



Optimizing Worker Wellbeing and Achievement:

Insights From Performance
Psychology

PART I: Demonstrating a Need

Abstract

This section establishes the elevated risk for psychological and behavioral disturbances that are apparent for professionals within the law community. Part of this can be attributed to the personality constellations commonly presented within lawyers and the correlations between these dispositions with physiological indicators of stress.

The psychological welfare of those within the legal professions has reached a point to which it deserves more attention. A 2016 study sample demonstrated 28%, 19%, and 23% of lawyers experiencing mild or high levels of depression, anxiety and stress, respectively¹. The same study also demonstrated lawyers to be more likely to screen positive on the Alcohol Use Disorders Identification Test (AUDIT) (a self-report instrument to screen for hazardous use, harmful use, and the potential for alcohol dependence) in comparison to a broad, highly educated workforce screened positive on the same measure. Divorce rates have been considered at this time as well, as lawyers exhibit higher likelihood than the average population of having a divorce across their lifespan, scoring higher than doctors². Ultimately, impending stressors as previously mentioned have led to 17.9% of lawyers contemplating suicide over the course of their career³.

These findings have led to a renewed emphasis on lawyer well-being represented across the academic literature⁴⁻⁶. As a result, psychological well-being initiatives have been fully integrated into many law school programs⁷. The impact of the renewed emphasis at this early stage of career and its relationship to lawyer well-being over the career span remains to be seen, and while the appropriate roll out of a theoretically-sound wellbeing program would plausibly enhance wellbeing in the short term, the complexities of mental health make it less likely to have long lasting durational effects for years to come. Though results from similar positive psychology intervention appear to withstand at 3-months post intervention⁸. Therefore, it is imperative to consider avenues from other fields as a means to maximize performance and wellbeing throughout the law community.

Wellbeing has also proven to be somewhat of a complex concept to study. As a result, Dodge et al., 2012 found a need to define the construct in its simplest form "the balance point between an individual's resource pool and the challenges faced". The construct alludes to the fact that wellbeing consists of a dynamic lifelong process of possessing the psychological, social and physical resources to encounter and face psychological, social and physical challenges. The see-saw structure denotes a need for homeostasis, or a return to baseline after demands have ceased. When individuals are faced with more challenges than resources, wellbeing ultimately dips and vice-versa⁹.

Though wellbeing and the study of its nature are helpful in the depiction of worker satisfaction, researchers in positive psychology have long held that the absence of pathology (e.g., depression, sadness) within individuals does not automatically suggest that they are well-adjusted, thriving, and self-fulfilled individuals¹⁰.

Perhaps intuitively, there is a reciprocal, symbiotic relationship between lawyer performance and wellbeing. Performance degrades as wellbeing erodes, so too does wellbeing suffer with the degradation of performance. For this reason, it may be more advantageous to study the concept at its extremes (burnout and thriving) rather than in general.

Though performance remains part of wellbeing, **the psychological skills needed to become a proficient lawyer are typically left to chance in their formation.**

Therefore, the purpose of this paper is to discuss the advantages of performance psychology consultation within the legal professions. The scope of the paper is three-fold, to (1) demonstrate a need for wellbeing initiatives by discussing common personality dispositions, the stress response, and current statistics, (2) depict the relationship between burnout and motivational climate, (3) discuss performance psychology (mental skills training) and its role in increasing wellbeing through mitigating burnout and enhancing performance.

KEY DISPOSITIONS

'Personality' refers to the pattern of thinking, feeling and behaving that varies between individuals but is relatively stable within an individual over time¹¹.

The personality trends of those within the legal profession have been semi-well explored¹²⁻¹⁵. Findings show lawyers tend to exhibit dispositions and stable psychological traits (grit, hardiness, etc.) that differ from the general population. In her notable 2012 paper, Deveson poses that "knowledge emerging from the burgeoning field of personality neuroscience suggests that the high prevalence of mental disorders within the law community is at least in part explained by personality factors." Review of relevant literature on the demographic alludes to data trending higher than the average population in introversion¹⁵ characterized by decreased likelihood to seek social engagement, and two sub-domains of neuroticism, excitability and adjustment¹⁶. Though a more robust study needs to be conducted specifically to the law community, this personality profile would suggest individuals be increasingly sensitive to anger, skepticism¹⁴, performance degradation in the face of pressure, fluctuations in mood and being self-critical ("adjustment"¹⁶).

Lahey (2009) paints a clear picture of the public health concern driven by increased neuroticism in the general public citing stronger associations with mental disorders, co-morbidity for mental disorders, and predictability of depression, schizophrenia, youth suicide attempts, and when considering other life events neuroticism is especially strong predictor of public health concerns¹⁷. Similar physical effects were found as well, linking high neuroticism with increased all-cause mortality, and mortality risk due to cardiovascular disease, linkages between chronic disease and cancer exist as well. Perhaps the primary conclusion from population or demographic research like this is **there is an inherent need to assess individual personality traits as a means to increase self-awareness of potential correlatives of future health concerns**, as not everyone will exhibit the constellation of traits, even if the likelihood is higher than average.

It is important to note that the aforementioned type of personality may aid in demonstrating proficiency within the law profession. Despite the potentially deleterious health concerns stemming from the associated thoughts, feelings and

behaviors, the profession dictates a need to being comfortable working by yourself, or being skeptical of new information. However, this is not without drawbacks, as a symbiotic relationship with neurobiological and psychophysiological function presents itself. Deveson laid out a cogent argument for how neuroticism drives specific brain structure and function¹³.

