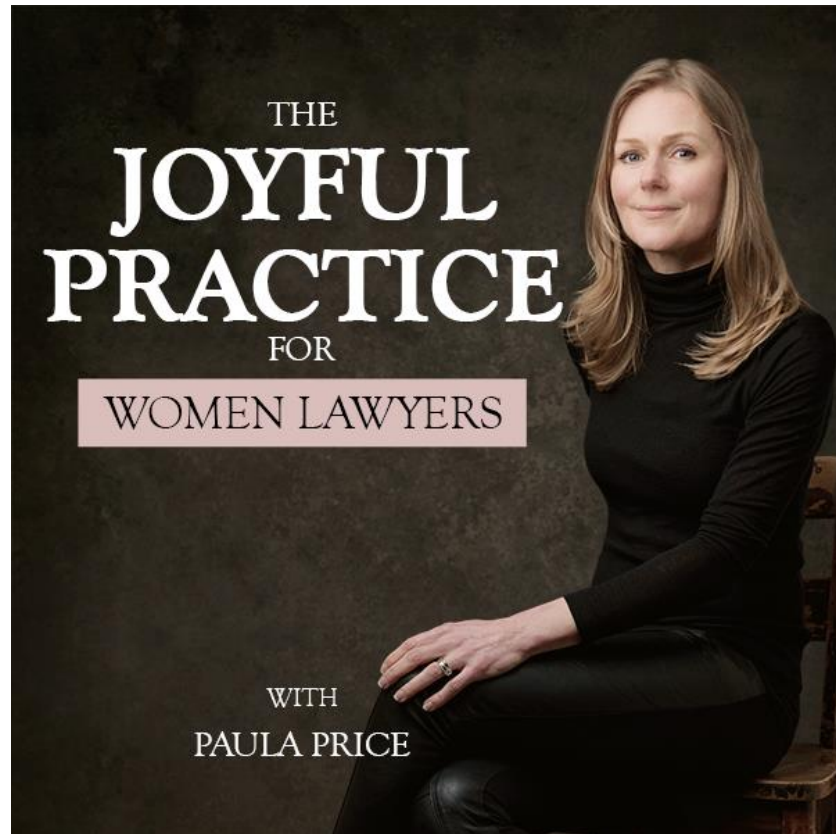


Ep #63: Brain Health and Productivity for Lawyers with Alysia Davies



Full Episode Transcript

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Paula Price

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You're listening to *The Joyful Practice for Women Lawyers* Podcast episode number 63.

Welcome to *The Joyful Practice for Women Lawyers* Podcast. I'm your host Paula Price, lawyer turned certified executive coach. This podcast was created to empower women lawyers just like you to create a life and practice you love. Join me every week for a break from the hustle so we can focus on you, what you truly want, and how you can create it.

If you're over the overwhelm, done with putting out fires, and ready to create a life and practice that brings you more joy, you're in the right place. Ready for today's episode? Let's dive in.

Paula: Hi, everybody. Welcome back to the podcast. It's Paula here. I'm so glad that you've decided to join me this week. I think you're going to be absolutely delighted to meet our guest this week. Her name is Alysia Davies. She is incredible. I'm going to give you a bit of information about her before I officially introduce you to her. She's a lawyer with 10 years of legal experience. Now she is a registered social worker and counselor.

When she was practicing as a lawyer, she was a civil litigator. She clerked to the Chief Justice of Federal Court here in Canada. What I love about Alysia and what I think you're going to love about her too is that she brings such a wealth of knowledge and experience working with lawyers, and particularly as it relates to your mental health and your brain health.

So just to give an idea of some of the things that Alysia speaks to. She is focused on women's mental health, including pre and postpartum depression, anxiety and OCD. She has clients who she helps in acute mental crisis situations. So that's things like psychosis, mania, schizophrenia. She is currently a counselor based in Ontario, Canada. She works through the Member Assistance Program, which serves all lawyers, paralegals, law students, and judges in Ontario and their family members.

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We're going to talk a bit more about that. I think raising awareness about the services that she's offering and also that other lawyers may have access to whether you're in Canada or outside of Canada. So we're going to talk more about that.

I think what Alysia has to share with you is really going to resonate. I invite all of you to think about how mental health shows up in your practices and how brain health shows up in your practices. So Alysia, so excited to have you on today's podcast. Thank you so much for joining us, and welcome.

Alysia: Thank you so much, Paula. Thank you so much for having me. It's great to be here. I'm really excited to be able to talk to you about all this and to be part of what you're doing. Raising awareness of how to joyfully practice law.

Paula: Oh, thank you so much Alysia. I have to say, before we dive in, I met Alysia because we were both speaking on a panel. It was a panel organized by the Canadian Bar Association where we talked about addressing uncertainty in these times of change with the arrival of the pandemic, the kind of closing up or the moving out of the pandemic. I just loved what Alysia had to share and so delighted that she said yes when I invited her to come speak on the podcast. So Alysia, can you please tell us more about your background and the work that you did as a lawyer and the work that you're doing currently?

Alysia: Yeah, I've been a little bit of a Little Red Riding Hood of career seekers. This profession was not quite right. This one wasn't quite right. I became a counselor and therapist. I've been practicing for about four years now. Before that, I spent 10 years as a lawyer, including as a civil litigator with the Department of Justice. So I worked as a legal analyst on Parliament Hill. I did some odd work in the banking industry. So I've practiced in various different areas.

