaks and vacations, have empathy for yourself and others, and celebrate your small victories.

Set boundaries. Have strict work and non-work hours — and honor them. Focus your work hours wisely, especially during times of change, and avoid procrastination.

Have routines. Implement regular practices like mental fitness, coaching and development opportunities, and daily celebrations of accomplishments.

Effects of burn-out

The legal industry struggles with mental health and well-being of lawyers. Legal leaders are trying to balance high expectations with an exhausted workforce and all the negative emotions they experience (fear, anxiety, doubt, restlessness) resulting in an inability to perform at peak levels, properly serve their clients, and commit to their colleagues.

In American Lawyer Media's February 2020 Mental Health and Substance Abuse Survey — taken before the COVID-19 lockdowns went into effect — an overwhelming majority of legal professionals indicated that their mental well-being is worse off because of their chosen career. The survey found that 31.2 percent of the more than 3,800 respondents feel they are depressed, 64 percent feel they have anxiety, 10.1 percent feel they have an alcohol problem, and 2.8 percent feel they have a drug problem. Ten months later, we are seeing the effects of burn-out.

Failing to set boundaries — and as a result not giving yourself enough time to rest, recharge, and recover — can increase the risk of mental health problems. In a 2007 article written by Scott Mitchell in the Minority Corporate Counsel Association (MCCA) October issue of *Diversity in the Bar*, it was noted that there is little public discussion or acknowledgement of the problem of drug addiction or depression among lawyers, despite high rates of this problem reported and treatment sought.

According to a *Harvard Business Review* journal article, "Overworked employees are prone to mood swings, impulsive decision-making, and poor concentration. They're more likely to lash out at perceived slights and struggle to empathize with colleagues. Worse still, they are prone to negativity — and that negativity is contagious."

Mindfulness as the solution

So, what can we do about this challenge? For those of us that feel fortunate to practice in our chosen profession and want to change the paradigm, what can we do to empower legal professionals to proactively practice wellness and mental well-being as part of their professional lives?

In a session at the ACC Annual Meeting on October 15, 2020, Carolyn Herzog, Janet Bawcom, Monica Phillips, and Justin Connor led a program for the CLO Club on "Creating a Culture of Well-being and Mindfulness in Your Organization." A group of general counsel helped moderate break-out sessions around key topics to gain insights from over 120 general counsel participants from a variety of industries.

The session focused on raising awareness of well-being and identified realistic strategies for dealing with the challenges in the workplace. You can implement these 10 strategies now to live well and thrive.

1. Take breaks and vacations

That might look different in these times of COVID-19. The important part is unplugging. Take a break from your devices, set your out-of-office, and change your location. Try a different room in the house, a walk outside, a local drive, etc. It could be a micro-vacation — one to four days where you don't check your email at all. "Those who take more than 10 days of vacation are 30 percent more likely to receive a raise," Shawn Achor said in an article in *Harvard Business Review*, "And those who take regular vacations have greater job satisfaction." It's no accident that the OECD regularly names the French as the most productive country; their 35-hour work week was intended as an economic measure to cut unemployment, but outcomes have included mental well-being and productivity in the workforce.

It’s normal to feel afraid you might miss out on something important or feel guilty for asking others to cover for you. But if you know that you will perform better and be able to sustain yourself longer after a vacation, how much more likely would you be to take it?

2. Practice mental fitness

We workout to improve our physical fitness. We know that if we want to achieve certain results and keep them, we are required to make the time and investment into our routine. Our mental fitness is no different. If we want to thrive with peak performance and well-being, it takes practice and routine that can ultimately increase performance and creativity, improve relationships, and lead to better well-being. Stress and anxiety cause our prefrontal cortex to shut down and our amygdala to kick into high gear.

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> Monica Phillips

This means that it is even harder to get any work done. “Creativity, innovation, and productivity come from a place of calm, clear-headed focus that allows everything to get easier,” executive leadership coach Monica Philips said, “It doesn’t require an hour of meditation, but it does require practice and routine. Start by taking a two-minute break. Close your eyes and focus on your breath. Try this three times a day.”