Research has also shown individuals with higher scores on neuroticism to experience increased activation of the amygdala during fear induced-tasks. Providing a neurobiological backing for the personality trait.

The alignment of personality traits with relevant physiological phenomena was not first seen within the field of personality neuroscience, as theorists (cardiologists) posited relationships between personality and cardiovascular events in the original Type A disposition¹⁸. They noticed that the leather chairs in their waiting room tended to have increased wear toward the front of the chair. Elucidations from Type A behavior theory and other subjective personality metrics determine that an understanding of the relation to the biology of stress is critical for wellness and performance paradigms within the law community.

DEFINING STRESS

Within humans, the term “stress” is used to describe any of the four aspects of the concept (alarm, experience, response, feedback). This delineation is important to demystify the idea, as stress has been measured through subjective and objective means related to each of the stages. Ultimately making meaningful conclusions more difficult to ascertain.

The process starts with the alarm stage. Alarm generally refers to a stimulus or trigger, a perceived threat or idea. The association of this stimuli with positive or negative valence occurs in the experience stage where meaning is ultimately assigned within the brain and the emotional aspects are weighed. The next stage, response, is typically what individuals associate with subjective measures of “stress”. Response is where there is some sort of increase in arousal that manifests in various organs throughout the body. Lastly, feedback relates the experience of stress back to the brain ultimately leading people to feel more “stressed” or to allow coping mechanisms to take action. The realization that this process happens under real or imagined danger has led to it to be discerned by many as the “fear cascade”.

The aforementioned process has neurobiological etymology and heavily relies on the coordinated interplay of the autonomic nervous system and hypothalamic–pituitary–adrenal (HPA) axis¹⁹. In the beginning stages of stress, the amygdala interprets images and sounds in order to detect and identify danger. When the amygdala perceives danger (real or imagined), it sends a distress signal to the hypothalamus, immediately deploying the ANS and HPA axis to deal with the

perceived threat. First, the ANS utilizes several physiological quick-responding mechanisms to mobilize resources to combat the stressor, primarily through activity of one of its two branches (sympathetic, with parasympathetic being the other). Next, the HPA axis initiates a cascade of endocrine events that results in hormonal changes (namely, increased cortisol) taking longer to manifest (minutes). This process further strengthens the sympathetic activation of the ANS.

Physiological implications of the stress response help to explain the influence performance psychology programming can have on the performance of individuals during high pressure situations.

The sympathetic activation of the ANS leads to bodily changes that biologically gear the body to fight or flee. Typically, elevations in heart rate, blood pressure, perceptual narrowing, pupillary response, and heightened perspiration amongst other phenomena. Cognitively, it is commonly accepted, and perhaps too simply explained, that the frontal lobe (where higher-order cognitive functions transpire) is all but bypassed during fight or flight, making degradations in decision-making, working memory bottlenecks, decreased inhibitory control and cognitive flexibility, cognitive tunneling, readily apparent. These symptoms remain until the stressor has been eradicated or coped with, ultimately allowing the parasympathetic branch to act on dually innervated organs as a means to return to homeostasis.

MEASURES OF STRESS

Given that the stress response primary utilizes two systems throughout the body, the ANS and HPA, possibilities exist for obtaining objective measures of stress. Heart Rate Variability (HRV - the measurement of fluctuation from beat-to-beat) is predominantly utilized for its ease to obtain a measure. Studies have shown it to provide a readily accessible measure of stress when using highly regimented study. HRV is predominately a measure of cardiac parasympathetic modulation and has demonstrated validity in ultra-short form readings (less than 2 minutes). Individual and environmental differences make the study somewhat difficult to ascertain.

However, meaningful correlations have been found between tonic-/phasic-measures and maladaptive states (diminished HRV) leading to increases in all-cause mortality as well as adaptive (increased HRV) cognitive, social and emotional factors²².

Two hormones secreted from the adrenal glands, cortisol and DHEA (dehydroepiandrosterone) are released as part of the stress response. Cortisol improves the ability of the body and brain to mobilize energy while inhibiting digestion, reproduction and growth. DHEA speeds up wound repair and enhances immune function. Neither of these are "good" or "bad" as inappropriate amounts of either could result in degradation²³. However, the ratio of DHEA to Cortisol (termed growth index of a stress response) has long term implications for how well individuals thrive under stress and has been correlated to different types of achievement²⁴.

On a general level, the stress process is largely seen as adaptive. The cyclical nature of alarm, experience, response, feedback, is inevitably necessary for one's livelihood. The question remains to what extent does the over experience of the stress response become harmful for one's health.

Ursin and colleagues (1983) proposed the "sustained activation theory" of stress, that prolonged exposure to a stressor, or repeated activation of the HPA Axis may prevent these systems from returning to homeostasis²⁰. Since this time, research attempting to credit or discredit the theory has proven difficult to establish²¹. However, one way for the original hypothesis to still hold true is if one accepts disturbances in diurnal rhythms and sleep to be part of this pathology.

This theory potentially lays the groundwork for why it is important to consider aspects that might lead to repetitive stress and how to develop appropriate coping mechanisms to respond favorably. As researchers have determined that the mindset involved with stress, and the view of it being helpful instead of harmful may have physiological implications^{22,23}. The previous theory, coupled with the growing literature on the importance of thinking styles and dispositions geared toward stress enable new lines of thinking to conceptualize wellbeing, burnout and performance.

CONCLUSION

This section lays the groundwork for why wellbeing initiatives might be helpful and necessary for the lawyer demographic. The rationale exists between the relationship of personality constellations that predispose certain individuals to increased physiological manifestations of stress, resulting in the aforementioned high prevalence of deleterious behaviors within the population.

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