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SUMMARY KEYWORDS

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Okay, well welcome everyone to the San Diego Law Library. I've been intend to be looking this way, cuz that's where everyone here is. I feel like this could be one of the early season charter games where you know, it's being

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pinned to the audience. And there's, you know,

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maybe an equal number of fans, I'm

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not sure.

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But so the name of this talk is running on empty, legal professional burnout and how to refuel caveats. I am not a psychologist, I am not a psychiatrist. I do not have any licensure in mental health. I basically don't know what I'm talking about, other than I've practiced law for 30 years. And I have my own opinions and anecdotal stories and advice on mental health. So the talk is going to focus on statistics regarding mental health, and particularly in our lawyer population. We're going to talk about why does our profession have mental health challenges? Are there any reasons? Can we even understand the reasons? I mean, are we even right? And then we're going

to talk about what may be underneath all that what's going on, so to speak as much as we can figure it out. And then we'll talk about some solutions. And again, you know, not being a therapist or a psychologist or a mental health professional. I'm not here to diagnose or treat. These are anecdotal observations on my part, and I'm going to offer you some resources from other people who probably know more than I do about what they're talking about. The talk will be made available to you there are hot links in the talk to certain articles. And I highly recommend the articles, I think they're useful. So you know, with that, why don't we start running on hopefully less than empty. So this is my background, and we were kind of joking around a little bit about this. I started off I'm a San Diego resident, my career careened toward real estate and corporate dispute and then transactional work in that space. Had my own boutique law firm in La Jolla for a long time. The real estate recession of 2008 had a dramatic impact on my real estate development oriented boutique law firm at that time. So I shrink, thank goodness naturally shrunk. I mean, no one lost their jobs, but I just didn't grow and I ended up shrinking. And then there was a point in time in which I was dating a physician, and she dragged me to a healthcare conference in Scottsdale, Arizona, I did not want to go. And I made that official, she promised it all I'd have to do is go hiking, which I said, deal. I go, she drags me to the talk. So she reneges. There's this talk about Medicare compliance. I thought it was terrible because all the physicians look really sad. But they're pretty sure they're gonna go to jail. So you know, he's, you know, body language. And micro expressions are one of my favorite topics. And you can see shoulders shrinking as these physicians heard this talk like, Oh, my God. And so I went to the who I thought was the executive director and offered to help, although I was a real estate and corporate attorney. And he completely ignored me. So I thought, nothing's coming of this. And then a month later, he called my then girlfriend now wife, and I did a talk in New York City. And then Blam, I am now the national expert in this private medicine area, and I run around the country doing talks. So be careful with you. Be careful what conferences you go to. You never know. But and then, about we were joking around about three years ago, I was at my old law firm of Hicks, Fletcher and Mack, why did I leave boutique and go back to a law firm because everyone kept telling me around the country that which, you know, made some sense to me that I shouldn't Law Group was not going to get hired by the largest health plans of the United States, because it's a little bit of a boutique firm and a small coastal town. So I said, Okay, so I went back to my old law firm, it was great. While I was there, attracted the book. And then I'm now at a national firm. I'm at a national firm because I need licenses around the country to do business planning in this, you know, healthcare space. So that's my background. So I'm always looking at health care and health, innovation and wellness. But while I was at Higgs, I got asked to do a mental health talk because I was told I seemed happy. And have never been able to get away from this Doc, this doc and I are now married just like my wife. So that's okay. I actually really enjoyed doing this. And it's a service and I appreciate the opportunity. Okay, so legal professional burnout. We're going to talk about the C system. Yeah. Okay. We're going to talk about statistics, you know, cause for alarm. Try not to panic. I mean, I know it's really actually depressing, but

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it will be happy ending and then legal profession burnout. What's going on with us? latest insights into mental function? I want to talk a little bit about what the latest insights are. Although I just read a book called quackery, which made me think that anytime we think we know something, we're probably dead wrong, you know, because when you look at the history of medical quackery, I mean, they were convinced at the time. This is absolutely right. So I'm always open to new ideas. And then finally, how to refuel. This is where I'm going to give you some resources and tips. And, you know, like I said, I'm not a psychologist, and so I can't tell you how to be happier, but I'll give you what I can. Okay, so try not to get depressed. Us mental health statistics. 41,000 people commit suicide annually in this country, man, just stop and think about that. I mean, because we think about traffic deaths, I remember when 911 hit, and that was a terrible tragedy, and people made the observation, but Geez, we lose 30,000 people a year to traffic deaths. It shocked me that we lose to suicide more, you know, then even traffic, which is amazing, and terrible. And if you look at, you know, these other indirect causes, you can see that this is a huge issue. 43 point 8 million adults experienced mental illness in a given year. Now, apologies, this is about a year old these statistics. I'm guessing they probably didn't get better in 2017. But you know, but, you know, it's a significant statistical piece of information. One in five adults have mental illness, one in five. So think about that, from the context of your judges, your juries, your opposing counsel, have you ever thought driving down the road that someone seemed really imbalanced? They probably are, they really probably are, you know, one in 25, or living with serious mental illness. And you know, depression is a leading cause of disability worldwide. That's a stunning statistic to because you may not have thought that you might have thought it would have been a variety of other mental or health conditions. It's depression. One in 100 Americans live with schizophrenia. That's 2.4 million. You know, it's funny, you know, we debate in our great contemporaneously, political country, whether you're left or right about issues, and 2.4 million seems like a pretty big number of Americans, you know, when you think about our political debates going on, and that's how many we have with schizophrenia. And then look at bipolar disorder, 6 million 16 million have major depression, that's a big number. And 42 million have anxiety disorders. And I don't know about you, but I've seen this, I know, I've seen this, like, for example, I've coached mock trial for a local high school, and I'll have high school students, and they're anxious. I mean, there, there is significant anxiety going on that I don't even know if it's being treated. So it, it's, it's real, and you can see it, and you can come up with a bunch of reasons. You know, we work too hard. We don't play hard enough. We, we drink too much. We eat too much, you know. But it's it's a problem. Look at the cost of serious mental health. This is an estimate, of course 193 billion in lost earnings annually, that could pay for a lot of things. You know, if we did a better job as a culture, as a country with mental health. I don't think I can't think of any one of any political persuasion who isn't attracted to 193 billion as a as a cost savings. If we could do this better. 60% of adults with mental illness didn't receive mental health services in the prior year. It's largely untreated. It's so I was kind of thinking about this talk. And I was thinking about the quackery book I just read. And I was thinking about the fact that I'm living in a time, it's the equivalent of when infections had no

