



## **WellnessCast™ Conversation with Anne Brafford, JD, MAPP, Author of Positive Professionals: Creating High-Performing, Positive Firms Through the Science of Engagement**

**Musical Opening:** So ring the bells that still can ring. Forget your perfect offering. There is a crack in everything. That's how the light gets in. [Leonard Cohen, *Anthem*]

**Joe Bankman:** Welcome to the WellnessCast.™ I'm Joe Bankman, professor at Stanford Law School and also a clinical psychologist. My partner in these podcasts is Sarah Weinstein, lawyer-turned-therapist and External Director of the Wellness Project here. Our guest today is Anne Brafford, author of a new book, [Positive Professionals: Creating High-Performing, Profitable Firms Through The Science of Engagement](#). Anne was a partner for 18 years at Morgan Lewis and Bockius, a big prestigious national law firm, and is in the process of earning a Ph.D. in Positive Organizational Psychology. Anne also served as Editor-in-Chief and Co-Author of the ABA's 2017 report, "The Path to Lawyer Well-Being."

Sarah, when you first suggested Anne as a guest, my heart sank.

**Sarah Weinstein:** And I'm guessing that's because you knew that Anne was the editor of the ABA's recent wellbeing report, and you were afraid what you might find in there?

**Joe Bankman:** Exactly. I've read a million reports and they all seem to be the same: Lots of description of the problem, followed by a summary description of two or three innovative, promising approaches, and then they end with a clarion call for action.

**Sarah Weinstein:** Yes, and the suggestions often are very broad, not specific and not particularly helpful. But then there's Anne.

**Joe Bankman:** Welcome Anne.

**Anne Brafford:** Thank you. Thanks so much for having me. I'm excited to have the opportunity to talk to you guys.

**Sarah Weinstein:** That's great because we're excited that you're here. Welcome, Anne.

One of our goals for the podcast is to normalize the difficult emotions we all experience, and to make that real, we like to start by asking our guest to share a hard moment. Anne, I know you were in a big law firm for 18 years. I would imagine there were some hard moments in there along the way.

**Anne Brafford:** For sure, my practice was employment litigation, and I represented companies who had been sued for discrimination and harassment. Those kinds of things. So it was individual employees that were the plaintiffs in my cases and who I took their depositions and asked for their records.

The moment where I had to make a decision about the kind of lawyer that I was going to be was in a deposition with a plaintiff in a disability accommodation case. He was a younger man who had become a paraplegic a number of years earlier. He'd had an accident when he was young that put him in a wheelchair, but he had gone on to become a successful engineer. He now was requesting to stay at home because it had become too difficult for him to get into work. My job in representing the employer was to really understand his request, understand why it was after all these years he could no longer come into work because it wasn't generally allowed. Engineers needed to be on site to do their work.

So I start asking him questions as I always did, and as the conversation unfolded it became clear that the problem was a very personal and private one and had to do with what he needed to do to use the restroom. The questions became very personal about he would have to physically move his own bowels, and again just very private. I'll just sort of leave it at that. In my younger days I think what I would have done was to continue on the path of that questioning without acknowledging the human moment we were having, and just sometimes it's useful to your case to make someone feel uncomfortable because the harder the litigation is maybe the quicker you can get it over.

As a conversation continued, I finally just stopped. There was so much going on in my own head about the human that was sitting in front of me, and these questions that I was having to ask him that were coming from a complete stranger. So I finally just took a pause in the deposition, and said, "I'm sorry that I have to ask you these questions. I know these are private, and this must be very difficult for you, and I just want you to understand that I am just trying to do my job. I am trying to be as respectful as I can." Just really taking a moment so that he understood that I was seeing him as a person, and trying to be more respectful in my questioning. And I think from that moment on, I was a different lawyer.

**Joe Bankman:** Anne, what happened in the case doesn't that make you somewhat of a worse lawyer for your client in the case?

