

PD Quarterly

May 2019



Offering thoughtful, in-depth explorations of lawyer and law student professional development and talent management topics by PD people for PD people.



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New Realities
in Lawyer
Development**
by Steve Gluckman

**Ten Steps to
Competency
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Reframing Vulnerability in the Legal Profession

A Dialogue with Kay Nash and Rudhir Krishtel

Creating spaces for attorneys to be vulnerable without repercussion will shift the legal workplace toward being healthier — and, ultimately, more productive and sustainable.

When Rudhir Krishtel left his role as Senior Patent Counsel at Apple, he was concerned by the number of senior-level attorneys he knew who were experiencing unhealthy levels of stress and serious health issues. Rudhir was a client of Wiley Rein, and Kay met him when he was transitioning into coaching and consulting. His experience is somewhat unique to this work, in that he has been both a Big Law partner and an in-house lawyer. Rudhir and Kay worked together to launch the wellness program at Wiley Rein, which took several months. This included inviting Rudhir to the firm to share his story and to host focus groups with attorneys about the intensity of legal practice. Rudhir facilitated a series of conversations with Wiley Rein attorneys and identified concrete ways the firm could increase access to wellness and, ultimately, performance and sustainability.

In working toward transforming attorney well-being and longevity in the practice of law, Rudhir believes we need to reframe what it means to be “vulnerable” in the legal workplace.

Q. (Kay) Rudhir, could you briefly share your own experience first? When you were a law firm partner and senior counsel at Apple, how often did you take the risk of making yourself vulnerable?

A. (Rudhir) Rarely, if ever. I was too scared at the time that this kind of vulnerability would be perceived by my peers and

colleagues as weakness. I realize now that the opposite is true: vulnerability could have made me more resilient. Considering the nature of the cases we deal with, the ongoing pressure, and the perfectionism we subject ourselves to, we could really benefit from sharing personal and professional challenges and being supported by our peers in the workplace without stigma.

For example, in my last year as a partner at Fish & Richardson, I experienced a stress-induced health issue that I didn’t share with anyone. The high-pressure lifestyle of working long hours and not caring for myself felt like a rite of passage at the time. Even though the team there felt like family, I perceived that sharing my health concerns or asking for help was out of the question. I basically equated exposing any vulnerability to weakness — and weakness would be perceived as failure.

So, rather than have a conversation with leadership on ways to make adjustments toward a practice that was more sustainable, I went in-house to escape the intensity of private practice.

Without taking steps to shift the environment and allow for us to experiment with expressing what’s most concerning for us, legal departments will continue to lose highly productive people.

Q. Was your experience any different as an in-house attorney?

A. Not really. In terms of vulnerability, I found that when it mattered, I was just as likely to put up a shield as an in-house attorney. Because secrecy and confidentiality were a standard for the work, that inadvertently translated into a feeling of it being unsafe to admit vulnerability and share real challenges with peers and managers. Without taking steps to shift the environment and allow for us to experiment with expressing what's most concerning for us, legal departments will continue to lose highly productive people.

When I left practice, I wanted to help transform our profession by reframing vulnerability. Creating spaces for attorneys to talk about what stresses and challenges them does two things: first, it releases a pressure valve, allowing attorneys to stop internalizing stress that impacts their health. Second, being in dialogue with other attorneys, HR, or even coaches, provides space to seek support and acquire new tools or strategies to problem solve. Ultimately, creating spaces for attorneys to be vulnerable without repercussion will shift the legal workplace toward being healthier — and, ultimately, more sustainable.

In her book *Dare to Lead: Brave Work. Tough Conversations. Whole Hearts.*, Brené Brown says, “Our ability to be daring leaders will never be greater than our capacity for vulnerability.”

Q. Can you say more about how you see this quote applying to lawyers?

A. As the legal profession takes stock of what it means to get healthy, mindful, and sustainable, we need to take a hard look at problematic (or even toxic) invulnerability — and understand how it is hurting our talent. Only then can we reclaim and tap into the power that lies in vulnerability.

Although attorneys excel at speaking on behalf of their clients, many of them struggle with speaking (or even allowing themselves to think) about their fears, concerns, and challenges. The

unnecessary bravado that prevails in many law firms and legal departments to this day is also not conducive to open dialogue.

I firmly believe that law firms that create a safe environment to deal with workplace stress and mental health head-on will be healthier environments more conducive to real workplace connections, an appreciation for growth, and opportunities to increase trust, engagement, and respect, which are all important factors for success in the future of our work.