treatment. You know, like, someday we'll look back on 2017 in the US, and it'll be about, you know, these kinds of statistics with untreated mental illness. And I just wonder what our future will think of us. Like, couldn't

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we figure this out? Isn't there something we could do better than what we're doing 10 million f co occurring mental addiction or health issues, which means there's more than one, something going on, on 26% of the homeless have serious mental illness. And I actually think that's a low number. I've done some volunteer work with the mental or with the homeless community. For a period of time I was a volunteer musician at St. Vincent DePaul, and I actually would have put this number at 85% You know, just based on my own interactions, these aren't people who are choosing to be impoverished or not working hard enough. They literally have mental health problems. That was my observation. Okay, what about attorneys? I wish I could say that we were better off. But I think we're actually in many ways worse. Practicing lawyers exhibit clinical anxiety, hostility, and depression at rates that range from eight to 15 times the general population. So that's pretty high. That's cause for concern. 20 to 40% of law students suffer from clinical depression by the time they graduate. I think that's really telling now I remember law school and and i believe maybe my memory is clouded by the, you know, passage of time. Maybe I've rewritten my history already. I remember being very happy in law school. But I also remember having to read about 300 pages a night, and feeling like I was failing all the time, like I couldn't catch up, like, terrified of the one tests that determine your grade for the year and your life. So I could see how this could be lawyers ranked fifth in incidents of suicide among professions. I'm glad we're not number one. We have very high levels of substance abuse. So why does the legal profession struggle with mental health issues? This is based on my own reading and making up my own observations, and you may have your own thoughts, but these are my thoughts. First of all, our profession deals with unforgiving deadlines. There's no such thing as you know, well, at least to my knowledge, you know, going to the court and saying I had a really bad day. So we believe the statute of limitations, you know, had a really bad day. So I missed my mSj. Opposition. You know, I know a multimillion dollar company was planning on it year end transaction, I tried my hardest, but we just couldn't get it done. our profession is not designed for that level of failure or any failure. We're essentially trained and taught and insured against zero failure, we have a zero failure expectation. And that is difficult to navigate. our profession deals with losses and uncertainties. Want to go forward with this transaction? What do you think? how's it gonna go? You know, I'm risking six figures or more going to trial or my me and my family's mental health and well being? how's this gonna go at trial? What's the judge gonna think of my case? What's the jury gonna think? We have a save the farm motion pending in federal court. How's the judge going to rule? Do we know? Do we really know? I mean, we think we know we try, but we don't really know. And so we're dealing with uncertainties, and massive potential losses. And let's face it,

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we get blamed.

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I mean, whether we want to admit it or not, I mean, we're the key ingredient of that recipe called legal matter. And even if we can't control all the factors, when that goes poorly, we're the recipient of a ton of negativity and our own sense of empathy, our own sense of loss. I mean, I remember, every trial I ever lost, is a burning dark hole of regret. Brain, as I think through what could I have done differently? I'm a transactional attorney now. But you know, it's hard. We deal with disputed reality. And anyone who does discovery motions knows this. So how many times have you been in a motion practice where you can't understand for the life of you why opposing counsel isn't turning over those documents, fully responding to special interrogatory is, you know,

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and really, I

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think the at the end of the day, we'll talk about it later, we really are seeing reality differently. I mean, I think in a way, our legal system, in fact, our science and our governmental systems are all very primitive in the sense that it had no acknowledgement of cognitive function. How do humans perceive? And so I think in a way our legal system assumes and presupposes there's a right and wrong there's there's one thing that leads to one result, and if that's not right, then you go to prison, and the US does have a large prison population. Now, when we look at the way people work and function, we're realizing that people don't see what they think they saw. People Miss identify witnesses in good faith with their hand up under oath, and they may not be lying. They really just didn't see it, or people misinterpret speed and date and time and timing. And I remember taking depositions as a young attorney, and it's a ton of fun catching people. And I remember in my earlier immature days, it was just a high five moment when you got someone and made him look like a liar. Because that's what you're doing is you want to go to court and tell the jury that they're liars. But that's not really what's going on. I actually think these people think that. And now we know that. So you and I, and we are dealing with disputed reality. And this is also in transactions to what is that? Oh, ag advisory opinion mean? Will the federal government enforce those rules or not? Or how will they enforce them? Did a federal court decision overturn the per click requirement? And do the new HHS requirements even apply? I don't know. But a lot of decisions have to be made based on making those estimations. And we're dealing with a bunch of people running around with their own reality in their head, present company included. You