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As mentioned, I started off as a clerk at the federal court, which was an absolutely amazing experience. So I experienced a number of different areas and kinds of practice in law. I've worked in both the public and the private sectors. So I got quite a well-rounded view of the different work environments and stressors that lawyers face.

Back when I had first started law, I had sort of been choosing between law and psychology. I had actually had a first career where I was a writer, and I was working for environmental nonprofits. I had a journalism degree as my undergrad. I had this experience where I thought well, if I do psychology, I've got to go back and do my bachelors, some courses over again and then a master's and then a PhD. Then I'm going to be old by the time I become a psychologist, right?

So I went to law instead. I went to law school at the University of Toronto. I had an absolutely amazing experience there. I met so many incredible people and learned so much. It was one of the best educational experiences anybody could ask for. Then I went into the practice of law. But that idea of wanting to engage in the kind of work that one does as a psychologist never really left me.

Law, I could do a lot of aspects of it. I was good at writing and presenting in different parts of it, but it was never really fit. You know? It never really felt... I always used to zig where everybody else would zag. The things that I focused on, I think, were naturally different. So I wanted to find work that made sense for me in terms of what I felt was important and what I instinctively would focus on as the heart of what needed to be addressed in any situation.

That led me back to this field. I now work in my current job with my colleague Doron Gold, who many in Ontario know as a former lawyer and a wonderful speaker on these issues, and a counselor with a Member Assistance Program like me. He said, "You can do this. You can go and get

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a master's in social work, and you can still do this and be a counselor and a therapist.” So I did pretty much exactly what he suggested, and now we work together, which has been pretty amazing, full circle.

So that's what I did. I ended up working particularly with lawyers or paralegals through this program, and law students, paralegal students, and this work is a fit. This work allows me to focus on what I believe needs to be addressed with people, and I feel that I'm doing my best work.

Paula: It's such a beautiful story. I love that you shared that with us, Alysia. I particularly love what you said about starting out and you had this love of psychology, and you went into law, appreciated and loved that experience, right? As you described that learning experience. Then to be in practice. I really liked what you said about zigging when other people are zagging or zagging when other people are zigging.

What was it that prompted you to make that transition from lawyer to working, as your colleague suggested, to become a counselor and to go through that training? What was it? What were some of the zigs maybe that set off alarm bells, or signals maybe? Maybe it wasn't an alarm. Maybe it was more of a signal that something else was maybe more suited for you.

Alysia: I went through a lot of the experiences that I now support my clients through. I was in a lot of harsh working environments. I was hiding anxiety and depression, quietly taking breaks by myself during the day. I was what you would call high function. I learned to become a fighter, which was not necessarily my natural temperament when they started out in law. I think it's a good skill to learn. Because when you have to advocate for people, you have to be able to do that. But I think that I experienced sort of the best and the worst of law in some ways.

I knew that I wasn't going to be able to continue I had enough experiences where I was just like this is not working. This is not who I really am. It never

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is going to be. I think that's different. Some of my clients it's more a matter of law is the right thing, but they need to find the right place. But I also have clients who are like I'm not sure if this is a fit for me. Once you have invested so much and become so much a part of the legal community, it can be very difficult to make that decision.

In my case, I had been working towards it for a long time. I actually remember the exact moment. It was fairly early in my career. I was at an internal conference for all of the lawyers across Canada who were working in relation to the Department of Justice.

The speaker was an unusual one. It was an organizational psychologist from Carleton. He got up and started speaking about the work he does with organizations and workplace mental health and how to organize work for the wellbeing of people and all of that kind of thing. I had this sort of moment years ahead of time, this crystal clear moment where I was like that's what I should have done. It took quite a few years to find a way to get there, but I think I was always on that path from that moment.

Paula: I love that. I had goosebumps because I think that those crystallizing moments where you see it in somebody else or you learn of something, and it's like the idea sparks in your mind. You may not bring that idea to fruition for some years. But my experience and the experience that I have with the lawyers that I work with is very much in alignment with that. That the idea is planted. Sometimes it takes a little while for it to actually grow. So I love that. I love about your story.

You mentioned when you were practicing, and you sort of said it very quickly, but that you were high functioning right? That you are kind of experiencing some of these challenges. I think that many lawyers resonate with that. Lawyers are typically really hardworking, really resourceful, really able, capable. Even if they're not necessarily fighters, as we might call them, by nature, they will adapt right to make things work because they are

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invested. Because they believe in what they're doing. There's lots of reasons for it.

Yet at the same time, that may not necessarily be the recipe for long term success. Whatever that looks like for that particular person. So what I would love to know from you is some of the ways that mental health impacts lawyers in the work that they do professionally, and also in their personal lives.

Alysia: Well, I think I'll start off by saying that a lot as you say, a lot of lawyers are high functioning and sometimes hiding and disregarding how they really feel or how they're really functioning. I want to caution something that I went through myself and something that I always kind of talk with my clients about is high functioning eventually becomes low functioning. That's what happened to me.

I think that there's always been, and I think I believe one of the justices released a tremendous article in *The Globe and Mail* this past week about how there's this warrior culture around law. So there's the idea that you're tough, you're smart, you're knowledgeable, you're presenting a reassuring presence to clients that you are capable of dealing with anything. All of that is a professional persona that people develop in a lot of different professions. Law, medicine, social work, all kinds of different things.

