

Resilience Strategies for Judges and Court Professionals

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What is resilience?

- multidimensional characteristic (biological/physical, psychological/emotional, mental, spiritual) that enables us to thrive in the face of adversity and to successfully adapt to disruptions in our life balance (Connor & Davidson 2003)

Four possible outcomes to disruption of our life balance:

- dysfunctional state, self-destructive behaviors used to cope with stressors (e.g., substance abuse, social addictions, suicide)
- recover with some loss of functioning (“burnout”)
- just get past or beyond the disruption
- increased resilience: “post-traumatic growth” (Tedeschi & Calhoun 2004)

Characteristics of resilient people:

- Develop purpose: deep commitment to personal and collective goals
- Regularly take stock in what they have and have not accomplished
- Share close personal relationships and engage the support of others
- Can offer and ask for help
- Savor pleasures and live in the present moment
- Have a clear sense of identity but open to learning about themselves
- Frame the world from a realistic optimistic point of view
- Possess a realistic sense of control and recognize limits to choice
- View change or stress as a challenge or opportunity and demonstrate adaptability when dealing with change
- Take calculated, necessary risks and capitalize on opportunities
- Are action oriented and self confident
- Display a sense of humor in the face of stress
- Possess patience and tolerance of unpleasant emotions
- Practice forgiveness and express gratitude easily
- Have faith (believe in benevolent intervention)
- Engage in physical activity that fits them

Lawyers as a group are less resilient than most other professionals.

Characteristics that distinguish lawyers from general population:

- Highest in major depressive disorder among professionals
- Higher rates of substance abuse (up to 70% of attorneys likely to develop alcohol problems at some point v. 14% general population); 5-15 times the normal rate of clinical distress (anxiety, depression, phobias)
- Higher levels of skepticism and pessimism
- More likely to be risk averse
- Higher autonomy: prize independence
- Lower ability to bounce back from criticism or rejection
- Lower levels of trust
- Lower sociability (interest in people, comfort level with emotional concerns and interpersonal matters)
- Greater argumentativeness, competitiveness, aggression, and dominance, which can undermine relationships
- "Thinking" vs. "Feeling" approach to making decisions
- More likely to compare self with others and need to be better than others

Unique features of judging, court administration, and law practice that negatively affect resilience:

- Law is the only profession that rewards the explanatory style of pessimism, which leads to depression
- Necessary evils –may need to do harm to specific individual or group in furtherance of justice or of an important administrative goal
- High job demands in stressful situations combined with lack of control of many factors. For judges and administrators: huge dockets, public scrutiny, public misunderstanding, court security, legislative action, funding. For attorneys: facts of the case, behavior of opposing counsel, decisions of jury and judge, client's motives
- High stakes of public safety v. individual freedom, and of public trust and support of the courts
- Compassion fatigue and vicarious trauma
- Public scrutiny of high profile cases
- Public misunderstanding of complicated legal issues, court processes, and prosecutorial decisions
- Zero-sum game, never win-win, in classic adversarial system—if you win, someone has to lose
- Values conflicts—doing or deciding the “right thing” isn’t easy because there are “right things” on both sides
- Low “decision latitude,” which is the perceived or actual choices in one’s work
- Law school training of “Thinking like a Lawyer” requires being critical and pessimistic and engaging in depersonalizing, all of which lead to negativity that undermines resilience
- Values-free training of law school so able to argue both sides of a case
- Rule-based decision making v. intuitive decision making

Conflict between the two sides of the judicial system:

- Judicative side needs to move laterally very slowly: stare decisis, rule of law, not proactive. Judges as cautious gatekeepers trained to reflect and change slowly
- Administrative side needs to move quickly both laterally and vertically

Finding Meaning for Resilience

“To love what you do and feel that it matters, what could be more fun!”
– Katherine Graham, Washington Post Editor

Meaning- *finding your signature strengths and putting them to work in the service of an inspiring purpose*