know, we'd like to think there's objective reality. But how many cases have you tried? How many times if he had witnesses on a stand? You know, that reality is not necessarily as black and white is we all perhaps wish, cold analysis and hard truths. Sometimes we have to say tough things to people, that can be really difficult, you know, life could be so much more pleasant if we could just say it's all going to work out in the end. It's okay. It's, you know, in a big picture, philosophical way, it's going to go the way it's supposed to, yeah, we can't really do that. So we have to oftentimes confront people in their dreams, and say, you have a half a billion dollar startup, and I hate your idea. I think it's terrible. That's not well received. conflict, we deal with conflict, which I think has a lot to do with disputed reality.

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Your there's someone

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yelling at you, and you know what they think they're right. They really think they're right, you can't believe it, but they think they're right. And, you know, occasionally the judge agrees with them, which is really stunning. You know, we're in the process of selling, but what we sell is intellectual analysis. Have you noticed the erosion of this, you know, you can google almost all legal research at this point. I mean, you can just jump on Google. And I've seen in corporate America more and more internal resources handling, what I would have thought would be a legal issue. And so we're at a point where we're selling our analysis and our hopefully, less disputed reality, to a culture that maybe just wants to function based more on belief, or hope, you know, that

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might sell more

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than cold, hard reality. And, you know, we have to look at AI and, you know, care guidance analysis in medicine, for example, guys, we're going to get disrupted to I mean, you know, a lot of what we do can be done through software algorithms, like document inspections, or basic information about clients and opposing parties, even analysis of similar disputes. And how did they conclude what we all did, as young attorneys looking up jury verdicts and settlements can be done in less than a second by a computer program. So I mean, we're in the process of selling our services, but we're in the midst of massive change, just like the rest of the country and the world is another aspect to legal work. By the way, I hope this isn't too depressing. This is the bad part of the talk. Sorry. pessimism is a critical function of our job, right? In other words, it's not our job to

go and look, I can picture a reality in which your trial results in a huge verdict in your favor.

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Okay, that's

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great. But I need to know the downside. I mean, our job is really to identify risk and communicate risk and to the best, we can mitigate that risk based on our own professional advice. That means that we're kind of pessimistic. Have you guys seen this in your interactions with other professions? I know for me, as an attorney, when I'm with a business team, I can be the bummer. It's like, everyone else is talking about, you know, ROI. And, you know, this could really take off and my lawyer brain is going yeah, but I see about four problems with that. I mean, man, I just could go

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badly.

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Which is not necessarily what you know, people want. So always so so we have to acknowledge this. This is part of our professional fabric. And then finally perfectionism and procrastination. Those are definitely married. We want to get it perfect, right? We want to get it perfect when you get that motion perfect. I mean, we don't want to typo. We don't want to miss cite a case. We don't want to miss our professional rules of conduct. We don't want to argue without the facts in the law, in a way that's improper. So so we all work at perfection. But these things pessimism and perfection is them are not necessarily the healthiest things for a happy person. And happy personality can forgive themselves for making a mistake. We don't tend to do that. That's just not our Mo. And I know for me, it's not. And this perfectionism can then lead to procrastination. Yeah, I know, I've got to edit that chapter for the California Medical Association. It's not quite right, I need another week.

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You know,

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push, push, push, and then the deadlines, you know, start landing on you. So this is these are the

reasons why I think our profession can struggle. And I'm sure there's others, but those are pretty considerable ones. And so I like this graphic, just because I think this is the road we walk, it's not straightforward. If it was really straightforward, who would need us? There was a car accident, and it was the drivers fault. And those damages are $11,500. Okay, that's not the way reality works. We're all dealing with disputed reality. And that's where we come in. We're guides on this path of disputed reality. And we're just trying to keep things rolling. I mean, that's the way I look at it. And I like this graphic, because I think this is how our brain is. It's a puzzle. And as lawyers, we're trying to piece things together, whether it's what happened in that deal. Why did that contract get breached? Who was really driving and at fault? And did they violate the vehicular code? can we prove intent? Is this criminal? Or can we show reasonable doubt? We're piecing together a puzzle, and that's a challenge. And what makes it challenging is that our brains aren't straightforward. You know, I think that there was a time in which we thought one of these circles was the human mind. And we thought, well, there's your mind. And do you remember in law school, when you were taught the age of reason was seven? I remember that. I think we thought that at the age of reason, you had this little circle in your brain called reason. And now you could reason. And so you were either right or wrong. Now, what we know about psychology is that there's all sorts of different nodes, and that your conscious self may be more like the Speaker of the House than the final vote. So we all like to think that that little voice in our head is the decision. But we actually have maybe five to seven of those little voices, our limbic system saying fight, you can kill them, or you know, run that's scary, along with who I really want that donut. I don't want to go for a run. I'm going to watch movies till four in the morning, is that a good decision? We have these nodes in our brains. And maybe our consciousness is just going okay, what's the vote movies till four o'clock, even though we have work tomorrow or not?

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Sounds great.

