

Becoming Human Centric: How to Promote Wellbeing in Business Practices

It's never been more important to safeguard Mental Health in the Legal Workplace.

We are all continuing to learn in our accelerated digital legal environments. The pace is fast, and the amount of input we are expected to consume is huge. Lawyers use new tech tools, software, and innovative apps, and in “lunch and learn” sessions, many are consuming fresh content even in their recreational break. A well-deserved “break” from thinking is sacrificed for the sake of efficiency. How many of us notice when we need mental rest? And more importantly, how many do something about it? Are there working processes or resources that empower busy knowledge workers – like legal professionals - to become more human-centric?

A human-centric focus means here: The sense of becoming more in-tune with yourself, your human nature, and your condition and needs. Simply put, this is a kind of self-awareness that enables the development of insights and emotional wellbeing practices that help you to feel good about and take care of yourself. It can take patience and deliberate practice to make this shift. This paper will give you some tips on how.

What can be changed somewhat faster – albeit not overnight – is how law firms and organizations shape their cultural policies to shed light on the importance of mental health and wellbeing. Offerings to provide more alternatives through information and guidance. These services reduce fears and can kick off important conversations about what wellbeing and human-centric working policies are and how to promote these. Individuals and staff should have access to resources to do as much as they can to prevent serious harm, and to create a culture of psychological safety and dignity without stigmatization. This focus on people is a hallmark of human-centered working environments. Active law firms and organizations strive to treat all employees with respect and offer the resources people need to make them happy and stay healthier. This in turn motivates employees to be more productive and engaged which is good for the company.

Critical Data

No doubt, today's virtual and remote work, home office, and hybrid working set-ups have clear benefits. Lawyers often have the autonomy and flexibility to decide when and where they commit to producing outcomes. The downside is that this manner of any time, anyplace engagement invites people to work more.¹ To regularly head back to the pc after the kids are in bed and on weekends. There are fewer clear boundaries or limits set from the outside. Often internal drivers, automatic behavior patterns, and cultural expectations influence routine overworking, potentially creating perfectionism and micro-management. The inherent freedom of remote working has not freed lawyers from feeling overwhelmed, as shown in a nationwide study “Practicing Law in the Pandemic” by the American Bar Association.² As shown by the data from the survey, ABA members generally show much higher levels of stress in trying to manage work and home, a higher level of disengagement with the social aspects of work, and more frequent thoughts about whether full-time in the legal field is worth it! These are eye-opening results that beg for proactive steps.

Give me a Break

One robust way to deal with this automatic internal drive set to “go”, is to cultivate a culture of breaks. Does this sound unusual? It means pausing or stopping the chatter in our brains long enough to identify what we feel in the present moment and then acting accordingly to put on the brakes. This can be done by scheduling short interludes into the daily routine. This “pause” is a time to step back, let your brain sort things out on its own, and allow yourself to do—well, nothing, except rest. Rest is not laziness but an investment in well-being. There is a great expression in German “staring at holes into the wall” which expresses this empty stare as our brain recalibrates. In our hectic world, this lack of activity has a bad rap. When in fact a short brain rest can be

¹ <https://hbswk.hbs.edu/item/you-re-right-you-are-working-longer-and-attending-more-meetings>
<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/labourproductivity/articles/homeworkinghoursrewardsandopportunitiesintheuk2011to2020/2021-04-19>

² <https://www.americanbar.org/content/dam/aba/administrative/digital-engagement/practice-forward/practice-forward-survey.pdf>

beneficial for cognitive performance and your general psychological well-being as this Harvard study shows.³ While naps aren't for everyone, experts write that a short nap can contribute to improved performance, faster reaction time, and better memory.⁴ In Japan, the name for this culturally accepted break or power nap is "Inemuri", the art of strategic sleep. Isn't it time to adopt such a healthy habit into our human-centered working practices? The importance of The Break should be culturally reinstated!