- Self-awareness is key to developing meaning
- Meaning is the motivation that moves us to push ourselves to the limit
- Contributing to something bigger than yourself creates meaning
- Resilient people are goal-oriented: intrinsic, self-determined, authentic goals
- Process of working towards goal equally important as attaining it
- Meaning is the highest form in the progression of happiness: from pleasure to engagement to meaning
- Research shows that meaning translates into:
 - greater job satisfaction
 - higher productivity
 - lower turnover
 - increased loyalty
- Intrinsic motivation/purpose promotes and sustains energy
- Shift from serving our own needs and desires to serving something beyond ourselves creates meaning
- Schedule time for reflection or keep a journal focusing how what you do every day either diminishes or enhances the meaning in your life and work
- Identify your signature strengths—what you’re good at and enjoy, who you are at your best—and build into your everyday work activities
- Signature strength criteria:
 - feels true to self;
 - can’t help but use it;
 - intrinsic motivation to use it; and
 - even when working hard and physically exhausted, feel energized when using it
- Signature strengths each have a “shadow” side that can undermine performance—must apply strength in right context
- “Craft” work projects so that you can apply your signature strengths in a new way or in a new situation
- Encourage team members to identify their signature strengths and to consider how they can best use these strengths at work to enhance performance and satisfaction
- Consider signature strengths in creating teams for specific projects
- Rekindle creative interests

Managing Energy for Resilience

“The secret to lasting success—individually and organizationally—lies in how we manage our energy.” Marcus Buckingham, author

Managing energy – *knowing where your energy comes from, where it goes, and what you can do to manage it*

- Energy management, not time management, is the key
- Work-life balance is a myth; instead balance energy flow
- Balance energy expenditure with energy recovery: oscillation is the key
- Develop self-awareness of your energy sources and sappers
- Minimize depletion: space out energy-sapping activities
- Restoration: incorporate energizing activities into each day including time to focus without distraction (no multi-tasking!)
- Need good fit with restorative activities (yoga, running, socializing, prayer, etc.)
- Two most important regulators of physical energy are breathing and eating
- Use deep rhythmic breathing exercises to regulate pulse, reduce stress level
- Eat a balanced, healthy diet:
 - Eat 5-6 small meals daily
 - Eat a healthy breakfast every day
 - Avoid sugar and white flour
 - Rely on complex carbohydrates and protein
 - Drink 48-64 ounces of water daily
- Change activity or take break every 90 minutes because of natural diurnal cycle
- Get some physical exercise daily
- Try to do 2 cardiovascular workouts and 2 strength training workouts a week
- Moderate aerobic physical exercise changes your brain for 12 hours: improved ability to learn, problem-solve, and create
- Listen to music to change your energy level
- Keep a small space on your desk neatly organized
- Schedule specific “e-mail hours” and let others know
- Develop good sleep hygiene:
 - Get 7-8 hours sleep each night
 - Go to sleep and wake up consistently at the same times
 - Disconnect from all digital stimulation an hour before bedtime
 - Minimize caffeine and other stimulants
 - Have a calming routine of listening to soft music or reading a book
- Spend time in nature for its restorative properties
- Flow – being so engaged or absorbed in activity that you don’t notice passage of time results in more energy, peak performance, creativity, greater satisfaction
- Flow requires balance between skills and challenges, neither anxiety nor boredom: have to continually stretch ourselves
- Recognize when you are in flow (at work? leisure activity? conversation?) and what contributed (full attention to task v. multi-tasking? intrinsic motivation? clear and attainable goal?)
- Live in the present moment—practice mindfulness
- Meditation is to the brain what physical exercise is to the body—new research shows it sharpens decision-making skills, improves attention span, reduces stress and blood pressure, enhances memory and performance
- Develop positive energy practices and self-care practices - precise behaviors that become automatic over time and elevate to the level of “ritual”

Developing a Growth Mindset for Resilience

“The passion for stretching yourself and sticking to it, even (or especially) when it’s not going well, is the hallmark of the growth mindset. This is the mindset that allows people to thrive during some of the most challenging times in their lives.”