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So, we have to acknowledge that that may be how our minds work. And this is a theory called modularity of mind. And I just send you the Wikipedia source, because it's like, it's the easiest and shortest example. Otherwise, I'd be sending you to fetuses and articles and books. And that'll give you a nice summary. The bottom line is that the theory is that our modular mine has a bunch of different constituents that collectively protect us from an evolutionary perspective, none of which may have the final vote. So we're navigating stuff, and so is everybody else. So what can we do to not defeat the modular mind? But how do we assert some rational control because we can all run around with seven to 10 voices in our heads telling us to do stupid things. So I like to say keep calm and review your cognitive distortions. Does everyone know what cognitive distortions are? Yes, no. So there's a book out called the undoing project. If you guys heard of this, the author of

Moneyball, do you guys know, Moneyball? Okay, Moneyball was all about the Oakland A's coming up with really interesting ways to populate their baseball team without having the same budget as the New York Yankees. The padres could have used this advice, right. Where's the fundraise Moneyball? And so they brought in a talent scout who decided that in baseball, there was a lot of cognitive distortion, although he probably didn't put it that way. But for example, that if a player was a little bit overweight, you tended to rate them lower than a really thin athletic looking player, even if the numbers were the same. Or maybe you saw a player who got a lot of walks. And you thought that wasn't very exciting compared to a Grand Slam home run. But maybe in that modular version of your brain, you know, there's this part of your brain going he looks really fit and it's beating out the Yeah, but he gets on base more often. So that's the theory of Moneyball, and then getting into these cognitive distortions that were to Israeli psyche. ologists, who were trying to figure out how this little country called Israel was going to survive more than a day. And psychologists were being used to figure out who to serve in the military and serve what functions. So these two ended up winning the Nobel Peace Prize in Economics, because what they established is that we are essentially not rational. If I can just summarize it, that's a gross summary. But economics had always assumed the rational mind, right? Do you remember getting a little bit of economics and law school or if you took finance, you know, every economic model said, well, a rational person will purchase not purchase participant participate in the deal or not. And what those two psychologists did and their pessimism and perhaps own unduly realistic thinking is established. And people don't really do that, that we tend to make often irrational decisions. These authors were also significant contributors to the notion of cognitive distortions. And these are all different ways that our human mind tricks us into, you know, the quote, unquote, I'll put air quotes, wrong decision. And we've all done all of these all or nothing thinking, yeah, that that motion is either merited or completely malicious, and we should seek sanctions. That could be a middle ground mental filter, you know, only allowing certain information and but not letting all the information and jumping to conclusions. Wait, wait a second. I've heard your story before you don't even have to tell me. I know exactly what's going on with your case. Yeah, we think that, you know, like, there's a circle in our brain telling us that that that circle may be wrong. So, you know, emotional reasoning, you know, I know on paper, that this is a bad case. I just feel I just really like these people. labeling. Well, every one of those kinds of matters is stupid. You know, or every person who comes from x is stupid, which is stupid. overgeneralizing. disqualifying the positive. It's so easy to do this in our profession. You can have an amazing life and just think, but if I just had nicer clothes, a better car? If I'd only won that trial

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catastrophising, how often have we done this? I remember I did an opinion letter for a loan transaction and thought I blew the usery analysis, I literally thought in my head was going to explode. It was fine. I confirm that I did it correctly. But I catastrophize critical words like should and must, you know, I should go to bed earlier? I never do. So that's the combo. So you can

catastrophize and should and must, yourself. And then personalization. This is something our profession really struggles with It's all my fault. No, it's not your fault. You didn't lose the jury trial. The matter lost the Trier of fact pick the other side. wasn't all you But boy, did we go this way on either side of the spectrum? I want it I totally want it. Yes.

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I noticed that. On several main jury trials win or lose not only was it a thankless job with a client, but I interviewed jurors, and I sell them was right on what they decide the case on.

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Exactly the observation being the you know, trying all these cases, and then finding out that the jurors are saying how they you tried the fact and it wasn't even what you thought,

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exactly. Yeah, it happened. So often, I thought great speech had nothing to

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do with their decision. Remember this diagram? Because they had about seven things going on. And there might have been, you know, the shoes, yes. But then this is, but this is this is the reality. This is what we know in 2017, toward the end of this year, but this is how our brains work. You know, we have a lot of different things going on. We probably have a lot of things going on while we're while I'm doing this talk. I know I have a couple deadlines today. So So the question is, what can we do to improve? How can we manage the situation? I found this graphic and I really like it. And it's 15 things mindful people do differently. And it basically tracks the cognitive distortions. So number one, they don't believe their thoughts and they don't take them all that seriously. Okay, that thought in your brain, that's one of those seven modules, you don't have to jump. Okay? You can kind of still take in information and use your other nodes and think about it. They don't avoid emotion. I think sometimes as attorneys, it's easy for us to try to suppress emotion because we're supposed to be these very dry analytical people, but your jury trial Weren't. And that's where we can miss. I do think sometimes like jury consultants exist because we don't do our jobs. Because we don't turn on our emotional thinking and go, what does this look like? Like forget all the, you know, smart stuff?

