

# Definitely Mabey

## Learned helplessness

*I ran across the term "learned helplessness" recently in an article by Dr. Larry Richard. Being a pragmatic kind of person I admit my first reaction was less than supportive, thinking this was simply another variety of sociology pabulum we were being fed to excuse ostrich-like behaviour by lawyers.*



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So typing in the name of the psychologist from the University of Pennsylvania Richard referred to in his column, I wandered onto a web page called the **Positive Psychology Centre** at the university which clearly supports that Dr. Martin Seligman is a noted authority on the topic.

So nowhere near brainy enough to understand the scientific explanation, I sought out the layperson's definition of this phenomenon which was as follows:

*“Learned helplessness is the condition of a human or animal that has learned to behave helplessly, failing to respond even though there are opportunities for it to help itself by avoiding unpleasant circumstances or by gaining positive rewards and may result from a perceived absence of control over the outcome of a situation.”*

Then several pieces of a puzzle many firms had not been able to solve started to snap into place. The puzzle perhaps can be most simply described in a question recently raised by a client: “Why, if my lawyers don't have the same billable hour demand as in the past, would they not spend the freed up time on business development efforts to generate the billable hours?”

Now the above is just one symptom and due to the breadth and nature of his practice, Richard describes in his article “**We need a Chief Resilience Officer**” a litany of behaviours law firm leaders raised with him recently regarding what they are seeing in their lawyers. These include:

- “Malaise, complacency, burnout, an attitude of hopelessness, weariness, a ‘giving up’ mindset;
- “Increased conflict; not playing nicely in the sandbox;
- “Failure to reach out to the best talent to staff a matter—sticking instead with their most familiar colleagues;

- “Increased evidence of low resilience responses—irritability, defensiveness, thin-skinnedness, easily hurt, oversensitive;
- “Disengagement; passivity; biding their time;
- “Perfectionism—‘If I can’t do it perfectly, I won’t do anything at all; making excuses for not putting out the effort;
- “Diminished creativity; and
- “People being less proactive in using their ‘investment time’—waiting for work to come to them instead of seeking it out.”

It is not a quantum leap to draw a connection between these behaviours and symptoms of learned helplessness.

The phrase “may result from a perceived absence of control over the outcome of a situation” will certainly resonate with members of the legal community. With firms expanding, legal markets contracting, external pricing issues on the rise, and compensation levels falling it is easy to see why many rank-and-file partners could perceive they have no real control over their destiny.

So what can law firms do to combat this phenomenon of learned helplessness in a particular group of individuals that are more prone to it than the average population? Personality traits identified for lawyers are believed to exacerbate their susceptibility to and impact of learned helplessness.

Resilience (or the ability to roll with the punches and bounce back) is defined as the process of adapting well in the face of adversity, threats, or significant sources of stress. The American Psychological Association holds out the position that resilience is a learned behaviour and can be developed in anyone.

The factors it identified that contribute to resilience include:

- Having caring and supportive relationships within the firm;
- Capacity to make realistic plans and take steps to carry them out;
- A positive view of yourself and confidence in your strengths and abilities;
- Skills in communication and problem solving; and
- The capacity to manage strong feelings and impulses.

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While conceding law firms are not your most normal, nurturing environments, there are things the management and leadership of firms can do to help build resilience in their lawyers including:

- **Connect with the lawyers on a regular basis:** Relationships that are supportive and not overly critical or threatening are vital (directly engage);
- **Avoid communicating an unsolvable crisis at every turn:** Yes, communicate openly the challenges facing the firm

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but at the same time present what can be done to solve the challenges (practical pragmatism);

- **Work with lawyers to set realistic goals/waypoints as issues are dealt with:** Most issues did not arise overnight and have been in the making over time and similarly there are no quick fixes (long-term perspective);
- **Take decisive steps to deal with the issues:** In many law firms problems are ignored and lawyers are frozen out as they are left to drift and rely on their own self-awareness to see what the issues are and try to solve them (proactive);
- **Nurture a positive view of the lawyers struggling:** Don't attribute publically to struggling lawyers a lack of work ethic, inadequacies, etc., but seek to accent their positive traits that led to them being part of the firm in the first place (supportive advocacy); and
- **De-stigmatize and openly encourage access to licensed mental health professionals:** Sometimes no matter how strong we think we are, obtaining outside professional advice is critical to creating a realistic strategy for building resilience therefore encouraging access to a firm's or law society's employee assistance plan in a non-judgmental way is necessary (professional help).

Firms' management and leadership will need to demonstrate emotional quotient and get out of their offices and into the offices of lawyers struggling with the phenomenon of learned helplessness as it requires personal contact and cannot be done remotely. A common trait of firms most likely to successfully address the issue and re-engage a productive complement is flexibility.

Until next month, as Timothy B. Corcoran said so well in a [March 28 column](#):

*"Contrary to what you may have heard, the law firm model isn't dead. Nor is law firm growth. But law firms and law firm leaders stubbornly adhering to outdated models are gasping for their last breath. The modern law firm can thrive, but not if we pretend it's still 2007. Or 1995. Or 1975. The future is now. You can't do nothing. Are you ready to lead?"*

#### **Comments or Questions?**

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