3. Create a coaching culture

Carolyn Herzog at Arm has incorporated a training and coaching program for employees and leadership as part of the solution to create space for their teams to be seen, heard, and valued. Ensuring that team members are part of the solution brings empowerment into the program. Incorporating appreciation across the team and sharing in the celebration of team members’ successes, no matter how small, provides an opportunity to lift up a colleague in everyday moments. Coaching and mentoring, including wellness coaching, and core skills training such as prioritization of work and time management are potential custom strategies to help your team thrive.

4. Offer personal and professional development opportunities

“If we don’t plan now to help our teams manage stress, they will burn out and ultimately not be able to manage long-term,” Herzog said, “They will remember what we do now to help them.” If you don’t know what to offer, start by asking your employees. Then reach out to your peer network for recommendations. Team members may not ask for help, so it is up to leaders to ask what people need and to offer possible suggestions.

Executive sponsorship is important, and general counsels must own the problems and sponsor leadership to help their teams tackle the biggest problem areas. This means talking to client groups, drawing lines where needed, and supporting real vacations.

5. Show empathy to yourself and others

Be kind to yourself. Forgive yourself. You are not flawed, you are human. All the change we have experienced is exhausting. You may want to sleep more. Allow it.

> Be kind to yourself.

Self-care is a gift that will make you better for those around you. Lead by example and share your experiences. You don't need to tell the team if you took a lavender bath, but you can say that you took a hike or read a great book — help your team know that it is okay to take their personal time and not to email you on the weekend!

6. Focus on what you can control

It is not possible to control everything. Decide what is most important and focus on that. Legal has a great opportunity to lead during times of change; we have great visibility into what is happening across the organization. We can help our teams and the broader organization lean into some of the developmental opportunities that arise with being great problem solvers. There will always be some ambiguity during a time of change, but focus more on what you can control — your ability to ask powerful questions and find solutions is a fantastic stress reducer.

7. Eat your frog

"Eat your frog," Janet Bawcom said, "Whatever it is that you have to get done that day that requires energy and focus, block time on your morning calendar specifically for that (not just for email or work time) and stick to it — put the phone down." If you have an important long-term goal, work at it consistently every day to make a big difference in getting there. If it's just something you do not want to do, take care of it early, and you will feel empowered for the rest of the day. If you procrastinate, you end the day feeling like you have not checked anything off your to-do list. Eat your frog, or it will eat you.

8. End the workday

Designate time zone leaders to wrap up the day with a closing remark, like "have a good night," to signal the end of the workday and strongly encourage everyone to step away from work and rest. It is something that needs to come from the top to give everyone permission to step away. And then stop sending emails.

9. Celebrate yourself

In our hyper-achieving society, it is easy to feel discouraged when we must reset our expectations of how things were “supposed” to be. Celebrate one thing you do well every single day. Did you eat a healthy lunch? Awesome! Did you complete a project? Way to go! Did you help a co-worker? You rock!

10. Be flexible for all life circumstances

Go out of your way to make sure you give your team members space to be seen, heard, and valued. Underrepresented team members struggle more with staying in the workplace, especially during a pandemic. Discuss options to make it easier for employees to thrive. Create a parent network, an online forum for sharing resources and ideas and for connecting and providing peer support. If your employees live alone, find out what resources they might need to prevent burn-out.

During the program, participants were asked what practices they have considered or tried to bring more self-care to the team. Here are a few more ideas to bring wellness to your legal department.

- 80% said “encourage people to truly switch off during vacation”
- 63% said “support people taking their vacation time”
- 53% said “give parents time to help with at-home school studies”
- 23% said are “aware of time zones for people in other countries when scheduling calls,” and
- 10% said “designate certain days as no zoom call days”

- Discuss mental health. #nostigmasallowed
- Always take a walk at least once a day. Get out in the sun at least once a day.
- Host virtual fun break sessions during the day (trivia, happy hour, tutorials).
- Stay in touch with each other.
- Create “meeting-free zones” during lunch.