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What's it look like? What

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does it feel like? understanding things come and go. Trying to do only one thing at a time we say this, even if you have seven deadlines, turning everyday tasks into mindful moments, I know for me, I have to constantly find purpose, or else I start getting blue. You know, if I'm too busy, and I'm, you know, not feeling that great. And if I can't find a purpose for what I'm doing, I have a problem. That's a big deal. Practice being curious. You know, we don't know everything I know, I

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don't,

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even if at times I act like it. I don't. And being curious is important thing. We don't know all the answers. Get outside and look at nature. Enjoy what you eat, slow down, read a little be fully present. This is in the talk, you can all let you read it at your leisure, bless you. But these are things to think about. So I love this quote, because I think it's true that our intention creates our reality. So we can't control reality. And frankly, in this room, there's probably about 15 versions of reality. If we all tried to repeat what I just said, We'd all say something different. And I bet each of you would probably say something different than I thought I said,

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so. But what we

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can do is have the right intention. And that can help a lot. And this is just another quote along the same lines, the two most important days of your life or the day you're born and the day find out why I do think our profession could do a better job of finding purpose, not taken all the stupid lawyer jokes at the parties, we fulfill a very important role. And maybe it's because they're they're mad at us because we stopped them, you know, all over chrome? Well, you know, first get rid of all the lawyers, you guys know what I'm talking about? Yeah, that's because he's gonna take over and kill half the country. That's why he wanted to get rid of the lawyers. So I love this Venn diagram. Because it's, it's a useful thing to look at, when you look at what you're doing and how you're doing it. In terms of finding purpose. We can't just be here, you know, and we can't just be here. I know we have a profession. And I know we get paid for it. But look at how good you are at it as you go forward. And practice. I like to say practice, because we keep practicing your passion, whatever your mission is, your vocation, the fact that the world needs conflict resolution and

transactions that are stable, you can love this. You know, we all got into this because we thought it looked fun. least that's what I did. And I just wanted to make sure I had enough money to you know, afford cheap food and an apartment from that was my goals. Mission pretty much accomplished. So and that's about focusing on the positive skies. So that's what we need to do. You know, in our profession, no matter what our political persuasion is, we can find a way for our profession to serve a greater good, maybe your greater good is lowering taxes, or more efficient government or less American domination or aggression in the world, maybe your goals are just the opposite of all of those. Maybe you want a more progressive culture, more taxes, redistributing wealth to a population, who's maybe losing their jobs to robots and AI. But the point is, is it no matter where you're coming from, we can use our profession to serve these goals. And you can find your purpose, and I suggest you find it and tethered to it, because it will really help with your mental health on a daily basis. Also, believing in yourself is a big deal. And this is true in business. It's true in our profession as well. What I'm going to do now is kind of run through some articles that I located that had some anecdotal guidance for attorneys. And this is all in your PowerPoint. And I encourage you to grab these articles and check them out. Top 14 ways attorneys can avoid burnout, 14 seems like too long of a list. So this article talks about how we really suffer from emotional exhaustion disconnection and we can feel effective. And it suggests that we look at our work hours and our effectiveness, you know, we all are not going to be effective from 6am to 12pm at night. I know for me, I have cycles, sometimes I'm working and then sometimes I'm not working, you know, I'll flow into super efficiency and then I'm like, wow, what am I thinking? So get to know what your effectiveness And look at your work hours. And just make sure you're not defeating yourself. If you're a night person that just do the really important stuff at night, don't think you just have to wake up at 5am because you're seeing your partner does herself or her mentor or whatever. Taking a break, and taking a breather, and exercising, were one of the 14 ways

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you just need a break.

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I mean, the Oh, there is a break during a jury trial for a reason. Can you imagine going two months solid, on what that patent means? It wouldn't work. And get help, when you need the help get the help. You know, this is where I think our culture will look incredibly primitive in the future. Because you know, if you have an infection, you take a pill, you know, get a shot. But then we get into mental health and we get into this weird, I can handle it myself space, well, if your foot was turning gangrene, that would look really stupid in 2017. I can manage this gangrene on my own shut up and quit being so critical. But eventually we're going to understand that mental health also has professionals who can help you. And maybe you need medicine. And that's okay, that's

not that doesn't indicate that you are a bad person or untrustworthy. It means that you have an illness that's being treated just like lots of people around the world. Okay, another article, I found how lawyers can avoid burnout and debilitating anxiety, good graphic.

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It's good to terrify.

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My summary on that is it this article really talked about perfectionism and pessimism, just be aware that this is part of our professional fabric, focusing on the present moment and what we can control. Boy, I tell you, a lot of good things happen at that whether it's a key deposition, and you have that aha moment, or you're doing research and you just go out of the box. And then you go, oh, oh, everyone's getting this wrong, and we can fix this. You have to be present, you can't be living 10 years ago, you can't be fantasizing about 10 years into the future. That doesn't work so well. You have to watch your health. And you have choices to make and you can make good choices. I thought this was a good article recognizing and preventing lawyer burnout. It's a disease of disengagement, how often do we just get isolated from everyone? Like, have you ever thought that everyone's a lawyer? I mean, if all you hang out with his lawyers, the world gets to be a pretty shrunken place. Right? If all of your social interactions are with other lawyers, or other helicopter Accident Lawyers handling, bell copter matters in the Philippines, you know, it's a pretty small pool, okay. And we're robbing ourselves when we stay in those pools, we have to realize that our personalities and profession put us at risk. And so we need to mitigate that risk. This article talks about taking time to recharge, finding meaning, dealing with our perfectionism. And then just being self aware and managing our energy, which we've talked about. This was an article I found about burnout not being an inevitable. And this is when you get that feeling of helplessness I just can't do what needs doing. And this is where you have to start looking at your purpose. What is your meaning to your life in your profession? What are you trying to accomplish? It's okay, to have a purpose, staying in touch with friends scheduling vacations in advance, and again, getting help if you need the help. This is an interesting article. That was I think, was this ABA, this was this was a statistical survey that

