

Office of the State Public Defender

Assigned Counsel Division Newsletter

Edition 7, April 2015

April feature article:  
**Preventing Burnout**  
by Paula Davis-Laack

## Spring Greetings from the ACD

**A few friendly reminders for the upcoming year.**

-Trial Skills is right around the corner. For upcoming Live SPD Training or CLE credit opportunities, check out the SPD Training website: <http://wispd.org/index.php/for-the-legal-practitioner/training>

**-If you have not reported CLE credits for 2014, please do so! Credits must be reported by 4/15/15.**

-Certification questions? Please contact Kim Salas at [salask@opd.wi.gov](mailto:salask@opd.wi.gov)

## Welcome newest member of the Assigned Counsel Division Mark Rinehart

Mark Rinehart has joined the Assigned Counsel Division as a Program and Policy Supervisor. Mark will work with ACD Director Kathy Pakes and the division's highly skilled financial specialists on private bar certification, auditing, and special projects. Mark comes to ACD after serving as the Legislative Liaison at the Wisconsin Department of Justice for the past 10 years. Prior to that, Mark staffed a member of the Wisconsin State Assembly for 13 years.

Mark is originally from central Wisconsin and graduated from Montana State University with a degree in Political Science. He lives in Cottage Grove with his wife and two kids.

### Need an expert or investigator

Our online expert database is under construction and not available. To find an expert that has recently been used, we suggest posting an inquiry on Defendernet or WACDL, or contacting Mark [rinehartm@opd.wi.gov](mailto:rinehartm@opd.wi.gov) or Kathy [pakesk@opd.wi.gov](mailto:pakesk@opd.wi.gov) directly.

### Interested in SPD Juvenile Case Appointments

If you are new to juvenile appointments and would like a mentor to assist you with juvenile cases, please contact the SPD Juvenile Practice Group coordinator, Attorney Diane Rondini-Harness at [rondinid@opd.wi.gov](mailto:rondinid@opd.wi.gov)

## Thriving in the Law: Your Blueprint for Burnout Prevention

***“Burnout is the biggest occupational hazard of the 21<sup>st</sup> century. It’s a phenomenon that has been increasing everywhere – growing like a virus.”*** Drs. Christina Maslach and Michael Leiter

Burnout stopped my law practice in its tracks. I burned out during the last year of my law practice, and burnout was a long, slow process of disengagement that involved three visits to the ER, consulting numerous doctors, and experiencing near-daily panic attacks. Rebuilding my life has been one of the hardest things I’ve ever done, but the years since have been some of the most rewarding of my life. I now spend my time working with law firms, lawyers, and those in the legal profession helping them to recognize and identify the warning signs of burnout and implementing programs and practices to prevent it.

While the burnout literature is extensive, researchers have paid little attention to the development of burnout in the law. One study found that occupational stress was significantly associated with both personal and work-related burnout among lawyers(1). In addition, lawyers who spent the majority of their time working on civil and criminal matters felt more fatigue and exhaustion not only from their legal work, but also from the stressful and negative interactions with their clients(2). Another study of Wisconsin public defenders found that 37.4% of them scored in the clinically significant range of burnout(3). Burnout also impacts firms and organizations. One study found that public service lawyers experiencing burnout were less committed to the organization, reported lower identification with organizational goals and were therefore less willing to exert effort to achieve those goals(4).

Burnout is not feeling bummed out, having a bad day, or depression, although being burned out can lead to mental and physical health issues, which can include depression. I define burnout as a work-specific process of chronic disengagement that can impact lots of areas of your life. The three big dimensions of burnout include:

Chronic exhaustion (wearing out; loss of energy; and fatigue);

Cynicism (irritability; loss of idealism; and withdrawal; and

Feeling increasingly ineffective on the job (reduced productivity and low morale)(5).

Burnout is caused by a very specific formula of too many Job Demands, too few Job Resources, and too little Recovery (6). Job Demands are the aspects of your job that require sustained effort and energy; Job Resources are aspects of your job that (a) help you achieve job goals; (b) reduce the cost of Job Demands; and (c) stimulate growth and learning; and Recovery is the breaks you take at work, after work each night, on the weekends, and on vacation(7).

This chart illustrates some of the different Job Demands and Job Resources that researchers have examined(8):

<b>JOB DEMANDS</b>	<b>JOB RESOURCES</b>
High work pressure & workload	High-quality relationships with colleagues
Emotionally demanding interactions with colleagues and clients	Decision authority
Lack of autonomy	Feedback
Role conflict & role ambiguity	Time and job control (autonomy)
Lack of high-quality connections	Opportunities to learn new things
Values conflict	Leader support
Unfairness	

Are you getting enough Job Resources in your law practice to help mitigate the cost of the Job Demands you experience? Most lawyers aren't.

Many research-based tools and strategies exist to help prevent burnout, and these are three of my favorite.