We are the sum of our habits. Are your habits creating the vision you see for yourself? In reference to the great Allen Iverson speech that was repurposed in the “Ted Lasso” show, practice is the thing. What you learn about yourself in practice is the experience that teaches you more than the result. Enjoy the process of living and be present for it so you can gain the self-awareness you need to develop better habits. If you want to bring more wellness to your team, what is one thing from this list that you would like to use?

Carolyn Herzog

Chief Legal Officer and Corporate Secretary

Elastic

Carolyn Herzog is a C-Suite executive with over 25 years of broad technology experience in multinational companies, having worked across the United States and other countries. Currently, Herzog is Chief Legal Officer and Company Secretary of Elastic (ESTC), the Search AI Company. For Elastic, Herzog is responsible globally for all legal, regulatory, compliance and public affairs matters and provides strategic counsel to the CEO, Board and leadership team on a broad range of corporate, commercial and regulatory issues. Elastic is headquartered in The Netherlands and is

traded on the NYSE.

Prior to Elastic, Herzog was the EVP, General Counsel, Corporate Secretary and Chief Compliance Officer for Arm Ltd., the world's leading semiconductor IP company, which was headquartered in the U.K. and owned by SoftBank Group Corp. (SFTBY), a Japanese multinational conglomerate holding company headquartered in Tokyo that focuses on investment management. Before joining Arm, Herzog was the VP, Deputy GC and CCO at Symantec Corporation (SYMC), the world's largest cybersecurity company. Prior roles included acting as Head of Legal for EMEA, based in the U.K. Herzog joined Symantec through the acquisition of AXENT Technologies, Inc. (AXNT) where she led the transaction as GC. Prior to her legal career, Herzog worked in the Africa Department of The World Bank in Washington, D.C.

Herzog currently serves on the Board of the Association of Corporate Counsel, the Business Software Alliance, and the Hispanic Foundation of Silicon Valley. She has served on the Advisory Board for The ACC Foundation Cybersecurity Summit and on the Host Committee for Ms. JD LaddHerUp, an organization dedicated to General Counsels supporting early career law firm associates in their career development. Herzog previously served on the board of ACC Europe, as an Advisory Board member to IPWatch Systems Corporation and on the Board for the National Cyber Security Alliance.

Herzog has been recognized by OnCon Icon Awards as a *Top 50 Global Corporate Counsel*, by the Silicon Valley Business Journal *C-Suite Awards*, as a *Distinguished GC* by the Director's Roundtable and as an *Attorney That Matters* by Ethisphere. Herzog has been recognized for her *Leadership in Innovation and Positive Human Impact* in 2020 by the American Legal Technology Awards. She has been a thought leader in the legal industry in areas such as AI Ethics, elevating the role of lawyers as business partners, and driving operational excellence within the legal department. Both within the companies where Herzog has worked, and externally, she has been a leading advocate for equality and diversity, inclusion, and belonging initiatives.

Monica Phillips

President and Founder

Spark Plug Labs

Monica Phillips is the president and founder of Spark Plug Labs. She delivers powerful keynotes and workshops on wellness, heart-based leadership, team culture, and business development. She is a Career Coach with the Association of Corporate Counsel, a Certified Professional Co-Active Coach with the Co-Active Training Institute, and a Professional Certified Coach with the International Coaching Federation. She has led innovation and change in law firms for 22 years.

Janet M. Bawcom

Senior Vice President, General Counsel, Corporate Secretary, and Chief Compliance Officer

Ingredion Incorporated

Janet serves as the chief legal officer of Ingredion Incorporated, a global provider of plant-based food ingredients, and oversees its team of attorneys responsible for all aspects of Ingredion's legal, regulatory, and public affairs around the world. She is responsible for the law department's management and support of regulatory compliance programs that enable Ingredion to provide food ingredients to customers in more than 120 counties in accordance with the highest ethical standards.

Justin Connor

Director of Corporate Membership and Chief Legal Officer Engagement

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Justin heads ACC’s program to engage chief legal officers in addition to the Corporate Membership program for large law departments. At ACC, Justin created its General Counsel Summit, the Executive Leadership Institute for the next generation of general counsel and runs the CLO Club and Next Generation Leadership Club at the Annual Meeting.