Dr. Carol Dweck, Stanford University

Mindsets – How we think about intelligence and talent and success

Growth v. Fixed Mindset

- Growth Mindset: “Intelligence and talent can be developed”
byproducts: hard work, perseverance
- Fixed Mindset: “Intelligence and talent are static and they alone create success”
byproducts: lack of motivation, fear to try or try again
- Addressing mindset is a powerful strategy to improve motivation and productivity, and enhance relationships—all of which lead to greater resilience

Fixed Mindset: leads to desire to **look smart**, so the person:

- Worries about perceived success and seeks confirmation from others
- Spends time documenting intelligence and talent rather than learning
- Feels urgency to constantly prove worth
- Sees effort as fruitless
- Avoids challenges
- Gives up easily when faces obstacles
- Ignores useful feedback
- Is threatened by others’ success
- Trap – thinking of yourself as special or a protégé or having a fixed trait

Growth Mindset: leads to desire to **learn**, so the person:

- Believes that dedication and hard work lead to success
- Embraces challenges
- Persists despite obstacles
- Sees effort as path to mastery
- Learns from feedback and criticism
- Is inspired by others’ success

How to **change** from a Fixed Mindset to a Growth Mindset:

1. Learn to listen for your inner fixed mindset “voice.” Examples: “If you don’t try, you can protect your dignity.” “Are you sure you can do this? Maybe you just don’t have what it takes.”
2. Recognize that you have a choice as to how you interpret challenges, setbacks, and feedback
3. Talk back to your inner fixed mindset voice with a growth mindset voice
4. Take the growth mindset action: Learn from setback and try again; listen to feedback and decide whether to act on it

Effective Praise

- boosts optimism, provides motivation, and promotes further development and refinement of behaviors, processes, and strategies that lead to success
- being specific and descriptive in your praise is just as important as in your criticism
- Process or effort praise (“you took such care with that project”) is more effective than trait praise (“you’re good at that”)

- Effective praise requires that you name the specific strategy, effort, or skill that led to the good outcome
- Naming the specific strategy accomplishes three things: it demonstrates that what the person was doing was important enough for you to be paying close attention; it establishes your praise as authentic and not something you say to everyone; and it illuminates the strategy that worked so that they can repeat the success.

How to **give feedback** to cultivate a growth mindset in others:

- Don't praise "natural talent" or tell them how smart they are
- Do point out the specific strategy or plan of action they used to achieve the good results
- Praise for hard work and persistence, naming specific behaviors
- Praise for changing strategy or plan of action when obstacle or setback encountered
- When giving negative feedback, share confidence in their capacity to change and help them develop new strategies and a plan for change

Connecting for Resilience

“The short story on resilience is that relationships matter.”
Dr. Karen Reivich, University of Pennsylvania Resiliency Project

The power of relationships

- A sense of belonging makes life meaningful
- Top 4 major sources of life satisfaction are all relationships
- Up to 70% of our controllable happiness comes from relationships
- Social support lowers stress hormones, triggers immune system to fight disease
- Strong, positive relationships lead to greater resilience
- Do all you can to create a trusting, connected work environment
- Interact with someone you like every 4 hours at work
- Quality of relationships at work are major factor in career satisfaction
- Close friend at work outcomes:
 - 7 times as likely to be engaged in job
 - increased satisfaction with employer by 50%
 - twice as likely favorable impression of pay
- Loyalty between employee and supervisor or another employee (not loyalty to organization) leads to retention
- Resilient professionals have support group that gives them honest feedback

Eight Vital Friendship Roles (Rath)

- Focus on what each person does contribute to your life, not what they don't contribute
- Don't expect one person to meet all your needs
- Eight Roles:
 - Builder – motivators, lead you to achieve more, catalyst for growth
 - Champion – stand up for you, sing your praises, advocates
 - Collaborator – share your passion
 - Companion- always there in good and bad, makes sacrifices, deep level relationship
 - Connector – builds bridges, introduces you to others, provides links
 - Energizer – fun to be with, gives you a boost, positive person
 - Mind Opener – embraces new ideas, challenges for innovation, provides different perspectives
 - Navigator – gives advice and guidance, helps with decision-making at the crossroads