**Have creative outlets.** Burnout interferes with your ability to perform well, increases rigid thinking, and decreases your ability to think accurately, flexibly, and creatively(9). Even if you aren't able to flex your creative muscles at work, having some type of creative outlet will keep you engaged and motivated. My creative outlets are baking and writing.

**Identify your values.** I had to have some tough conversations with myself and others when I burned out. I had to dig deep to uncover why I was a people pleaser, perfectionist, achieve-aholic. I had to reconnect with my values. We all have values that we live by, but the daily grind of practicing law may cause you to forget what they are; or, you discover that the culture of the legal profession doesn't really support your values. If you need to do some values work, there is a great worksheet on my website for you to use under the Freebies tab.

**Change your law practice without leaving it.** While burnout is driven in part by workplace culture, it's not like many lawyers can just up and leave their jobs. There is actually a pretty cool way to re-design your law practice without leaving it: it's called job crafting.

Research shows that job crafting is predictive of work engagement, and to the extent lawyers proactively adjust their work environment, they can stay engaged and perform well(10). Job crafting involves actively changing the content or design of your job by choosing tasks, negotiating different job content, and assigning meaning to different components of your job(11). People are typically motivated to job craft because they want more meaning at work, more high quality-connections with others, more fulfillment, and more ability to cope with adversity(12). If you manage other legal professionals, allowing them to also job craft can lead to a more engaged workplace.

One of my favorite quotes (paraphrased) is by Justice Oliver Wendell Holmes: "Too many people die with their music still in them." One of my blog readers suggested that maybe the problem is that people are alive but their music has died. That, my friends, is what burnout feels like. Know that there are skills you can learn to prevent burnout because the legal profession needs more of you – talented lawyers who are able to take on the most serious cases clients present.

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**Paula Davis-Laack, JD, MAPP** is a burnout prevention and resilience expert who helps law firms, lawyers, and legal professionals prevent burnout and build resilience to stress. For lots of strategies and tips to prevent burnout and find more engagement at home and at work, download a free copy of Paula's e-book, *Addicted to Busy: Your Blueprint for Burnout Prevention*. You can find it at her website, [www.pauladavislaack.com](http://www.pauladavislaack.com).

(1)Tsai Feng-Jen, Huang Wei-Lun, & Chan Chang-Chuan, Occupational Stress and Burnout of Lawyers, 51, J. Occ. Health, 443-50 (2009).  
(2)Id. at 449.

(3)Andrew P. Levin, et al., Secondary Traumatic Stress in Attorneys and Their Administrative Support Staff Working with Trauma-Exposed Clients, 199(12) J. Nerv. Ment. Dis., 946-55 (2011).

(4)Susan E. Jackson, Jon A. Turner, & Arthur P. Brief, Correlates of Burnout among Public Service Lawyers, 8(4) J. Occ. Behav., 339-349 (1987).

(5)Christina Maslach & Michael P. Leiter, Stress and Burnout: The Critical Research in *Handbook of Stress Medicine and Health* 2<sup>nd</sup> Ed. 155-72 (Cary L. Cooper ed., 2005)

(6)Arnold B. Bakker, Evangelia Demerouti, & Martin C. Euwema, Job Resources Buffer the Impact of Job Demands on Burnout, 10(2) J. Occ. Health Psychol., 170-180 (2005); see also Evangelia Demerouti, et al., Daily Recovery from Work-Related Effort during Non-Work Time, 7 Occ. Stress and Well-Being, 85-123 (2009).

(7)Id.

(8)Arnold B. Bakker, Evangelia Demerouti, & Ana Isabel Sanz-Vergel, Burnout and Work Engagement: The JD-R Approach, 1 Ann. Rev. of Org. Psychol. Org. Behav., 389-411 (2014); see also Michael P. Leiter & Christinan Maslach, *Banishing Burnout: Six Strategies for Improving Your Relationship with Work* 14-19(San Francisco, CA: Jossey-Bass, 2005).

(9)Czeslaw Noworol et al., Impact of Professional Burnout on Creativity and Innovation in *Professional Burnout: Recent Developments in Theory and Research* 163-75 (Wilmar B. Schaufeli, Christina Maslach, & Tadeusz Marek, eds., 1993).

(10)Arnold B. Bakker, Maria Tims, & Daantje Derks, Proactive Personality and Job Performance: The Role of Job Crafting and Work Engagement, 65 Hum. Relations, 1359-1378 (2012).

(11)Amy Wrzesniewski & Jane E. Dutton, Crafting a Job: Revisioning Employees as Active Crafters of Their Work, 26, Acad. of Mgmt. Rev., 179-201 (2001).

(12)Justin M. Berg, Jane E. Dutton, & Amy Wrzesniewski, What is Job Crafting and Why Does it Matter? Center for Positive Organizational Scholarship – University of Michigan Ross School of Business (2008).