But in law, it can be one where there becomes a real gap between the persona you present and the way that you're feeling on the inside. Law has historically had a particular culture of not showing that. That is considered a weakness. People are encouraged to tough it out, be independent, solve their problems by themselves. They just need to work harder. They just need to find more answers. They just need to suck it up. That's an expression I've heard a lot in law.

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The problem is that's not really the best approach for preserving the health of your brain. My view of this is that in white collar professionals especially you rely on your brain as sort of your chief mechanism through which you do everything. Your brain is a part of your body. It requires a health regimen just like your body does. You need to learn to take care of it. Some of the working conditions in law can make that very difficult indeed.

So you need to have a conscious plan, a set of habits, and an approach. You need to be in touch with signs that things are not necessarily going well and be able to access resources when you need to, to help with that.

I think we talked about on the panel we were on together people who are professional athletes have a gigantic support team. They know that their body is their instrument. So they go out and they have coaches, and they have well-being experts and nutritionists and all of these different people around them to make sure that they are consciously trying to keep their body in high functioning, high performing, well-tuned shape.

We have a number of professions where people are just as reliant on the brain but have no idea how to take care of it. It's even discouraged to do so or talk about it.

Paula: I absolutely love what you're saying Alysia. Absolutely. This is one of the topics that you spoke of during our presentation together that totally resonates with me. To kind of pick up on your analogy, I think we look at professional athletes and we know how much they're investing in coaches and training and nutrition and all these things that they do very proactively and deliberately to care for their bodies.

Yet as lawyers and professionals who are relying on their mental functioning, their brain's capacity to do their work in the world, for the creativity, the problem solving, the helping others manage very difficult and challenging problems or very exciting opportunities that they're trying to

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stitch together with the help of their lawyers. We are relying so heavily on our brain capacity. Yet because we can't see it. People go to the gym and flex their muscles. You can't see your brain, right? It's hidden.

Yet it is so imperative that we pay attention, and, as you talked about, develop intentional practices and habits that will support the health of our brains so that we can continue to use them to make a living, to help others. So I just love how you have framed this. I would love to learn more from you about some of the ways that lawyers and other professionals who—I mean all of us, but professionals who are really relying on our sort of white collar type of work. How can we take better care of our brains?

Alysia: It's interesting because I think that in law in particular, one of the first things is getting over the stigma and the sort of almost resistance to the idea that we need to do so to the idea that our brain is part of our body. Because there's a sort of, back since Descartes there's been this idea of “I think therefore I am”, free will, my mind and my decisions determine everything. Recognizing that the brain has biological and psychological limits is antithetical in many ways.

My own personal theory is that that is why there is a lot of stigma around mental health because it forces people to face this truth. This truth is at odds with a lot of the predominating myths in our culture about how we get things done and the unlimited nature of our horizons.

I think that in law these ideas are particularly strong because law is using the tool of reason to make arguments, to put forth ideas in the marketplace and argue them out in a courtroom in the in the particular form that it takes in law. The idea that feelings or physical reactions or anything else can kind of intervene or interfere with this or even should is actually something that lawyers are taught to remove their focus on. Those things are irrelevant in legal parlance.

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I mean economics they call them externalities right? I mean there's this whole sense in these kinds of intellectual professional cultures that those things have no place, but they're part and parcel of the means by which we do what we do. To ignore them, eventually they're going to sneak up on you.

So there have been a lot of these kinds of really intense demanding work environments that treat us as if we don't have those limits and just assume that it's a matter of willpower to keep going and going. A lot of lawyers internalize this. So when they're not functioning well or they're not concentrating well or they're feeling upset, they don't notice it right off the bat. That's something that I have to work with on a lot of lawyers is just noticing it.

Because their response to that is I need to work harder. I need to suck it up. I just need to concentrate more. Hey you stupid why can't you do this right? Like a lot of lawyers are very self-flagellating in the way that they approach handling this tremendous workload. I have this duty. I can't make mistakes. I can't let the client down. I can't do this. I can't do that. So I have to just keep going like a machine. Until one day the machine kind of sputters out.

So one thing that I see in my practice is that we get a lot of lawyers who are so resistant to the idea that any of this stuff even has a say or can control them that they don't come to us until they are an absolute crisis, until they absolutely have to.

One of the things that I think is important as part of my practice is teaching lawyers to notice the signs much earlier and deal with it much earlier. Not as a shameful thing, not as that as a thing that they should hide or try and cover up. But something that's going to happen naturally from time to time. They can help to make it less impactful when it does by knowing the right things to do and keeping themselves in good shape.

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So one of the things that I often do is start out teaching them a term I learned at Homewood, a distress signature. I like to call it a distress signature myself because I think what happens is people have a level of healthy stress and performance that if they start pushing past their limits can tip over into what we call distress. Everybody has their own kind of distress signature. A different combination of sort of things that start happening. So I encourage people to get to know theirs.

It can take the form of some people can headaches. Some people start to have flare ups of chronic illnesses, asthma, IBS, those kinds of things. Some people start to rely more on substances. They'll suddenly start having drinks to go to sleep, or they will start using stimulants to stay awake to get things done or pills or that kind of thing.

Some people will find themselves more emotional. They'll find that they're crying more, and they don't understand why. Why am I crying? Or they're having these almost panic attack like symptoms where they've got to take time out. Some people just find they're irritable. They have less patience. They're shorter with their loved ones. They aren't able to concentrate as well.