**Anne Brafford:** Yeah it's a great question, and it's the struggle with humanity versus being the good, aggressive lawyer. I can say what happened in this case is it ended up being incredibly beneficial. That moment really helped grow the respect between the plaintiff and myself. Weeks later when we ended up in mediation as most of these cases do, he trusted me, and he actually asked me to come into the room toward the end of the mediation because there were parts about our negotiation that he trusted me more on than his own lawyer. He didn't want to sign until I came into the room and had a conversation with him. I think that trust started that day in his deposition. We ended up having a really phenomenally reasonable settlement in the case. I think in many instances we are wrong to think the most aggressive approach is going to be the most successful.

**Sarah Weinstein:** Anne, that is such a beautiful, beautiful example and sets forth just as you said, that often there is a tension between being a good lawyer and a good human being. There doesn't have to be. You can be both, and in cases where you are, you often get a better result and can make a nice connection in the process.

**Anne Brafford:** Yeah, I think that's right.

**Joe Bankman:** Anne, I want to go to your book now. The title mentions the science of engagement, and part one is called, "What is engagement and why should you care?" I'll bite. Can you answer that question for me?

**Anne Brafford:** Yes. So there are scientific more stuffy definitions of engagement, but the best way to understand it is, engagement are the thoughts, feelings and energy we have when we're really at our best. It's sort of like job satisfaction on steroids, and occurs when we're totally present and energized and ready to invest in our work every day.

As far as why should you care, many studies have linked higher engagement in the work forces to positive business outcomes. Indicators of success like better performance, high productivity, retention of talent, better customer service and satisfaction, and profitability. What research has found, Gallup in particular is a big organization that does a lot of work in engagement, and what they have found is that the American workforce has only about 30 percent of the people engaged. That shows that there's really a lot of room for improvement in this area, and it could potentially have a lot of upside. Really good benefits if we can raise that rate.

**Joe Bankman:** Let's say that you're talking to a managing partner of a firm. Let's say it's a big law firm. She's concerned about attrition, and she wants a good life for her lawyers and asks you, "What are the top three things I can do?" What do you tell her?

**Anne Brafford:** Yeah I think it's a good question. It's the kind of question I get a lot. If the firm was really interested in what was going on in their environment and how to boost engagement, you'd want to know more. But there are of course some basic fundamental things that any firm can do to boost engagement. One of them is exactly what lead us to this, Joe, which is leader development. In most firms, lawyers get elevated, especially large firms, lawyers get elevated for their client development successes and not really their ability to lead and develop people. This is a real area of opportunity for most firms. This is so because leaders, especially direct supervisors, are so important to the experience that people have in their work environments. The direct supervisor has the biggest impact on workers experience. They drive something like 70 percent of the perceptions of the work place.

Leaders do this because they can influence the way we think about our work. Things like influencing whether we see our work as socially valuable. Whether they articulate goals and values that energize and inspire us whether they help us feel that we have a sense of belonging. These are all things that leaders can do that help us feel engaged and a sense of meaning and belonging.

But, unfortunately many partners in firms, it has been my experience, still use a command and control style of leadership. So basically they expect people to do what they say because there's going to be either rewards or punishments, and that's kind of their motivational theory.

**Joe Bankman:** What are the other two or three things the firm can do, Anne?

**Anne Brafford:** I would say the second one is really helping people feel that their work matters. Enhancing the experience that my work matters. That would be things like helping people understand the social impact of their work. That it's not only about making money, but also about client care and helping their communities.

I think the third thing is related but different, and that's really boosting the experience of feeling that I matter. That I'm valued, my talents are valued and I'm a valuable person.

**Sarah Weinstein:** Anne, one thing I see a lot in clients in my private practice are young associates who want to take a risk in their firm to grow, but they're afraid to because of what they perceive as a somewhat inhospitable environment. They're afraid if they make one mistake their reviews are going to be very negative. People might not want to give them work. They might ultimately not become a partner. I have to say, there was a sentence in your book I was very surprised to see, but that I love, and it's that, "Since perfection is not possible, psychological safety is the best option." Would you talk about ways for firms to create psychological safety for their associates?