The power of wellness culture zones

- Places where people live longer and are happier and healthier are where people adopt healthy behaviors together
- Positive health practices become integrated into culture of friendship, families, workplace and community
- We can create these wellness cultures zones in our own neighborhoods, faith communities, workplaces, families, and friend networks
- Work culture, norms, expectations, and pressures can significantly contribute to or hinder our individual wellness efforts
- Close friends influence each other even if living far apart: unhealthy behavior in friendship network is “contagious” but so is increase in positive practices

Networking for your own personal and professional development

- Create and use your formal and informal networks for feedback and opportunities
- Network design may be broad and shallow or narrow and deep
- Strong networks lead to career satisfaction and success
- Networking involves building relationships (focus at beginning of career or when make a change), maintaining relationships (focus as advance in career), and accessing relationships
- You need a diverse network for the greatest possibilities. Do you have contacts in other professions? in different work settings? with different perspectives? with broad life experiences?
- Weaker ties in your network may actually be the most helpful because the stronger ties may have the same connections, information, and perspective that you have. Weaker ties may know about possibilities you hadn't considered
- Is it easier for you to ask for help from your stronger ties because you are most comfortable with them or your weaker ties because you have little to lose with them?
- Be alert to stronger ties having an outdated idea of who you are or what you can accomplish, or of reinforcing shared perspectives, which can lead to blinders
- Understand reciprocity: you have to give to get time, info, feedback, recommendations, introductions, opportunities, connections, assistance, money, other resources
- Learn to collaborate with others to create opportunities
- Keep the focus on your own personal and professional growth and development and on the professional growth and development of everyone in your network

Mentors

- Good mentoring leads to both career satisfaction (you want to stay) and career success (they want you to stay)
- Benefits of greater career success and career satisfaction from mentoring:
 - better retention
 - fewer mistakes
 - more rapid acculturation into profession and organization
- Two types of mentoring—career and psychological—and not everyone can do both well!
- Career Mentoring: focus on substantive legal issues, job skills, professional role model
Result: greater career success as measured by firm's decision to retain
- Psychological Mentoring: focus on affirmation, honest feedback, trusted confidant
Result: greater career satisfaction as measured by associate's desire to remain with firm
- Traditional mentoring: 1:1; same organization; covers every topic; months to years
- Mentoring networks: multiple mentors; inside or outside organization; contemporaneous or consecutive; greater benefits than traditional 1:1; supplement to traditional mentoring
- Networks of mentors needed because changing work environment requiring new skills, different career expectations, and work habits of young professionals
- Be a mentor to those new to the profession or your organization
- Write a letter of gratitude to someone who has helped you develop professionally—meet with them and read it to them!

Engaging with Positivity for Resilience

“Positivity broadens your outlook. It literally expands your mindscape, bringing new possibilities into view.”