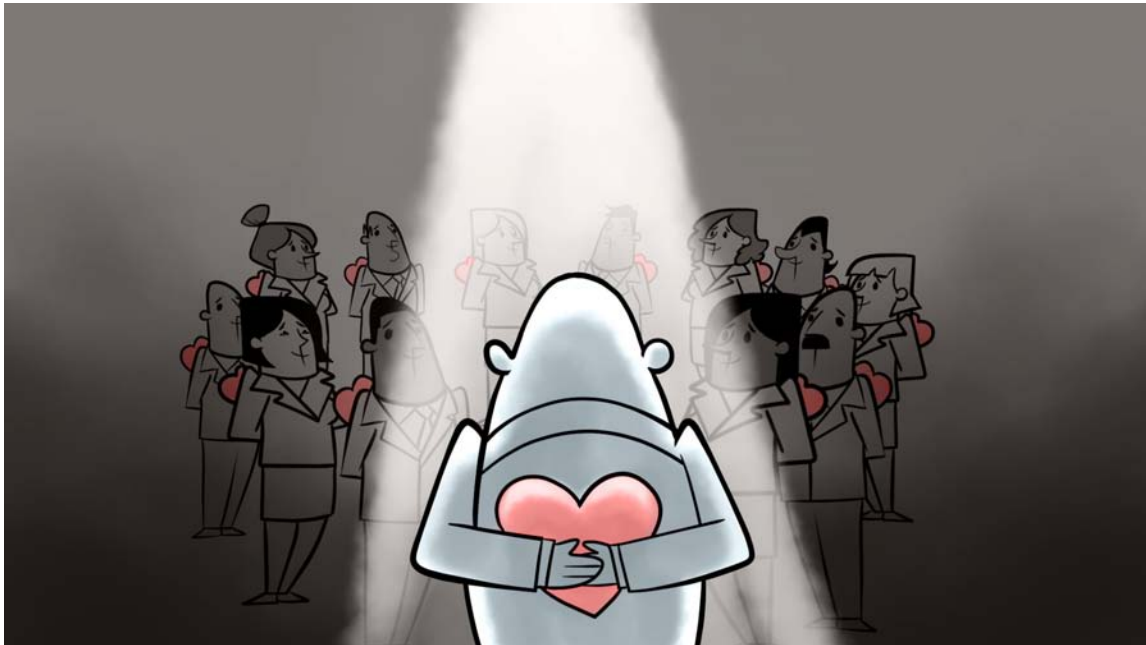
What we need to master is a clear differentiation between our behavior in court and our behavior when it comes to personal matters. When we are speaking on behalf of our client, we have to be strong, confident, almost invincible — that is part of the job. However, when it comes to personal matters, we can take that mask off and just be ourselves.

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Q. People often confuse vulnerability with “weakness.” Do you have any examples from your coaching practice of how vulnerability has helped a lawyer move toward something more fulfilling?

A. Absolutely. Recently, I coached a client who was working for a highly reputable litigator and she was given the chance to take her first lead role at trial — a significant next step in her career. Since she was already overwhelmed with her existing workload and concerned because of her lack of experience, she was inclined to turn the opportunity down.

In our coaching session, because lawyers tend to focus primarily on risk, we instead engaged in exercises that allowed her to calm her nerves and focus on the opportunity rather than her concerns. This included talking about what she wanted out of



her career long term, which was ultimately to lead trials, and assessing a few past moments of “weakness” in her life and whether they had any impact on her life now; she realized they didn’t.

With renewed confidence, she ultimately decided to communicate to the first chair litigator that she wanted to take the lead role but also needed support in her other responsibilities. In a real moment of vulnerability, she also admitted to her fear of disappointing him if she failed. Despite her concerns, there was no judgment from her mentor. Instead, he supported her by offloading some of the responsibility she was shouldering and reminded her that we all get scared before getting up in front of the judge — it’s a part of the job. She performed well, which will inevitably be a springboard for leading more trials in the coming year. Had she not taken the risk, it would have taken months or even years before she would have been offered another opportunity to advance her career in this way.

Addressing one’s personal fears and advancing one’s career need not be mutually exclusive objectives. In my work I’ve come across a range of scenarios where a fear of an outcome is seemingly in tension with meaningful professional growth but doesn’t need to be. Such important issues or situations include:

- Concern that outreach to a potential client will lead to rejection.
- Avoidance of difficult conversations with colleagues or direct reports.
- The failure of senior attorneys to accept the need to be trained to be better managers.
- A culture that does not encourage discussion of what is difficult or challenging.
- The inability to give real feedback out of fear of backlash.
- Attorneys lacking tools to advocate for themselves in a constructive way.
- Unconscious bias creating uncomfortable situations that nobody knows how to address.