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found out that lawyers making more pay were happier. which is which is counterintuitive, based on my own personal experience,

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because when I was really struggling, I don't remember being that happy about it. But what they found is that with lawyers who got themselves into jobs that were focused on their own purpose, were more day to day living. They weren't living for some future,

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you know,

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I'm just going to work like a dog and then in 15 years, I'm going to retire with all the cash I could ever want. And then everything will be perfect. That would be like a cognitive distortion. The odds of that occurring are qualitatively low. And we need to live right now and not then. And it's quite possible that if we focused on our day to day happiness, that that is the happy ending to that story. But I don't think you're going to get there if you're mentally 20 years in the future, that I think hypothetically, that's not workable. So we need to feel competent, autonomous, and we need to feel connected with others. We need to be less cynical and have purpose. And that was just the conclusions of the author of that article. It's not to say you can't be a really happy lawyer at a big firm. I'm at a pretty big firm. But I have to tell you that I do focus on day to day Don't focus on by bonus, either performance or discretionary? I do I do think about it. But yeah, that's a problem. The bonus is counterintuitive to what you're saying. Right? That's right. Right. The bonus is counterintuitive, down by everybody else in the office. Exactly. So the question is, you know, if you're concerned about looking down upon by your peers, and you're being metrically, evaluated, how do you get there, and I would argue, day to day living, relaxation, in balance is a tool, those are tools to get you to the productivity you want to hit. So in other words, you can get there the happy way, or you can get there the sad way. And the sad way carries a lot of health risks, working on Saturdays and Sundays, yeah, but if you love it, if you love it, that may not be so bad, if you're giving yourself a break and going for a jog, you could make it work. You know, think about it, if this was your dream job, if you were in your dream profession, wouldn't matter if you were working six or seven days, if you were also giving yourself time to like, Hey, I feel like a coffee break, I feel like taking half the rest of the day off. You know, just being in tune with where your mind is another analogy, you know, let's let's just go back to early human functions, and we're trolling the jungle for prey. You know, I mean, can you imagine if you were under a five woolly mammoth, you know, deadline in your tribe, he probably wouldn't have done very well. But if you just have to be the happy go, luckily, Hunter and constantly aware of your surroundings, probably better at it. And you probably make a deadline, or you make your quota. I mean, that's theoretically what I think, is possible. So, big law is actually looking into placing mental health professionals at law firms, which I think is really enlightened. But this article talks about that and talks about the lawyer personality, and that we often treat symptoms instead of disease, which is what we were talking about with the quotas and the metrics, and income equality to like, for

example, there's radical income variance in big firms, you might have people making just enough to get by talking to someone who's buying their fourth house. And so there's a massive income inequality going on in that environment. And this is the Sally eight story, you can look it up or google it about her father, who basically just ignored his mental health issues until it was too late. Versus big firms hiring mental health professionals to tackle the problem. We just have to get real about it. We can fix it if we get real about it. But we can't fix it by ignoring it or just saying, Oh, well, I'm just going to make my numbers and then, you know, eventually it'll work down because it may not. You need to know about the lawyers Assistance Program. So as members of the State Bar of California, we have a lawyers assistance program that's 100% confidential, and it entitles us to certain support. So if you are having mental health issues, and you don't have a therapist, or you don't have another resource, hit the LAPD up, it's that's what it's there for no different than if you had an ethical question, and you want to call the hotline. I mean, it's, you know, it's just medicine, right. And it will also give you an initial, I think it will give you a free counseling session, which you know, take them up on that, actually, to free sessions with therapists experienced and trained to help attorneys were unique. So they can direct you and get you the help you need. And just try

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to look at it like you're taking baby aspirin to avoid heart disease, or you're taking a fish oil or you're taking Tylenol because you have a headache. That's all this is just take all the stigma out of it. It's not a you're not a bad person, because you have depression. Arguably, you're a normal person, statistically, because you have depression and just get the help you need. I'm going to wrap up on a few things and then do the q&a. This was I thought a really excellent guide from the ABA to law students, how you react to situations responses you make the questions, choices you make are going to determine the type of lawyer you are. You can keep searching for what you want. I want to say that too. I know throughout my career, I have always searched for what I thought seemed cool. So when I had my first interview at my firm, at 30 years ago, I showed up in the wrong clothing because I'd come down from law school I didn't have my good clothing, so it was already going badly and the partner Ask me what kind of lie Do you want to do, Jim? And this was 30

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to 31 years ago, I'm

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like, you know, I think these computers are pretty important. And I think it's gonna become a really big deal. So I really want to do computer law. He said, Well, we'll do that. We do a lot of