Empathy

Apart from slowing down, stopping, and allowing yourself a mindful rest, there are other healthy choices. One way of understanding yourself better is to begin to cultivate not only a sense of self-awareness but also empathy. Once you've trained yourself to become more aware of and empathetic to your own needs, you'll be better able to shift your focus to the needs of your reports, team, partners and even turn to your clients with more empathy. Empathy is the art of seeing the world as someone else sees it. When you have empathy with someone, it means you can relate to what a person is feeling in a particular situation. This change of perspective is so important in helping people to resolve conflicts, build stronger relationships and foster productive teamwork. Findings in the State of Workplace Empathy study 2021 provide actionable insights for fostering empathy and including it as a foundational value across an organization.⁵ Empathy is the human-centered "glue" that enables compassion and connects us human social animals with each other. Interesting fun fact, the author and keynote speaker Erica Ddhawan writes in her book, "Digital Body Language" that communication today is dependent on how we text and that writing is the new empathy!

Why do Lawyers need to be Empathetic?

And there is the law business side to this. Empathy can help lawyers to provide better service to clients. This means that there is not only a focus on finding answers to the client's legal issues but also on providing genuine client-centric service. It takes a real effort to put yourself in the shoes of the client, plaintiff, or defendant (or judge?!) and try to understand his or her concerns from their particular perspective - but it pays off. Tailoring your services to your client's level of comprehension will make a major difference in their satisfaction with the legal services, says Bloomberg Law President David Perla, who continues:

"The law profession is gradually shifting to a Copernican view that puts the client, rather than the lawyer, at the centre of things."⁶

This empathetic understanding, when it is authentic, will also help clients feel more valued. Chances are good that when clients feel emotionally understood, they will be happier with the outcomes, and they are far more likely to make referrals. When working remotely, it's even more critical to set yourself up to use an empathetic and friendly approach. Try smiling into the camera and make a point at the beginning of a meeting – remote or in-person - to chat informally with your clients; talk about something personal that they are comfortable with, before getting into legal matters.

This perspective shift applies to both the lawyer-client relationship but also to those in the legal service team. Here are more ways to cultivate human-centered team interactions and improve collaboration, especially when working virtually:

- Listen deeply and actively with an open mind and try to understand what the person needs.
- Show that you care by asking thoughtful questions to check if you understood correctly.

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<https://www.researchgate.net/publication/11339096> The restorative effect of naps on perceptual deterioration

⁴ <https://www.mayoclinic.org/healthy-lifestyle/adult-health/in-depth/napping/art-20048319>

⁵ <https://www.businessolver.com/resources/state-of-workplace-empathy#gref>

⁶ <https://www.collaw.edu.au/news/2018/05/14/walking-in-your-clients-shoes-why-empathy-is-the-next-big-thing-in-law>

- Be open to challenging your assumptions about the matter at hand.
- Ask for and welcome feedback as an opportunity to re-examine your views.
- Establish regular sessions for exchange and alignment. Open meetings with a check-in and put an accent on positive communication.
- Celebrate special occasions, good news, and even mistakes together.

Explore new Ways

Changing mindsets, prioritizing wellbeing, and helping colleagues and reports to become more open and adaptive is certainly not an overnight or an easy process. To be honest, transformation and experimentation with new ways of working can be hard work; our brains want to save energy, so we pursue the ideas and solutions that we know worked in the past and shy away from trying something new. What's the answer(s)? One important step is to establish a company culture or legal working environment where people and teams feel safe enough to share, give genuine feedback and take informed risks. This change to a culture of collaboration is especially challenging in legal environments where competition is fierce, and changes are slow. However, there is a growing realization that the way lawyers were traditionally taught to structure and carry out their legal work and the current status quo is not sustainable for future work and not beneficial for lawyer's mental health.⁷ It is time to act.

Increasingly companies and organizations, both large and small, are starting to implement the cost-saving long-term implications when taking care of the mental health of their workforce. They are offering motivating health benefits and perks to attract and keep the best talent. Mercer investment enterprise for example prioritizes health and well-being strategies and claim that these strengthen their employee value proposition.⁸ A human-centered organization orients its operations activities around its employees, clients, and the community. These organizations have taken up the challenge of translating human-centered values into impactful and profitable businesses. A successful example is IBM.⁹ This enterprise defines and applies its own principles of human-centered design to the entire organization. This may be considered an ideal model but maybe it is one to strive for?! Frederick Laloux describes such new models of human-centered working environments and management in his bestselling, thought-provoking, and inspiring book, "Reinventing Organizations".