The cognitive symptoms of distress are very important to notice. When you can't concentrate, when you've read the same thing five or six times and it's not going in, or you're doing everything three or four times more slowly than you normally do, that's a sign that your cognition is worn out. That it is not functioning. It's not because you're not trying hard enough.

So I encourage them to look at what's going on differently and to recognize it as feedback and to identify what their particular stress signature is. Oh when I'm feeling like the stress is getting too much, I start snapping up my partner. I start drinking more wine with dinner. I find that it takes me two hours to do something that would normally take me 10. I encourage them to kind of even write their signature on a sticky note and put it on their desk

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so that they can notice when these things are starting to happen. That's the first step. Then we talked about okay once you notice this, what do you do?

There's a lot of different responses to that. But one of the things that I think is really important is learn to take more breaks in your day as soon as you notice that. When you notice that your needle is moving into distress, change what you're doing physically, change what you're doing mentally. Even if it's just for five or 10 minutes, take your eyes off the screen.

Get up, walk around, stretch, go out, take a walk around the block, breathe, go down the hall, talk to a colleague if you're in office. You may need to chat or go water your plants or something if you're working from home. You need to at that point actually put a break in the system to kind of get other parts of your mind and body engaged and take the focus off the ones you've been using to give them a little break. So that's part of it.

Another part of it is something that I like to call mindlessness. Lawyers have a tremendous need to be productive at all times. They're always talking about I have to be productive. I'm not being productive. I'm sitting staring into space for two seconds. Is that productive enough? Some of the research is showing that actually yes, it is productive. I like to tell this to my clients because—This was actually research that was brought to my attention by a client. Not a legal client, another counseling client. I learned all kinds of wonderful things from my clients.

It talked about how our brain needs to take a break from information processing in order to almost recharge like a phone battery. To do this, it needs to do things that are mindless that do not involve processing new information. So a lot of lawyers relax by like doom scrolling the news on their phone or trying to keep up with important topics or this kind of thing. That is not what the brain needs to recharge. It's fine if you want to do that for fun or whatever.

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But when you need to rest, what you need to do is really mindless stuff. You need to be staring into space. You need to be using adult coloring books. You need to be playing with a puppy. You need to take a bath. Some people like really mindless repetitive tasks that they find soothing. I had one client who really enjoyed folding laundry. Those kinds of things.

You need to take regular breaks in your day to be deliberately kind of spaced out and nonproductive. That's actually a recharge mechanism for your brain. So it is productive. It allows your brain to function at a higher level because you're taking regular care of it. So these are the kinds of habits that you want to put into your routine the same way that you would put a gym workout or a daily walk into your routine. You need to start being aware of these kinds of things.

Another technique that I talked about with clients sometimes is mindfulness. People are a bit suspicious of mindfulness. It's like what is this? It's sitting around trying to be the Buddha or something like this. It's not. It's actually a technique where you focus on your breathing. The reason that you do this is it's part of training attention in your brain to help you have more leverage over whether or not you're focusing on your breaths and that kind of thing.

But, again, research shows that it stimulates the vagus nerve, which turns on the parasympathetic nervous system in your brain. That's the calming system in your brain that counteracts fight or flight. So it starts releasing the calming chemicals when you do that. It allows you, if you're in a heightened, aroused, there's a threat, I've got to do something kind of state to have some techniques that may be able to bring it down.

Of course, it depends on how far gone it is and all of that kind of stuff, but the regular practice of learning to breathe well, focusing on your breath is actually a mechanism for helping to keep your brain in good shape, helping to keep your cognition and your concentration in good shape. So there's a

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lot of science behind it. I think that people sort of still that gets kind of weird woo-woo stuff, and they don't realize this.

Paula: It is so helpful. Just to recap some of the things that really jumped out to me as you were talking is a number one, just looking at that stigma around even talking about mental health. I think the pandemic has actually been a really wonderful influence in that regard in that not that the pandemic itself is wonderful, but that it has increased the awareness around mental health and brought it to the forefront in terms of a topic that we are now talking so much more freely about.

As you were talking about lawyers and really how lawyers are trained, how we're all trained to really focus on logic, right? Emotion is kind of this inconvenient thing on the side. We just kind of sweep it under the rug and focus on the facts, right? Focus on the logic.

In addition to that within the legal profession, as you described, there's this persona of being that person of authority who is confident, who is taking care of other people's problems. I think there can become, as you described, that disconnect between how a lawyer might be appearing on the outside and then feeling on the inside.

What I find so fascinating is that we then have this community of professionals who are all seeing each other's outsides. These confident, self-assured, I know what I'm talking about outsides. Yet on the inside there's this big gap. So it's kind of like when you're on Facebook, and you see everybody's highlight reel of their family portraits where everybody's happy and nobody's fighting. You're thinking well, my family's not like that.

We're comparing our insides to other people's outsides and then wondering why we haven't bridged that gap. When in fact we're all kind of feeling the same way, which is why I think it's so great that we have the opportunity to hear from you right? You can tell us that here's what's really going on here.

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So that if you're in that position and you're feeling like okay well, I don't feel that confident actually, or I am really struggling right now. To know that you're not alone and that it's perfectly normal and that there's help out there. There's resources that can help you bridge that gap. So I love that you talked about that.

I think the emotional piece, and I don't know if this is something that we will get into today necessarily. But to me, what changed for me when I became a coach was that the emotional piece just wouldn't stay quiet anymore. It was really what drove me to question the path that I was on.