aviation defense and personal injury. I'm like, Okay. But you know, it's funny, and here I am, 30 years later. And a huge part of my practice is data compliance and health care apps, and navigating federal and state laws on how to monetize wellness solutions online. Weird. So it can happen. You don't have to give up. Okay, make time for friends. Time for fun. This is so anecdote I'm so sorry. This seems trite. Be nice, learn to prioritize, be honest, even when it hurts be part of a team. You know, by the way, this team thing, team team, you know, I've thought to myself, how infrequently the US movie and story board shows heroes as opposed to a hero. You know, in our culture, we celebrate the one, you know, the one, the one Savior, the one hero, the one and then we all want to be the one to infrequently do we think about the team. But if you think about it, some of the best movies out there that you love are when teams come out ahead, like the whole Ocean's 11 1213. And now there's an Ocean's nine. That's all women, I think, right? Ocean's eight or whatever. There's so much fun, and it's a team, you know, it's okay to be part of a team, you don't have to die for your law firm or for yourself, or be the only person you can be in a team, family and friends coming first, protect your health. never cheat and learn how to lose and win Well, I think I'll end with this observation. And then we'll do q&a. Our rules of professional conduct, that's our safety, that's our lifeline. That's you're drowning, and that's the ring that you can grab on to so so many times, I've been really stressed about a legal situation. And I found that if I just go to the rules of professional conduct and comply with that, it's really funny how all those circles in my brain become one circle. If you can just get to the one thing that matters, and that can be your thing. And for lawyers, I highly recommend it. So I'm going to give you some more anecdotal advice, and I know you have to leave in It's okay. Try eating right. How hard is this in our culture? Oh my gosh, I mean, like, have you ever gone to a fast food that goes vegan diet and tells you all the calories? No, no, no. In fact, if you go to different parts of the country, if you don't eat the barbecue ribs, you're like unAmerican, okay, you're to be suspected. He might be a trader, you know, getting enough sleep. Here's where the hero ethic comes in. I don't need sleep, I have a trial. I could get by with two hours, no hours, I pulled an all nighter. And these are badges of honor. But really, we're just making ourselves stupid. Because we're not thinking straight without enough sleep. You know, celebrate. And then here's my book list. Okay, this is just me. This is not I mean, you know, it's just what I think but I'm not. There's room for other opinions, barking up the wrong tree by Eric Barker. He basically is a blogger who pulled together a book on a lot of different updated theories of happiness, and psychology. It's a quick read, it's super easy, and it will give you some interesting ideas. The undoing project was the book I'd mentioned by the author of Moneyball. And these guys were really the founders are the developers of the notion of cognitive distortion, and irrational mental function. It's, it's, frankly, an unduly long book, it tells too many stories about those guys. But it also I think, in hindsight, when I finished the book, I found myself seeing Oh, he the author really wanted us to see where that came from. How not to die is a ridiculous title, because we're all going to die. We're all for sure going to die. Unless there's a chosen one among you, in which case, be cool, but uh huh. Yeah, this was a book by a physician who essentially advocates for a vegan diet, which you may find to be preposterous, but he's got a lot of science in his first 15 chapters on health and diet. It's worth looking at, and it may work for

you and it may not. Thanks for the feedback is a business book, how to deal with criticism. I know for me, my go to on criticism is to get really defensive and angry.

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Like, I don't handle critic isn't well at all. And essentially, thanks for the feedback teachers used to say, Thanks for the feedback. Yeah, I told my wife, you know, they might have just come out with this as a short story, but, or just maybe it's a word or words. It's a sentence, thanks for the feedback. But I'm learning how to tell people thank you for their feedback, instead of telling them that they're losers or stupid, or, you know, whatever, is really a useful habit to get into, give and take is by a young business professor named Adam Grant, who took a look at who are the winners and losers in American culture. Are they givers? takers? Or matchers? Who do you what do you guys think? Who do you think came out on top? The takers? The givers are the matchers. givers? Yes. And the bottom. So the very top at the very bottom are the givers. And in the middle, are the matchers and takers. And this book talks about how to be a strategic giver. So how do you be a giver, but in a way that can be useful for yourself as well, I thought it was excellent. And this, by the way, this book triggered a whole national debate among intellectual circles on altruism. Does that make sense? Does it make more sense just to take everything from everyone? What really is workable, and it's an interesting debate, sorry, for the title, f apostrophe, Ck feelings. But this was a book by a psychiatrist out in New York City with his daughter, who basically got tired of saying the same thing for 30 years. I mean, I can relate to that, and wrote a book about it. And basically, what this guy's talking about is, hey, you think the best thing to do and by the way, this is timely with holidays, you are instinct, that one of those circles in that brain is to go, if I just got all my feelings out, everything will be better.

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Laughter that is the correct reaction. Turns out that doesn't work so

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well to like, piss on everyone in your family, and then think it's all gonna be okay. So that book talks about different approaches to resolving conflict that don't involve expressing your feelings to other people in a really harsh way, on the meaning of human existence by eo Wilson. I love this guy's writing. He's a scientist and evolutionary scientist who mostly studied insects. But you know, he said that basically the math the carbon mass of this planet is predominated by two organisms, which do you think they are? Anybody, termites, and humans. And what he said is that both organisms or species are use social, eu SOC II, l. and u sociability means is that these groups fit into patterns that are self assisting. In other words, they function for mutual benefit. Now, I don't know what termites think. I mean, they may not think at all, I'm pretty sure we don't think that