**Anne Brafford:** Sure, the core of psychological safety really is trust. That we trust that others will give us the benefit of the doubt is something goes wrong or if we're not

perfect. A few ways that firms and leaders and all of us can help develop that are things like when someone poses a question or concern, how do we respond. Are we defensive and sarcastic, or are we open to the suggestions and wanting to know more? Do firms emphasize learning over perfection. That's a really important point of understanding that we're all learners and we will make mistakes.

**Joe Bankman:** I love the phrase, "Emphasize learning over perfection."

**Sarah Weinstein:** Yeah, I love that phrase too and another thing I loved about this part of the book was where you addressed a skeptic of this, which I feel like there will be a lot of them, and what you said was that if there's psychological safety, someone's going to be more likely to report a small mistake and prevent that from becoming a crisis, so an error is not going to become a crisis if someone feels safe enough to go tell a partner.

**Anne Brafford:** Right, and the idea is that errors will be caught earlier, because people will feel safe to raise the issues and find someone to get some help before it really becomes a crisis.

**Joe Bankman:** Anne, I want to turn now to what the associate or the attorney can do. Now I'm an associate in big law or small law, what are the top three things I can do to make my work more satisfying?

**Anne Brafford:** Three things that any associate can look at is first before you even get to your firm, really thinking about whether this is the best fit. Organizational-person fit is an enormous contributor to engagement. If you feel that this organization has your same values and would promote your interest, it's very important to think about and not just going to the firm that's going to pay you the most money.

I would say the second thing is really being mindful about mindset. In the book I talk about a number of different styles of mindsets. Growth Mindset, stress mindset, optimistic mindset, and really looking into what those things mean and understanding that developing our mindset is as important as developing ourselves physically of exercising, of really understanding that our mindsets shape our perceptions, which have a big impact on our wellbeing and stress response.

**Joe Bankman:** Can you tell me about one of those mindsets, like growth mindset?

**Anne Brafford:** Sure, growth mindset is related to what we were just talking about in psychological safety. It's the idea of approaching our work as learners and not expecting perfection from ourselves. People with growth mindsets believe that abilities can grow and are flexible, and this is in contrast to people with fixed mindsets who think basically ability and intelligence is fixed at birth. So that if you make a mistake or aren't perfect what it means is that you are a deficient human being that can't ever grow. That is very stressful and undermines

performance. Where people who have the growth mindset and believe that we can grow and learn when they make a mistake or something bad happens, they just see it as information. "Oh that's an area where I learn more." I think that growth mindset in particular is something that law firms ... They have an opportunity to really expand that because I think perfection is what associates think they need to do to be able to succeed, and it's really not the best way to support performance. The growth mindset really is.

**Joe Bankman:** I think of my colleague across the quad here, Carol Dweck, and the work she's done with growth mindset, so for listeners who are interested in that, if you look up D-W-E-C-K you'll find some great stuff.

**Sarah Weinstein:** Yes, I noted another helpful sentence from the book where you say people want to feel a sense of both *impact* and *recognition*. Can you talk about that a little bit?

**Anne Brafford:** Sure that's what I was referring to a little earlier when I talked about both my work matters and I matter. Those correspond to those ideas. So my work matters is that people want to feel like they're making a difference in the world. When law firms are communicating values that are only about revenue generation, that can really kill people's sense of meaningfulness and motivation. The sense of being valued or I matter, that's the sense that we feel that we have talents that are valued and we're able to use, and that we're respected in the work place. These two things that I'm valued and my work is valuable are really the heart of engagement, of having those experiences at work is what make us feel energized and really wanting to invest in our work.