If we can learn to choose vulnerability or choose the shield, depending on what best serves the particular situation we find ourselves in, then that is a big step toward greater authenticity. This transformation is, of course, a long-term process, requiring a reasonable level of change for the profession and cultural change at the institutional level.

Below are ways Kay and I believe professional development professionals can support a shift toward well-being and vulnerability.

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Conduct Focus Groups on Relevant Topics

At Wiley Rein, to improve health and wellness offerings and make the environment more conducive to these efforts, we hosted focus group discussions, inviting a broad set of participation from partners, associates, and staff across practice areas. Although it can take some time to break the ice, the experience at Wiley showed that everyone was ultimately very grateful that we opened a dialogue on a topic that was extremely important to them.

The focus groups were separately grouped by role (partners, associates, and staff), and the firm invited Rudhir to facilitate them. Focus groups that are facilitated by a professional coach or consultant can open up more opportunities for authentic dialogue. The separation of groups, along with confidential outside support, allowed for open conversation on current challenges in work-life integration, stress management, and overall health. These exercises can counterbalance a lawyer tendency to avoid tough personal conversations, including giving honest, productive feedback on their own practice or the firm. Without these types of efforts, firms risk the consequences of a continued lack of clarity and diminishing trust and engagement, as well as an increase in problematic communication habits.

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Create Open Dialogue About Managing Workplace Intensity

The stress that lawyers are exposed to and the effects it has on them, including the intensity of the workplace, are an example of issues attorneys may have a challenge volunteering.

In the focus group discussions mentioned above, Rudhir also facilitated a dialogue on how attorneys manage various workplace challenges. What was interesting was seeing how cautious attorneys were with sharing in the beginning, and how open they ultimately got toward the end. We received incredible feedback from each of the various represented groups on the challenges they faced, and discussed choices they could individually and collectively consider for improving their lifestyle and balance. More importantly, in 90 minutes, not one person picked up their cell phone, and afterward you could see that everyone felt a sense of relief and empowerment from having a relevant dialogue that helped normalize common fears and concerns.

One takeaway is that we need more opportunities for open dialogue around an important topic without necessarily having a specific objective or practical outcome in mind. Often, we are so worried about taking an hour of our lawyers' time that we create unneeded pressure around teaching to objectives — requiring that every program have specific defined learning objectives and offer practical takeaways. These facilitated discussions showed that there is value in open conversation, constructive feedback, active listening, and sharing, and that this experience in and of itself has a healthy outcome.

Provide Mindfulness Training

Practicing mindfulness meditation is an effective tool for increasing vulnerability. These practices can help slow down our thought processes so that we become more aware of the fears, self-judgment, and false beliefs that close us off from choosing a particular direction or path. Mindfulness meditation, or mindfully paying attention to moments of vulnerability, can

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allow us to notice emotions, detach emotions from our various thoughts, judgments, or stories, and increase trust in our capacity to succeed. Because learning mindfulness meditation is often and understandably difficult for many new to its practice, providing group trainings and opportunities for attorneys to practice mindfulness meditation with one another can help to support them in becoming comfortable with discomfort amongst their peers.

Offer Leadership Circles for High Performers

We often assume our firm leaders and high performers are doing just fine. Rather than encourage them to take a break, we tap them for various “non-billable” activities, committee leadership positions, recruiting, and other initiatives. This can create an additional emotional burden. Consider providing a leadership circle with facilitated leadership training and dialogue — perhaps of committee chairs of various firm initiatives, senior associates who are often tapped for firm initiatives, or other leaders. Providing leadership training can be a welcome reward for these attorneys’ efforts. The shared connection that results can also open up dialogue about challenges in balancing their role within the firm and their internal well-being. Creating safe spaces for people to be open about how they manage their challenges can allow them to feel more connected in a short amount of time.

Cross-Functional Dinners

At Wiley, we created small groups within particular peer groups across various practice areas and invited them to go to periodic dinners together. We have done this successfully thus far with senior associates and junior partners. The idea is that

you can host informal dinners around intentional topics and use the dinners to brainstorm and discuss a variety of ideas with six to eight peers from different practice groups. The dinners benefit the culture of the firm, enhance business development through cross-selling, and reduce isolation. And, once connections are made, people are more likely to be vulnerable with each other and ask for help on a business initiative or project or to provide feedback.