Dr. Barbara L. Fredrickson, University of North Carolina

Engaging with positivity and taking ownership of opportunities

- Engagement is the depth of involvement with work, family, friends, hobbies
- Learn to access pleasant and positive emotions
- Positive emotions build relationship and broaden our perspective
- Tipping Point of 3:1 ratio of positive to negative feelings, interactions, experiences necessary for resilient individuals, greater achievement and effective teams
- Highest performing individuals and teams have 5:1 or 6:1 positivity ratio
- 2:1 positivity ratio is common in normal functioning adults
- 1:1 or lower ratio is indicative of clinical depression
- Take ownership of opportunities at work—“make your own luck”
- Find your voice and speak up to develop self confidence
- Become self-reliant by accepting opportunities and risks
- Make day-to-day decisions in line with your long term goals
- Make time for reflecting on whether you are investing your time and energies in those people, projects, and places that you value most deeply
- Learn to collaborate with others to create opportunities
- Own your own professional development-- identify what you need to change about yourself and change it. “Burnout is bureaucratized depression. It occurs when we lose touch with our own personal and professional development.” Dr. Robert Kegan, Harvard University
- Seek help from your support group or a professional coach
- Develop practices of reflection and self-improvement such as a learning journal to identify signature strengths, reflect on insights, cultivate self-awareness, build on things that worked well
- Develop practices to raise positivity ratio such as a gratitude journal and loving kindness meditation
- Research shows that persons with an optimistic explanatory style (your habitual way of explaining good and bad events in your life) see life more realistically than persons with a pessimistic explanatory style because the former are confident they can manage the challenges, so they accept the facts as they are and move to action
- Persons with an optimistic explanatory style find meaning in their failures and setbacks and use them as learning opportunities
- Realistic optimism is associated with:
 - greater physical health
 - less depression
 - longer life
- After difficult events, engage in restoring activity to build energy and self confidence
- When you feel overwhelmed, move around: go up and down a flight of stairs or walk briskly
- Practice Meditation or Centering Prayer—research shows they literally change the brain in as little as 6 weeks of practice: reduced stress and anxiety, increased happiness, more compassion, better listening skills, learning to respond rather than react

- Contribute to optimal performance and healthier norms in your organization through developing a wellness initiative:
 - model, recognize and reward healthy choices
 - don't reward unhealthy behavior
 - challenge unhealthy behavior
 - create wellness traditions and remake old traditions that undermine wellness
 - communicate about wellness opportunities in workplace and community
 - organize workplace relationships (mentor-mentee, practice team) around healthy activities
 - serve healthy food at events

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Related websites:

authentichappiness.org
hpinstitute.com
mckinsey.com/howremarkablewomenlead
mindsetonline.com
positivepsychologynews.com
positivityratio.com
viacharacter.org
vitalfriends.com

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Learning Journal for Self-Directed Development

Every experience you have at work can be a source for learning through a learning journal. Like any skill building practice, mastery is helped along by creating a habit. Discipline yourself to add these steps to your on-going daily work and you will build your capacities. Over time, you will see your **resilience** increase, your ideas multiply, your perspectives broaden. Here is an example of taking a work experience around David Kolb's Experiential Learning Circle as part of your learning journal practice.

Experiencing

Describe a concrete event or experience at work. Stick to a single event bounded by time. Be objective and neutral in your description:

- What happened?
- Who said/did what?
- What did you feel, say, do?
- What were the consequences?

Reflecting

Now looking back with hindsight, "talk to yourself" about the experience:

- What are your feelings, reactions, observations, judgments?
- How did you want to respond? What did you actually do?
- How do you view your own reactions and behaviors?
- What were the triggers that provoked your reaction?
- Was there anything about your behavior that disappoints you?
- What behaviors worked well for you or made you proud of yourself?

Thinking abstractly

Reflect on lessons learned:

- What does your experience and reaction tell you?
- What patterns do you see?
- What could you have done differently?
- Did you do something different than in the past?
- What resources are available to you to shed light on your experience and your reflections?

Check out what experts have to say: read professional journal articles, talk to others about their principles and guidelines, inquire about company procedures.

Check out your assumptions—are they working for you?

Applying

Identify specific, concrete actions for applying, testing, or extending what you have reflected on, with a view to setting some behavioral goals for similar future situations.

Develop a plan to incorporate new behavior for when a similar situation arises.

When you implement your plan, your new experience can be taken through this journal process again.

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Expressing Gratitude Boosts Resilience

How you think about yourself, other people, your work, and your world in general is more important than the objective circumstances of these to your well-being. Most of us spend more time focusing on how we can correct something that has gone wrong, worrying about something that might go wrong, or replaying our failures or setbacks than we spend noticing (let alone enjoying) what has gone right in our lives. This results from what researchers call the “negativity bias,” which causes us to notice and remember failures more readily than successes, analyze bad events more thoroughly than good events, and think more deeply when we are defeated or disappointed. There is a clear evolutionary advantage to the negativity bias: our own self-protection! These tendencies also contribute to being good lawyers and were probably rewarded in law school and in practice. But the downside is less positive emotion and lower overall life satisfaction.