**Joe Bankman:** Anne, so I want to pick up on this. Now I'm the partner at the law firm and I want to make people feel good. My first impulse is to say, "We made all this money, here's the profits for partner, and here's what we've been able to pay associates, and here's a chart that shows we make more than two thirds of the competitive firms and we pay more than two thirds of the competitive firms." You're telling me that's not what I should say?

**Anne Brafford:** That is not the most motivational value for most people. I think it's fine to say that because people like to feel pride in their organization and that their organization is doing well and is successful. If the message stops there, you are going to lose a lot of people. I think that this is at the heart of a lot of turnover, the attrition rate that we're seeing, is that people want more than that. They want to feel that they're involved in something that is helping their communities, that is really about client care, that's supporting and helping each other. When all the messages are about money, it undermined the sense of both that I matter and that my work matters.

So I'm not saying not to talk about profit and success. Again, people want to feel proud of their organizations, but I am saying that it would benefit firms to broaden their values and the way that they communicate their values. So it's more than just making money.

**Joe Bankman:** And even talking about profit from what you're telling me, Anne, if you're talking about that, it's appreciated not because I'm paying you a lot of money, it's appreciated in large part because we're successful.

**Anne Brafford:** Exactly. At least one indicator of success, both for the firm and for individuals, is financial success. That is one way that we know that we're being successful in growing and developing. So those are important, they just shouldn't be the only thing we focus on.

**Sarah Weinstein:** What you're saying definitely bears out in practice. I see associate after associate at the top of the financial spectrum. They're at the highest paying firms, but they are not happy. They're consistently thinking about leaving, and so I really appreciate that point you made in the book.

**Joe Bankman:** So in Silicon Valley a firm might emphasize how they help clients change the world.

**Anne Brafford:** That's a great idea, yes. For some it's hard. You can think of a lot of different firms and clients they represent, and it can be hard to frame it. Usually we can find a way. Also it's not only that kind of an impact. There's all kinds of ways that we can make work feel more meaningful. It's like even connecting with your clients on a human basis. Are you helping them personally and professionally? What about the people around you, the partners, the associates, the staff that you work with. Are you helping them have better lives and support their dreams?

**Joe Bankman:** You know I'm reminded of my work with Vets, Anne, and if you're in the armed forces one of the key motivators is you're there for people in your platoon or your group or in your company, and that's what's going to lead you to put down your life in addition to the broader interest of country and family.

**Anne Brafford:** Yeah, I think that's right. The connection to our colleagues and the people around us and that sense of belonging is a really important driver of engagement.

**Sarah Weinstein:** When I think of the clients in my practice who like their jobs, and I have a lot of them actually who are coming to me for other reasons, it is people who found a way to connect with colleagues and clients and to find, as you mention in the book, that their values are consistent with what's happening in their workplace.

**Sarah Weinstein:** Anne, it's so nice to hear about some of the positive ways that we can work on our firms. I feel like the positive of law firms are a little bit underplayed, so it's really been a pleasure to talk with you.

Typically, we like to sign off by asking our guest about a wellness practice that you use to thrive in your own life and career, but before we do that, Joe, I just want to ask about our technique from last time. The guests were your friends,

wonderful Phil Stutz and Barry Michels, therapists and the bestselling authors of The Tools, and a new book, Coming Alive. Instead of telling us about a wellness technique, Barry actually guided you through an experience of the Black Sun Tool from the first book, which had us imagine a time when we wanted something that we couldn't or maybe shouldn't have, and then experience the feelings of deprivation that followed.

Joe, did you use this Black Sun Tool to help you get through a tough moment of wanting something? Did you become the sun?

**Joe Bankman:** Well, I don't know if I became the sun, but I definitely tried to use the tool. As you know, Sarah, I'm a little bit of a compulsive planner. I've got a class coming up in a couple hours. We're going over 16 things, and I know we're going over 16 things as my notes have 16 Roman Numerals on it. The problem with this kind of planning is you can't plan everything, and when I have things that I can't plan, I get a little anxious. I decided to try to do the tool on what if I couldn't plan so much and I just had to deal with the unplanned.

