

Our Chosen Business: The Benefits of Resilience and Grit

By Robert A. Creo

Previous columns have addressed the lawyer's reputation, self-awareness, professional growth, the art of persuasion, navigating emotions and the importance of perpetual learning. The current series explores the importance of soft skills and the development of core competencies involved in decision-making and effective client representation, including the science and the nuts and bolts of lawyer wellness, competency and contentment. This column speaks to the benefits and challenges of resilience.

Gleeful Resilience

His singing promised a contagious serenity. Lawrence and his quartet met our van as we arrived at the Buduburam U.N. refugee camp outside of Accra, Ghana. Our Mediators Beyond Borders team, consisting of mostly mediators and lawyers, arrived to explore a project rehabilitating and resettling former child soldiers from the Liberian civil wars. Lawrence had been a university student in Monrovia, Liberia. His father had been the manager of a small hotel and his mother, a teacher. They raised Lawrence along with his two younger sisters. He was now unofficially adopted by our team member Harriet, a retired professor from Maryland, who was providing his living and educational expenses. At some unconscious level, I had discounted Lawrence since he had not been a child soldier who had suffered in war like the others in the camp.

Lawrence was a constant companion during our visits over two years to the camp. He was always smiling, singing and happy. On my third trip there, I asked my colleague Prabha about Lawrence's backstory. Prabha went over to talk to him one-on-one. We had learned that the past was often best addressed in this type of intimate conversation.

Monrovia is on the ocean, with limited road access, so most of the population was trapped or uncertain what to do when periodic fighting engulfed the capital. As one rebel faction approached, Lawrence and his family sought refuge in a small church. They sang as night fell — until there were shouts, and shots, outside. Soldiers, many no older than Lawrence, blocked the exits and the windows. They fired assault rifles

indiscriminately into the pews. After crawling out from under the bodies of his parents, Lawrence emerged as one of only three survivors. His parents had shielded their three children as best as humanly possible. His sisters also did not survive. Travelling only under cover of darkness to avoid being captured and turned into child soldiers, Lawrence and the other two boys walked a thousand miles to safety at Buduburam.

A flurry of emotions, including shame for my arrogance of presumed knowledge, swept over me when his story was retold to me. I gained lasting insights in those moments of my first conscious brush with resounding resilience.

The Science of Resilience

Grit is another name for resilience. University of Pennsylvania Professor Angela Duckworth, a leading expert on grit, contends that effort is a more reliable predictor of achievement than talent. Professor Duckworth contends that grit, which is also the sustained application of effort toward a long-term goal, is the critical element of success. Her equation is simple:

$$\text{TALENT} \times \text{EFFORT} = \underline{\text{SKILL}}$$

$$\text{SKILL} \times \text{EFFORT} = \underline{\text{ACHIEVEMENT}}$$

Professor Duckworth bases her findings on studies of thousands of high-level leaders and performers across a wide spectrum of professions. She acknowledges that staying "gritty" is difficult and espouses four strategies and attitudes to integrate grit into work:

1. Develop a fascination with what you do.
2. Aim to improve yourself every day, regardless of your current competency.
3. Remind yourself of the greater purpose and how it is connected to the larger world.
4. Develop a growth mindset based upon perpetual learning.

The recognition of the value of grit has even made it to a "white shoe" old-line law firm, Milbank LLP, which has as its tagline "The merger of excellence and grit."

Attorney and author Randall Kiser studied the talents, efforts, thought processes and attributes of



successful lawyers. A consistent finding was that success is correlated with a high level of flexibility, adaptability and resiliency. He notes, "Being flexible, adaptive and resilient requires not only an awareness that clients, witnesses, judges, jurors and adversaries act unexpectedly, but also the foresight to reduce the risk of damage from the unexpected."

Failure is baked into the work of lawyers since inherent in any contested motion or litigated claim will be findings against at least one of the lawyers advocating in the matter.

Resilient Lawyering Work Styles

The concept of lawyer happiness through work-life balance is misleading and will not result in peak performance or long-term job satisfaction. It is a "Band-Aid" that may get a struggling lawyer to leave the office for the weekend or the holidays, but it will not result in long-term contentment. The reason should be obvious: Lawyers spend much more time working, and thinking about work, than in all other activities combined. The runner-up for our time is sleep, yet full-time lawyers work more hours than they sleep. This was true before smartphones, but now work is literally at our fingertips 24/7/365. Lawyer wellness is correlated with well-being at work. I dub this the "Happy Lawyer WorkStyle," with the contention that WorkStyle trumps lifestyle.