Be Sure Training Includes Dialogue on Making Mistakes

Many law firms present junior associates with good information on how to avoid mistakes and what to do when mistakes happen. That information, however, recedes as associates get more senior and perfectionism becomes even more deeply ingrained. We should, therefore, mention potential mistakes and how to deal with them in more senior attorney training as well. This builds awareness that perfectionism can breed stress — and acknowledges that mistakes happen and that there are professional and ethical ways to handle them with the support of others. Small experiential training opportunities can create an environment where attorneys can set challenging learning goals for themselves (e.g., to become more persuasive, to contribute more in meetings, etc.), have a space to deliberately experiment with alternative strategies, and have a sounding board to get feedback after practicing the action. In an environment where perfectionism is table stakes, people need places where they can fail comfortably.

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Conduct Training on Active Listening and Coaching Skills

In the transition from being an attorney to becoming an executive coach, Rudhir realized how much attorneys need to improve their active listening skills and move away from always leaning into problem solving. Active listening skills should be addressed in core training throughout attorneys' careers. At Wiley, we recently conducted a training for associates who are on our associates committee to talk about how they hold leadership roles within the firm, and how, as part of those roles, they will be conducting focus groups or roundtables. The training discussed communication strategies and active listening to make sure that these associates can lead effectively when listening to others.

Everyone needs listening and coaching skills. We want to create an environment where junior attorneys are comfortable saying “look, I’m really challenged by this situation” and have a senior attorney actually willing to listen without judging or thinking the attorney can’t handle the situation. Even if this doesn’t help solve the problem, allowing an attorney to feel heard and supported has value. And, when we encourage this process with junior associates and mid-levels, it starts seeping into the culture of the next generation of leaders.

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Communicate to Attorneys at All Levels That It’s OK to Ask for Help

One thing we want to impart to our lawyers and the law students we encounter is that it’s OK to ask for help. Common lawyer personality factors, such as low resilience, low sociability, and high skepticism, can lead to isolation and to what the report from the National Task Force on Lawyer Well-being calls “a lack of health-seeking behavior.” Part of what we want to do with well-being is to de-stigmatize health-seeking behavior which is vulnerability. We have to create varied strategies to come at the issues involved in lawyer well-being and make sure that people feel supported, but we also need our lawyers to know that they have an open invitation to seek help.

Likewise, when people fail — and they do — people at the firm need to say it’s OK, work on how to fix issues, and move on. Encouraging this type of culture will go a long way toward creating opportunities for people to see that they can be more daring — that they can say, “Look, my firm is going to support me if I stick my neck out or go out on a limb.”

This is the essence of creating a workplace where people feel supported. If our lawyers are more open to being vulnerable, productive and supportive conversations will follow. This type of engagement can affect well-being for both lawyers and law students.

About the Authors



Rudhir Krishtel is an executive coach and consultant focusing on workplace wellness and intensity. As a former lawyer, Rudhir coaches clients to identify the issues that hold them back from advancing in their career with clarity and fulfillment. Rudhir works with clients on a range of issues, including: Career Strategy,

Business Development, Building Leadership Skills, Navigating Workplace Relationships, and Diversity and Inclusion Challenges. Prior to becoming an executive coach and consultant, Rudhir practiced law for 15 years as a federal clerk, patent litigation partner at Fish & Richardson, and then as senior patent counsel at Apple. His lawyer days led him to train as a teacher for yoga (Baptiste Institute) and mindfulness meditation (Warrior One), and as a professional Co-Active coach and leadership instructor (Coaches Training Institute), to serve as a much-needed support for the legal community. He can be contacted at rudhir@krishtel.com or www.krishtel.com.



Kay Nash is currently the Chief Talent Officer at Wiley Rein LLP in Washington, DC. Kay has more than 25 years of experience in the areas of talent management and career development. Her experience includes the development and implementation of firm-wide legal talent, human resources, and strategic initiatives. In her

role at Wiley Rein, Kay leads the human resources, attorney recruiting, professional development, diversity, legal and practice support efforts for the firm. She also develops and implements strategies and initiatives to develop the firm's talent at all levels from professional staff to partners at the firm.

Kay is a dedicated member of NALP, having served on the Board of Directors from 2012-2014 and in other leadership roles, including her current service as a member of the *PD Quarterly* Advisory Group. She is also an active member of the Professional Development Consortium. She can be contacted at knash@wileyrein.com.