What I've learned over the past few years in my practice is that emotions, rather than being this inconvenient thing that I've tucked away, don't need to see you, is that emotions can actually be a very powerful resource when it comes to figuring out what you want to do with your life and what you do not want to do with your life. When you're in a situation that feels a certain way, what is that signal trying to tell you? How do you process your emotions so that you can go on to do the things that you want to do?

So I love that you addressed that. That this is something that we as professionals, we tend to not want to deal with it. Yet there's so much potential there. So I just wanted to kind of highlight that. Then I also wanted to just touch on how you have set up these, you called it the distress signature. What exactly did you call it? I'm sorry. I've forgotten.

Alysia: Yeah, that's sort of my way thinking of it. People in the business called a lot of different things. But a distress signature. The idea that your emotions and your physical reactions are a feedback loop. They're telling you when your needle is going too far into nonfunctioning territory.

Paula: Exactly. As you were going through the list, I could totally relate. Especially to the one about cognitive functioning. I can remember going through phases where I would read the same passage several times. I'm

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like why? Why? Why is it taking me an hour to read this? Why do I keep drifting off? I think that's part of it is are you taking care of your brain health? Then you've given some suggestions on how we can actually do something about that.

So if you resonate with any of those signals, whether it's the headaches or that the sort of physical symptoms or you find yourself pouring the extra glass of wine at dinner, as you're describing, these are all signals. So when you know that they are there then you can do something about it.

I think especially for the junior lawyers who may be tuning in. If you're a student or you're early in your practice, I think that's a time when these pressures can be extremely high. Because it's such a transition for so many people to go from being a student to practicing in this really professional environment where the stakes are all of a sudden really high. It's not just a letter grade on a report that you submit. This has real impact on people's lives in the real world.

There's so much pressure to know everything right out of the gates, or to feel like you need to know everything out of the gate. So I think really getting to know your signature at an early stage will be so helpful over the long run because then you can manage it. You can be proactive about it and do some of the things that you're talking about.

Alysia, I love how you framed taking a break, this mindlessness time, as being productive because I think sometimes we need to tell ourselves we are being productive by not being productive. So I think that's superb. I think taking breaks throughout the day, increasing that mindfulness practice so that we can bring ourselves out of that fight or flight state into that more rest and digest. Because we know that we're more productive. We're able to access the creative parts of our brains better when we're in that state versus if we're in that reactive zone.

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So I just love everything that you have shared. I think it will resonate with so many people. So thank you so much for that. I wanted to ask you, and I think you've touched on this already. But one of the things, and you talked about this in the presentation we did together, is that lawyers operate in this billable hour culture. Many. Not all, but many do. It incentivizes the time that we spend on billable work to the exclusion sometimes of other work.

So maybe it's even non-billable work within a firm that might be focused on relationship building or skills building. Certainly outside of work, other elements of your life. It might be the time that you spend with family or friends. I always found that billable work was kind of at the top of the hierarchy and everything else I kind of had to fit around that. There were targets to meet, et cetera. So how do you recommend for lawyers to prioritize self-care in a culture that tends to place a very high value on this productive time over rest?

Alysia: It's very hard. I mean I think when we talk about self-care, people think it's this kind of soft fuzzy thing. Oh I'm going to have a bubble bath or a treat myself to a chocolate bar. Self-care is actually very hardnosed. Recognizing when you have to stand up for and protect your own health and wellbeing over on number of demands is actually something that requires the fighting spirit and the self-advocacy that many lawyers develop so well. They need to deploy it on their own behalf.

So it can take different forms in different environments because the pressures are very different everywhere. But the billable hour model doesn't really capture the fact that work is work. It doesn't matter whether it's billable or non-billable. It's still using up the renewable resource that is your brain and your energy level. So the accounting in law firms isn't really accurate because it doesn't cover that, at least under the traditional model. A lot of firms are starting to change it.

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There's also starting to be a recognition out there that especially in environments where the brain needs to be safeguarded in order to keep functioning that psychological health and safety is a big issue. So there is actually a voluntary standard for psychological health and safety in the workplace with the Canadian Standards Association that a lot of organizations have been experimenting with introducing in their workplaces.

This is almost a bit what I'm seeing is like the movement to safeguard people's sort of physical safety in environments where your body was the primary means of doing your work. So in the mines, in construction sites, and all of this kind of stuff, there was a huge sort of battle in the 20th century to make sure that proper safety rights and reasonable working hours to preserve people's ability to keep working safely with their bodies were in place.

This is starting to happen now with the brain. People are starting to recognize that the same sort of health and safety battle is needing to be fought. So I'm seeing that increasingly across workplaces. I think the pandemic, as you say, has really highlighted it.

In the case of law, I like to joke that when it comes to mental health lawyers are a bit of a thin skull plaintiff. I think even law students will know that one. In the sense that lawyers tend to have issues with anxiety and depression and mental health in larger percentages than the average population. In particular, rates of suicide are higher, and rates of alcohol and substance abuse are higher. So these are things that lawyers are, for some reason, more prone to.

There's actually a giant study being done to get some more up to date Canadian statistics on that that the Law Society helped sponsor through a university in Quebec. Those results will hopefully be coming out this summer.

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But people might say it's the highly strong type A performing personality that tends to go into law. They may say it's the working environment that has these high demands and put so many sort of almost heroically unrealistic pressures on individual lawyers. I don't think it matters. I think it's a bit of both in a lot of situations. So there is this individual component, what can I do to manage my brain health? Then there is the cultural component. How are we organizing work here? How is it affecting people?