The following are examples of human-centered working concepts put into business practice.

New Work

In the context of "modern" working, there are environments shaped to fit the type of activities people are carrying out. These organizations and working spaces are characterized not only by table soccer and fantastic coffee but by flatter hierarchies and on values loosely defined as purpose-driven. The root of these models stems from the writings of the Austrian-born philosopher Professor Frithjof Bergmann, known as the father of "New Work". Bergmann writes in one of his many influential books that the more work is outsourced to machines, the more important human-centered skills such as creativity, cooperation, and empathy will become in our digital world. His theories are elaborate, have been often modified and diluted, and are now too often used as the label for anything slightly hip. But there is more to the buzz word New Work than hype. Simply put, Bergmann's New Work economic theory is based on three pillars. The first of which is set on the radical human-centered maxim that people should find out what they "really, really want to do" and be able to earn money with this choice of vocation.¹⁰

⁷ <https://www.ibanet.org/Mental-wellbeing-in-the-legal-profession>

⁸ <https://www.mercer.com/what-we-do/health-and-benefits/health-and-wellbeing.html>

⁹ <https://www.ibm.com/design/thinking/page/hco>

¹⁰ <https://www.handelsblatt.com/unternehmen/management/interview-mit-frithjof-bergmann-warum-new-work-in-deutschen-unternehmen-nicht-richtig-umgesetzt-wird/24899568.html?ticket=ST-8590179-t2akNLyNflgMeY6Xi9Zz-ap4>

Interestingly, although New Work is currently trendy and being shouted from the rooftops in Germany, (one of the reasons that Xing! Is now known as New Work SE) Bergmann maintains that in his opinion, no German companies have succeeded in establishing a viable New Work culture.¹¹ US giant Google is the closest in spirit, shaping both innovation practices and company culture with the freedom to dive into personal projects that make their employees happy. In this Google New Work concept, employees got one paid day off in the working week to pursue their inventive passion. Emulated later by 3M, Atlassian, and others, the 20% Project can be seen as an initiative to inspire people to cultivate individual purpose, build innovation and ultimately increase company potential. Google no longer offers the 20% Project, but they do focus zealously on maintaining employee happiness and productivity, engaging staff exclusively to meet this objective.

Design Thinking

Google was also an early adaptor of Design Thinking. At its heart, Design Thinking is human-centered.¹² It starts by identifying and defining an empathic understanding of how the client behaves, feels, and thinks, and asks why these targeted users demonstrate certain behaviors, feelings, and thoughts. Design thinking is a co-creative process to get you and your team thinking creatively about your services from your clients' perspectives. In a nutshell, Design Thinking is both a philosophy and a holistic framework to bring business and technology partners together, to uncover and create innovative solutions for real people. Systematically, insights are collected, synthesized, developed, and then rapidly tested to see whether the solutions will really generate business value. All of this is done before investing in a full-scale roll-out. This helps to get the product or service tested fast and to market sooner.

Design Thinking is a practical starting point for any lean or agile process to quickly understand the human implications of the real-world problem or innovation challenge. Design Thinking is also called design doing. Although it is an open-ended, iterative framework, not driven by a pre-defined plan, there is a strong emphasis on “just do it”, experimentation and learning from the outcomes. The first focus is on gathering insights or data with user research and then applying these insights to find people patterns to move forward with. The team works out a shared understanding which of the early solutions ideas are most likely to be successful based on their assessment of the research data. Before the ideas are tested with users, they are developed into models or fast prototypes. Design Thinking teaches prototyping as a new core skill. Strong emphasis is placed on interpersonal skills like empathy and on applying agile mindset techniques to become more familiar with creative and innovative approaches, for example, how to gain new perspectives by reframing mistakes.

Legal Design Thinking

The benefits of using Design Thinking in legal organizations are numerous. In addition to placing the legal service user at the center of the solution, Design Thinking can help increase collaboration and break down silos in legal enterprises. When Design Thinking is introduced, there is the opportunity to promote interdisciplinary teamwork among lawyers within the firm, between lawyers and clients, and even between lawyers and non-legal staff from other parts of the organization like marketing, IT developers, engineers, and human resources. This cross-pollination within a firm in a Design Thinking project proves quite powerful for company collaboration.