In "4 strategies for building the habit of lasting resilience in the legal profession," in

the ABA Journal's online "Your Voice," the co-authors, one of whom is a former chair of a Big Law firm, noted how law firms can implement principles and training for an effective well-being strategy to improve resilience. The four principles are:

1. Lead with the benefits of addressing mental health and substance abuse.
2. Work to form new habits with education, daily engagement and accountability, including ongoing, not one-off, training.
3. Be efficient with time. Lawyers do not always have large blocks of time since work and client needs will be prioritized over personal well-being.
4. Create firmwide habits, daily rituals and reminders that offer all employees an opportunity to experience the benefits of well-being practices.

I agree with these principles, which are based on sound social science showing that small changes in behavior that are repeated regularly are far more likely to stick because they are ingested in small bites over time rather than gulped in one intense setting, such as a workshop or retreat. A hybrid program that involves ongoing educational sessions or facilitated peer-group meetings, coupled with online self-learning tools, can help overcome the downs of law practice. I practice with the perspective that lawyering can be a roller coaster, so enjoy the good parts of the ride and endure the challenging parts with grace and grit.

Returning to Professor Duckworth's research and insights on grit can be useful



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is not enough.

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to us all. My summary of her advice on how to be a gritty lawyer is paraphrased as follows:

- Focus on high-level pursuits and be flexible on low-level goals.
- Know the “why” of your work on both a macro and micro level.
- Law practice achievement is a marathon, not a sprint; play the long game.
- Don’t be hobbled by shame or anxiety; actively seek feedback and improvement.
- Accept being heartbroken or impacted by rejection, a case loss or another less than optimal outcome, but not for long.
- Create a workplace where you engage in research and critical thinking with intense, undistracted focus.
- Embrace routine tasks and periods of boredom as part and parcel of the work.

My experience, observation, research and conversations with hundreds of lawyers over four decades as a happy lawyer confirm the social science research on the importance of being engaged in work while continually moving forward despite setbacks. ♦

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Pittsburgh attorney Robert A. Creo has practiced as an in-house corporate lawyer and a solo and small firm general practitioner before becoming a full-time neutral. He has mediated and arbitrated thousands of cases, including as a salary arbitrator for Major League Baseball, a grievance arbitrator for the National

Football League and a hearing officer for the U.S. Senate Select Committee on Ethics. He has been on the mediator roster of the Court of Arbitration for Sports in Lausanne, Switzerland, which provides ADR services for international sports, including the Olympics. He has served as adjunct professor at Duquesne University School of Law and the University of Pittsburgh School of Law. He is the 2018 recipient of the PBA ADR Committee Sir Francis Bacon Alternative Dispute Resolution Award. He is annually included in *Best Lawyers in America* and named as a Superlawyer. He has a passion for storytelling and is a frequent presenter at The Moth. He is the principal of Happy! Effective Lawyer LLC (www.happy.lawyer) and author of The Effective Lawyer blog (happyeffectivelawyer.org/). His website is www.robertcreo.com. If you have a story to share on this subject or other practice topics, please email racreo@gmail.com.

TAKEAWAYS

- Pay attention to what engages you in work and is meaningful or purposeful.
- Be captivated by the endeavor and purpose of the whole and not the daily chores or obstacles.
- Identify and work on your weaknesses in a repetitive and holistic learning manner.
- Hope is the fuel of intrinsic motivation and can drive curiosity and the quest for professional development since our brains and our knowledge are never static.
- Resist complacency and engage in daily, even if small, efforts to aid the well-being of others.

Sources and Additional Reading

Angela Duckworth, *Grit: The Power of Passion and Perseverance*, Scribner (2016).

Randall Kiser, *How Leading Lawyers Think*, Springer (2011).

Lee Miller and Dr. Nate Kemp, “4 strategies for building the habit of lasting resilience in the legal profession,” ABA Journal Online, Your Voice, Jan. 3, 2019.