For a junior lawyer in a position where they know that if they go to sleep, they're going to get what they're struggling with now done in two hours in the morning when it's taking them five hours right now. That presents a whole host of dilemmas that it really shouldn't.

So those are all aspects of figuring this out. It is a territory where everybody has to be a little bit of a pioneer in doing it. Take your vacations. Assert your time. Go home and take breaks when you need to. Spend time with your kids. Advocate for the kind of environment. One thing I've noticed is a big trend, and the women who do this have been commenting a lot on it. I see it on LinkedIn posts.

A lot a lot of women have been opening their own firms to be able to set up a new working model that incorporates their family life and that makes their time their own, more manageable and not at other people's beck and call. Because as we all know women still, to some extent, have two jobs, the one at work and the one at home. So they have to have a system for managing both of them. A lot of female lawyers I've heard make the joke what I need is a wife.

I still see, I mean obviously marriage has a whole set of different gender expectations about who gets married and all that kind of stuff these days. But the idea is that a lot of male lawyers who were in a traditional legal role benefited from having someone taking care of everything at home. The fact that that is sort of gender located is a whole different issue, but they don't

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realize. The working structure was not set up to recognize that this is the case.

So we've got tons of women coming into the profession where the structure of how law works doesn't really accommodate the reality of working women's lives. Everyone's like oh well women are gonna go take time off and have babies. It's like women are working twice as hard, and having a baby is not time off. Not even remotely. It's a 24/7 on call shift.

You mentioned some of my past experience. I've worked in crisis with people who have schizophrenia and psychosis and all that kind of stuff. I also worked in a women's health clinic focused on perinatal and postpartum depression, anxiety, OCD, all of this kind of stuff. So I worked a lot with new moms and their babies in that environment.

The degree to which people do not recognize how much work is involved in the first year of a baby's life still shocks me. I mean fortunately we do have some maternity leave infrastructure in this country, but a lot of lawyers ignore it. They're expected to go back sooner, especially in the private firm environment. I mean, again, biological and psychological limits. Do we want children who are balanced and happy and well raised? Well then as a society, including our workplace, we need to accommodate what's necessary to accomplish that.

Paula: I love what you're sharing Alysia. Just going back to that earlier point about the analogy you drew between the safe workplaces for physical laborers and designing safe workplaces for the mental laborers. I think that's such a neat development. I'm really glad that you shared that. I hadn't yet heard that.

Then to your point about women in particular in practice and especially around the family stage. I'm in that stage right now. I've got two kids. They're nine and seven almost, 10 and eight. That absolutely was a big

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transition for me. I now work with lawyers who are going through similar transitions.

You're exactly right. I mean a very traditional law firm model is really set up in a sense where to thrive you need to be really available. Sometimes it doesn't always allow. It depends on the firm. It depends on the practice group. It depends on who you're working with. There's so many variable functions there. But in some cases, it really does require that you be able to commit to being available.

For a person, whether you're the father or the mother, and you have obligations and commitments you've chosen for your child that sometimes those two rub up against each other. It is a very tough conflict to navigate. To be able to number one, just recognize that that's going on. To your point about saying it's hard work that first year of having a child. I mean I think we try to minimize it and say well we can do this. We can, but there's a lot happening there.

I think just even acknowledging that this is a challenge. This is hard. Seeking out support to navigate it, figuring out how to navigate it. If something like postpartum depression is something that you're struggling with, to reach out and get help for that so that you can navigate it with the benefit of support. So I think just giving some acknowledgement to that.

Also, as you pointed out, that for some people it means going and starting your own law firms. I've had guests on the podcast who have done just that. I know for lawyers that I've worked with as clients that they are also considering something like that. To have those examples and to see how law can be done differently. For some people, the big firm or the traditional firm is a great starting point, but it's not the endpoint. For others it is, or for some people—it's different for everybody.

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So I think just recognizing that there's not this one size fits all, and that we each need to look at our professional work in the context of our lives and then create something or find something that aligns with that. I think it's really important that we can acknowledge that we have a lot of capacity, and we also have some limits. Picking and choosing where we want to focus our energy, how we want to spend our professional time. I think that's a really important thing for all of us to reflect on at the different stages of our careers, at the different stage of our lives because it changes.

Alysia: I think that's true. I think that's true. I mean fathers wanting to spend more time with their children too is part of this. There's also an element of you have people working in the legal profession who encounter, unfortunately still, discrimination in other areas.

People of racialized background, people who may feel uncomfortable coming out with their sexual orientation, people who are transitioning to a different gender identity. All of these things was an extremely tricky place to deal with some of those issues. As you say, taking into account your life and how this is affecting you on what you can and will and won't devote your energy to is a very important part of the decision making process of where you want to locate yourself in law.

Paula: Beautiful. Alysia, one of the common areas of struggle that I see among lawyers is putting boundaries into place. Particularly if you are in an environment where it is high pressure. It is high demand. There's a high level of service expected within the firm, within the relationships that you have as clients.

It can feel really, really hard to set a boundary, especially if let's say it's the self-care boundary. That you have a doctor's appointment or a dentist appointment. I mean these are things that I know I've struggled to actually put on the calendar and adhere to inside a legal practice, and even now,

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right? I am my own boss. Yet I find it's really hard to on my to do list right? Call the doctor.