Especially with legal project management, the implications for using Design Thinking as an onramp for new service/product development are exciting. Design Thinking gets people collaborating fast towards the same shared goals. Goals that the team has generated together and defined with a shared understanding. Applying the process in the legal sector produces deliverables, like contracts, transparently and efficiently that builds trust and buy-in from the stakeholders. Here is an example of a Design Thinking application at Seyfarth legal services.¹³ It shows how a human-centered approach increased the business impact of high-volume litigation to service the diverse and changing needs of the client and focus on lawyer and business professional satisfaction. When legal

¹¹ <https://www.handelsblatt.com/unternehmen/management/interview-mit-frithjof-bergmann-warum-new-work-in-deutschen-unternehmen-nicht-richtig-umgesetzt-wird/24899568.html?ticket=ST-8590179-t2akNLyNflgMeY6Xi9Zz-ap4>

¹² Schlaepfer, Karla: <https://designchange.de/neues-ebook-was-ist-design-thinking/>

¹³ <https://www.seyfarth.com/news-insights/a-human-centered-solution-for-routine-litigation.html>

innovators and leaders set a genuine priority on a human-centered culture of working, then the best way to get sponsorship is to try out an agile Design Thinking mini-experiment. Why not set up a small, motivated team that can work outside the normal company structure for a weeklong sprint? Tackle a nagging company problem, get the know-how to use Design Thinking tools, and kick off a project! Be sure to carefully track the results. Once the rest of the organization sees how successful (and fun!) this kind of collaboration can be, they'll want to participate as well.

Reconnection

Periods of major disruption are growth accelerators, offering tremendous opportunities for leaders to rethink paradigms. There is much to be said for the courageous and open-minded legal leaders who are advocating for human-centered working, wellbeing, and enhancing the awareness of mental health. Leaders that push themselves into uncharted legal cultural territory and continue to feel the responsibility for delivering great business value. The pressure for doing so, plus today's additional responsibility for reports and staff's physical and emotional safety, is no small thing. Take the time to turn the needle back and be realistic about personal limits and boundaries. It is important to take the time to break (see above) and rest. Remember breaks are not a distraction but the chance to re-focus your attention. This means, to become more self-aware and human-centered, regardless of the method, it is essential to take the time to break and look inward; embrace who you are, begin to sort out where your motivations lie and enjoy what makes you as a person unique.

Here are some structuring tips that might help:

- Build easy breaks into your schedule.
- Take 5 deep refreshing breaths.
- Go on a walk around the block.
- Use music as a cue to tell your brain to start, focus, or stop.
- Block your calendar on certain days or times when deep work is called for.
- Get enough restful sleep.
- Seek out people who can support you in the same way you're trying to support yourself and your team. Remember a problem shared, is a problem halved.

The practice of law is evolving and increasingly defined by the people it serves. There are human-centric alternatives available that deliver impactful business results while leveraging values that promote a sense of emotional wellbeing. Now is the time to get ahead of the game and recognize that the human and the technological aspects of our digital world as being integral; they go together. One without the other is not only skewed but not sustainable for the future. Help legal working environments more become more sustainable with empathetic leadership behaviors and environments that not only invite innovation but assist people in making healthier choices.

To cultivate well-being, we must learn to tune out the diverting noise and teach ourselves to tune in, reflect on our own human-centered needs. Then identify which aspects are beneficial and those factors that are not. When we're able to tap into this source of awareness, we'll be not only able to take active steps towards safeguarding our well-being, but also be much better positioned to thrive, lead with empathy, connect with others to make human-centered working and well-being a top priority.

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1. <https://hbswk.hbs.edu/item/you-re-right-you-are-working-longer-and-attending-more-meetings>
<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/labourproductivity/articles/howworkinghoursrewardsandopportunitiesintheuk2011to2020/2021-04-19>
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11. same as 10
12. Schlaepfer: <https://designchange.de/neues-ebook-was-ist-design-thinking/>
13. <https://www.seyfarth.com/news-insights/a-human-centered-solution-for-routine-litigation.html>