we're doing that. Or at times we do. And often we don't. But it makes me wonder if we don't really know what we're doing as a species, you know, like, in other words, maybe we're not supposed to know, maybe the reason why our brains look like God, where is it? God? Why is it takes a lot catastrophizing. I actually written an article recently about this. Yes, maybe our brains look like this is because this makes us use social. Maybe we're not capable of thinking as an as a huge species for the benefit of all billions of us. So we need to not be fully aware. We need to have a range of different decision making modules. And this works out in the end. To be continued. I'm not a scientist. So you know, I would love to be the PhD who writes that book. But okay, let's see, when we get back to where we were sorry. bucketlist Oh, boom. So I really like you Wilson abundance by Peter Diamandis. I bet him. He talks about how good things are, and why do we not see it? Why can't we see how great it is how we can fly and use a cell phone and tablet and iPads. And you know, Samsung's it's a worthwhile book reading. It was one of two books that former President Clinton said every American should read. And the other book Clinton said everyone should read was eo Wilson. So I thought, what the heck, I don't necessarily always agree with former President Clinton. I'll read his two books. And I was really glad I did. I'm rethinking positive thinking. This author found that we tend to daydream positively in a way that undermines our function. That if we could stop ourselves from daydreaming things that we actually can control and focus instead on what do I Want to accomplish? And how do I get there, and then focus instead on the challenges, as opposed to, you know, kicking back in your couch and imagining the $10 billion jury verdict in your favor. That that actually undermines their function. And I thought this was a really interesting book. And I think it's probably true 12 steps to a compassionate life, Karen Armstrong as a former Catholic nun who writes prolifically on religious issues. But she approached this issue of compassion from a completely secular perspective. And I found it interesting. You know, compassion is a secular, a religious but correct thing to do. footnote, don't forget eo Wilson. And then why Buddhism is true is a terrible book title. Because this is not about Buddhism, or why it's true. It's so how did they let them do this, but this author wrote a book really about why some of the most modern theories of psychology seem to track some, some not all, but some of Buddhist thinking. And frankly, this could have been like, why some religious thinking is true, or why the major religions views on contemplation are true, but he just hit it with Buddhism, you know, whatever. But it was a really good book on apps. These are apps that I've discovered that could be useful on your cell phone or tablet, My Fitness Pal, if you're trying to watch what you eat in your exercise, this is a free way to track yourself. I've experimented with everything. And honestly, I've done I did that for about a year and a half. And I would say I maintained but I didn't really accomplish anything striking. What really, I think lately, just got me going is the Dr. Greger book, which really has my wife frustrated.

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Because I'm not eating ribs. She's from Louisiana. But but but this is a good way to if you want to take a snapshot of how you're doing. This is an excellent tool, mood notes, is a way to track

psychological, daily journaling and what's going on with yourself. streaks is a behavior modification app that lets you say, Okay, I want a job three times a week, or I want to make sure I get a good night's sleep, at least Monday through Friday, this is a pretty good app for that. strides is also a behavior app. Gratitude is a journal function that lets you on a daily basis, say something grateful about your life, I highly recommend that that's a known way psychologically to increase your happiness. These are well reviewed, but I haven't used headspace in what's up. I believe these are both meditation guidance apps. And you can look online or look on your app store. And you can find meditation and mindfulness apps, these are really useful, because that's we talked about being in the present. We talked about being in the jungle and bagging the saber tooth tiger or avoiding it, or landing the woolly mammoth. And I'm pretty sure mindfulness was a big deal. Because if you didn't assess risk, you were probably dead. Is my thinking. So this is just some cartoons where I poke fun at mental health being treated like a stigma. And it's almost kind of not funny, but funny. But it's worth taking a look at. It's basically saying, What if we treated physical injury, like we do mental health, as for example, someone losing their hand and just saying, you just need to change your frame of mind, and then you'll feel better. But weirdly, in mental health, that's perfectly okay. But you know, you might need to be medicated if you have a certain kind of psychiatric condition, and have a wonderful, wonderful life. And that's okay, ask almost every novelist. So, you know, anyway, this is what this is all about. It's just pointing out how crazy it is. No pun intended, that we treat mental health differently than other health conditions. And then finally, you're not in this alone. I think sometimes the profession seems lonely. You're not alone. At least you have the lawyers Assistance Program. This is my contact information that will be part of the slide deck. If you ever want to reach out to me by email or whatever. Feel free to do so. So that's my talk. Thank you very much. I think we've hit our full time allotment, but I can take a few quick questions if you want.

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Oh, thank you.

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Any quick cues, or is everyone happy and ready to go back to whatever you're doing?

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You probably have noticed this When you're being prepared for a trial, I always insisted in obese, two females and two males, because the females on your example intraday, but the circle, especially the care circle, yep, they are more into detail versus the male for what may be catchy, a big issue. And then a jury, that would be really important because the women knew what to watch for. I'm not sure making any sense. No, no, I

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think what you're suggesting is that having a diverse jury pool, whether it's gender diversified, or otherwise, you need to have different ways of thinking to get to the right answer. And

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the ladies usually were much better in helping with the jury than males. Over the years, yeah, and almost never fails, they have to have at least the men

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absolutely are like writing a deal by a partner. Yeah. and say, What do you think? Yeah, you know what I used to do, I don't try cases anymore. But when I did, I made

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myself tell the story to a cab driver. And if I couldn't sell the cab driver, in one minute, I knew I was in trouble. I had to sell that fuller brush, and you just

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have to distill it, you have to distill it to what is the essence of what I'm trying to explain. And I think too little, we don't focus on that enough. We get lost in the weeds. And we convinced ourselves that we're right in that's, that's a big part of my own things. This is why I believe for our profession, we should all strive for judicial temperament, even if we're never going to serve on the bench. Strive for judicial temperament, which means we see reality and we can see both sides. And we don't get triggered. Yeah, we're not throwing our swords around. That's, I think that's my goal. That's Michael, anything else? All right. Thank you very much, you guys. It's been a pleasure.