So how do you recommend lawyers go about setting boundaries so that they can make their mental health, their brain health a priority? What are some ways of kind of overcoming that internal obstacle almost or maybe it's an external obstacle to actually implement them?

Alysia: This is a big subject. It's one where I sometimes get into with individual clients the difference between what you can and can't control. Because lawyers sort of have this idea that they're responsible for general management of the universe, to borrow an expression of my mother's. The idea is they have to do everything perfectly. They have to anticipate all these things. Lawyers are paid to anticipate worst case scenarios and prevent them. Their brains are wonderfully tuned machines that do that very well.

But that doesn't work so well outside of the context of law. So there are a lot of what we call cognitive distortions that lawyers tend to carry over into their personal lives that sometimes stand in the way when they're trying to set priorities or our interactions outside of their job. One of the ways to sort of start looking at that is to be like okay, what can I control of what can't I control right now.

It's like I can control whether or not I set this appointment. Now there's going to be blowback if I do it, or I may have to rearrange these other things, but I can control that. What I cannot control is how my boss or the partner or the client is going to react to that. I can control how I'm going to handle it. I can anticipate it to some degree, although mind reading is sometimes something that lawyers are prone to. They sort of impose the worst case scenario over what they're going to encounter.

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So it's a matter of triaging a situation, not in terms of the starting point of I can't or that it's gonna happen, or I can't or that's gonna happen. But it's like what can I and what can't I, and what will be the consequences of each decision and kind of planning for it.

Now that sounds a bit simplistic. It's not easy to do in practice, but it is one of those things where it's more realistic than kind of letting other people dictate everything you can do. You're taking ownership of certain things, and the blowback that might happen from certain things. We work on communication about those things.

For instance, well we have these four things we want done right now. It's like okay I can do that one by this time. The others are going to have to be prioritized in order. I'm happy to do them. How do you want me to prioritize them? Right. I will be available from this time to this time. I have to do a medical appointment at this time and then I will be back. Very firm, clear communication about the priorities you choose.

But you have to have that thoughtful process of choosing them that doesn't start from the premise that I must do what everybody else wants me to do all the time. It's I have certain things that I need to do to take care of myself and to be able to be functioning in the long term and doing what people need me to do in the long term.

So I have to decide which ones of those are priorities. I have to prepare for the fact that it will be a tricky conversation sometimes to implement them. It's tough. It depends on the environment you're in. It also depends on the working environment you choose.

Back when I practiced, and I don't know if this is still the case, many women ended up doing legal practice in the government context because of the greater sort of allowance of maternity leave and the more sort of normalized environment around that. So they chose their career path and

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their timing based on being able to accommodate having children. I don't like to limit anyone's horizons, but it is important to be realistic about these choices sometimes. If you want to do certain things, what kind of work environment are you going to choose? Because some of them are going to facilitate it and some of them aren't.

Paula: Absolutely. Going back to that conversation and the clear communication. One thing that comes to mind for me as well is sometimes is not just having that conversation with your external boss or client where there's going to be blowback. I know for myself and for lawyers that I've worked with that sometimes that push back is actually an internal struggle right?

Alysia: Absolutely.

Paula: It's setting that appointment, and then you being the one who's like ah you really shouldn't be doing this. You really should be focusing on this other thing. It's way more important than your doctor's appointments. So I think that's another part of it. I gather some of the boundary work there is to be able to withstand or to navigate that conversation with yourself and basically tell yourself that this is important.

You may not like it. It might feel uncomfortable, but that's how it needs to be for the long term right? For the long term sustainability, we need to be having these difficult conversations with others and sometimes with ourselves. Also to your point about environment is finding a way so that the external world in which you're working, in which you're living, supports your overall health right. So I think all of that is really helpful.

Alysia: Well exactly. You wouldn't believe the conversations I've had with people about just taking one week's vacation. About navigating their whole internal dialogue about that.

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Paula: Absolutely. Then to actually take vacation because that's hard. When you're when you're used to being on 24/7 to have to be off, it can be kind of disorienting. Do you have examples of lawyers who maintain a really good balance? They maintain their brain health, their mental health despite having a very stressful job, despite having heavy workloads? For us to kind of think about what it is that has enabled them or tools they've used to be able to manage that.

Alysia: I think that the lawyers who are happiest, it's gonna sound a bit trite, but they know themselves. By that I mean I think a lot of lawyers go into law expecting one thing and they find another. People talk a lot about going into law because they believe it's about justice and everything. In the best case scenarios it can be, but a lot of the time, as someone once told me, it's just about law. That's a lot of technical puzzles, interpersonal negotiation, a lot of things that we don't necessarily think about when we're thinking about furthering justice.

So knowing what you like and knowing whether or not that suits you is a big part of succeeding in law. Having sort of realistic expectations for what the outcomes are going to be and what it is that you're going to be doing day to day and knowing that that's a fit with your actual interests and temperament.

Then I think from there, people who take very good care of themselves physically and mentally and do have very precise boundaries. They work really hard, but they have a very strong structural routines. That this the time I stop. I go home. I spend time with my children. In many cases resume sort of later at night.

Who have a sense of how their brain and body works so that, for instance, if they are working late, they're not working right up until bedtime and then expecting they can just turn the brain off and fall asleep. They understand

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that there needs to be a gap there that you need to decelerate. They understand how healthy habits work.