**Sarah Weinstein:** And how'd it go for you?

**Joe Bankman:** I think it's gone well. One thing Barry said that really touched me and resonated with me is to look upon deprivation as an opportunity for growth. For some reason that works for me, and I say, "You know, I'm just going to have to wing it, and that's going to lead me somewhere new." That is kind of a mantra that has helped me in the past week.

**Sarah Weinstein:** I have to agree. I didn't actually try the Black Sun Tool, which honestly is probably my own limited creative ability, but I loved Phil's sentence that "deprivation is creation," and similar to you, I used that a lot in moments when I wanted something or was having thoughts that I didn't want to have or some issue like that, that sentence popped into my head. "Deprivation is creation," and then after that sentence popped in, I noticed what feelings I was having, or what thoughts I was having afterwards. That's when Phil talked about you could use it as a flashlight to see inside yourself and just become curious about your own internal workings.

So I found that very, very helpful.

So Anne, how about you? Do you have a wellness technique that you use to help you thrive in what I'm sure is a very busy life and career?

**Anne Brafford:** I have many. The one that I've been using a lot lately, I speak a lot, and so the one I've been using a lot lately I talk about in the book, it's the stress mindset activity. What this is about is if you're going into some kind of a performance activity like speaking or taking a test. Some situation where you start feeling jittery because you want to perform well. In that kind of a situation you're going to have either a threat response or a challenge response. The response you



have actually influences your physiological reaction and the chemical cocktail of hormones that can either support or undermine performance.

Multiple studies have shown if you start feeling jittery like that, you can let yourself go down the road of feeling anxious and thinking about all the ways you're going to fail and look stupid. That affects your physiological response and will actually ensure that result that you might not do as well as you wanted. On the other hand, if you tell yourself, either to yourself or out loud, "I'm excited, I'm excited, I'm excited," it tricks your brain into thinking your jittery feelings aren't about being anxious. It's about getting to do something that's important and exciting to you. That shifts yourself into a challenge mindset where you have this different physiological response that supports performance.

I am saying, "I'm excited," to myself a lot. Just feeling that I'm having time conflicts or I'm about to go into a speaking engagement, I am often saying to myself, "I'm excited, I'm excited, I'm excited." I really think it works for me.

**Joe Bankman:** "I'm excited," instead of, "I'm scared or threatened or stressed."

**Anne Brafford:** Exactly, and making it conscious, because too often when we're going into those situations, there are things going on in our bodies and we're not paying attention to them. If you ignore it, you are more likely to have a stress response. Where if you take a moment to be really mindful about, "Oh I'm feeling my stomach is tightening. My palms are getting a bit sweaty." I feel that happening. Well that's because I'm about to do something that's important and exciting. This is exciting.

**Joe Bankman:** I want to do another shout out here, which is to Alia Crum who's another professor in psychology who's done some terrific work establishing and putting forth the studies that have led to this excitement verse stress contrast.

**Sarah Weinstein:** There's also Kelly McGonigal's book, "The Upside of Stress," which I enjoyed.

**Anne Brafford:** Yes, those are two of my heroes.

**Joe Bankman:** Anne, thank you so much.

**Anne Brafford:** Thanks for having me. It was my pleasure.

**Sarah Weinstein:** It was such a pleasure, Anne. Thanks so much for being here.

For anyone who would like to access the resources from this podcast, including how to find Anne's book, [Positive Professionals](#), which I highly recommend. We were only able to cover just a very small amount of what's in the book here in the podcast. Please go out and find the book. You can do that on our website at [www.law.stanford.edu/wellnessproject](http://www.law.stanford.edu/wellnessproject) and we'll also have a link to the book, but we're also going to have a discount code on there. Please check it out.

Thanks so much for listening and please tune in again next time for another episode of The Wellness Cast.