Gratitude is an antidote to these negative emotions and an enhancer of satisfaction, well-being, and resilience. Researchers define gratitude as “a felt sense of wonder, thankfulness, and appreciation for life.” The more inclined a person is to gratitude, the more likely they are to be happy, optimistic, hopeful, and energetic.

Research studies indicate that cultivating an attitude of gratitude advances well-being in several ways:

- promotes savoring of positive life experiences
- bolsters self-worth and self-esteem
- helps cope with stress and trauma
- encourages moral behavior
- builds relationships
- inhibits comparisons with others
- diminishes negative emotions, depression, and anxiety
- helps defeat the hedonic adaption (capacity to adjust rapidly to better circumstances)
- reduces symptoms of illness and increases quality sleep

“Three Good Things”: A Gratitude Journal Exercise

Keeping a journal of events, circumstances, places, opportunities, or people for which we are grateful can boost optimism and resilience. It helps us consciously notice and name things that go well or that contribute to our life, and it allows us to reflect on the meaning it has for us and how we can contribute to more good things in the future. Begin a ritual of stepping back and reflecting upon that for which you are grateful. At least once each week, make time to write and reflect upon three to five things, events, people, etc., for which you are currently grateful. They can be personal or professional positive experiences from the day, momentous or ordinary events, things you participated in or observed, new opportunities, goals achieved, beauty you found in nature, things that made you laugh, etc. Next to each item on your list, write a brief reflection.

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Resilience Strategies for Judges and Court Professionals Worksheets

Finding Meaning for Resilience

List your signature strengths (good at and enjoy doing):

1. Which of my signature strengths do I regularly use at work? How do I use them? How do I feel when using them?
2. How can I use my signature strengths more often at work? How can I use my signature strengths in a new way or in a new situation at work?
3. How do the shadow sides of my signature strengths show up at work? How can I leverage other strengths to prevent negative impacts?
4. How can I help colleagues or team members use their strengths to maximize satisfaction and performance?

Managing Energy for Resilience

1. What activities, tasks, responsibilities, colleagues, clients, constituents, environments are my **energy sources** at work? How can I increase time and effort with/on them to increase energy?
2. What activities, tasks, responsibilities, colleagues, clients, constituents, environments are my **energy sappers** at work? How can I reframe, delegate, decrease, avoid, or space out these things to avoid energy depletion?
3. What **restorative activities** best fit me? Which ones can I engage in every day at work? Which ones will I commit to engage in weekly?
4. When have I noticed myself in a state of **flow**? What conditions let to flow for me? How can I build more of these opportunities into my work and life?
5. What other **energy management practices** could I employ to contribute to my resilience and well-being?
6. How can energy management practices enhance the performance of my team or the well-being of my family?

Developing a Growth Mindset for Resilience

1. Do I have a Growth or Fixed Mindset? Do I believe that abilities, talents and intelligence are static traits and unchangeable, and these are what leads to success? (Fixed Mindset) Or do I believe that that the major factor to achieve expertise is purposeful engagement? (Growth Mindset)
2. When and under what circumstances do I hear an inner Fixed Mindset Voice? What does it say? What will I do to overcome this Fixed Mindset Voice?
3. How do I praise others? Do I praise “intelligence and talent” or specific strategies and behaviors? How can I praise others in a way that might help them develop a Growth Mindset?
4. Who on your team seems to have a Fixed Mindset? What can you do to help them develop a Growth Mindset?

Connecting for Resilience

1. Who in my network have I been out of touch with? What will I do this week to reconnect with them?
2. Who in my network gives me honest feedback? How can I thank them for this?

Engaging for Resilience

1. What are the most important insights I gained from this course?
2. How am I going to use insights I gained for my own professional development?
3. What specific resilience practices am I going to incorporate in my life?
4. Whom will I enlist to encourage me or provide feedback to me as I move forward on these goals?

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