I think to be honest some of the healthiest lawyers out there are people who have explored what it's like to be an unhealthy lawyer. I talk to clients all the time who really discover new ways to relate to their practice, to relate to what they're doing, to relate to the profession, to relate to themselves, to relate to their families once they go through a crisis, once they hit that point where high functioning starts to break down.

A lot of lawyers, when they're at that point, will be like my life is over. It's like no. No it's not. We're having this increasing group of lawyers who you see out there on the scene who are talking about their experiences with everything from bipolar disorder to anxiety to depression to family troubles to alcoholism. They're out there being open with their stories and saying this is what I did. This is how I recovered.

They're really setting an example for this new sort of health focused model where it's like we want to open up this culture so that you can practice in law as yourself and not spend a lot of time in hiding. Because there are many people who do that.

So there are people out there like Justice Strathy, like Beth Beatty, people who you hear who are talking about this stuff very openly and setting a wonderful example. I have a lot of clients who come to me after saying I heard them, and I needed to talk to someone. So I think they're in the process of building a healthier lawyer, if that if that makes any sense.

Paula: I love that. I absolutely love that. I love that you've also highlighted that some of the healthiest lawyers are the ones who have really struggled, right? That that was kind of a time for them to reevaluate and put in some infrastructure so that they can continue to be high functioning within a much healthier framework.

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Question for you. We talked earlier about the stress or the distress signal. Where do you decide that you need more support? There's that self-monitoring and self-correcting. What do you think kind of tips you into the category of needing to reach out for extra help?

Alysia: I think this is a hard spot for lawyers. I want to talk a little bit about the program that I work in because, as I say, we get a lot of clients who are in crisis. The program is actually designed for every end of the spectrum. We see mental health as a proactive thing. So there's counseling services. There's therapy services. There's also coaching services. So people who want to get help with an aspect of life like managing their finances or improving their nutrition or quitting smoking can also get free subsidized health through our program.

Because being mental health professionals, we see mental health is along a spectrum. It's something that anybody is prone to in all kinds of different ways. How do you do things proactively to maintain health? How do you do things once things aren't so good? So I want to highlight that a little bit.

But what happens is that low functioning point arrives where you find yourself crying all the time and you don't know why. You have to go and lock yourself in the bathroom and do like real deep breathing exercises just to be able to get through the day multiple times. You find yourself using alcohol or substances to the point that it's starting to disrupt your ability to show up at work, your ability to relate to your family.

You're starting to sit in front of your computer for a whole day and find out that you just cannot do anything. You're making promises to people that you can't keep because you can't make your brain do what you should just be able to make your brain do, right? A lot of these kinds of things happen.

You may encounter a crisis where a partner leaves you or something along those lines happened. Or you may have something happened where there

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is a stressors that is suddenly piled on top of all the other stressors, like the death of somebody in the family. Or your teenager starts getting into trouble and gets arrested, or all of those kinds of things where it's just like that sort of straw that breaks the camel's back. Then you're like how do I cope with this and being a lawyer as well? So we see all of these kinds of situations come in.

Now the program I work with is called the Member Assistance Program. It's run by Homewood Health, my employer, and it is funded by the Law Society of Ontario. It's funded at arm's length through a third party corporation, people corporation, so that lawyers can feel comfortable that there is no sort of overlap.

If you come and use our services, no one is going to inform the Law Society of that. They are never going to hear your name. They're never going to know anything beyond use statistics of the program. It's one of those things that people are very frightened of. If I come in and I say I have an alcohol problem or I have this or I have that, the Law Society's going to find out, and I won't be able to practice and all of this kind of thing.

The program has been deliberately set up to not be like that because the law society wants people use these services. They want people to use the services whether they're feeling well or feeling not so well. Wanting to be proactive or dealing with a crisis. There's a whole range of stuff in place that is designed to support the lifetime mental health of people in the legal profession. So it's a profession wide employee assistance program.

So people can come in and get counseling and some more long term therapy depending on certain things with the counselors and therapists in our organization. Doron Gold and I are both counselors and therapists who have practices lawyers for at least a decade each. So people want to talk to somebody who knows what being a lawyer and what the legal environment is like. They can request us.

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In addition to lawyers and paralegals and law students, paralegal students, basically anyone who's a member, a licensed member of the Law Society or training to become a licensed member of the Law Society in Ontario, they have access to the services, but so do their spouse and their children. It doesn't have to be related to work or related to law. This is about general mental health.

So you can get individual counseling through the Member Assistance Program. You can get couples counseling. You can get family counseling. If you have a teenager at home who's having a really hard time, you can connect them with the program. These services are all free for members and students, members to be. They're all subsidized.

You can also get crisis support. So say it's three in the morning, and you feel like you want to end your life. You can call the MAP number and have a crisis counselor that you can talk to within a few minutes to help with that. We have a crisis service for our members as well.

You can also, and this is sort of a feature of the program that's a bit unique and that we really enjoy working with is a peer support program. We have about 60 or so peer support volunteers who are lawyers, paralegals, people in the profession who have been through some kind of mental health or substance abuse crisis and are in recovery, and are out there practicing and are happy to be a confidential buddy for anyone who's going through something similar to what they did.

So we interview and select and train these peer volunteers after they express an interest. We choose who we people who we feel are in the right place to be able to do this. If a lawyer maybe isn't ready for counseling or maybe they're already in counseling, but they just feel like they want to talk to somebody who's further ahead on this path. Can I really still practice after getting through this? I'm in trouble. I've got an alcohol problem. I've

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got a disciplinary proceeding going on with the Law Society. I feel like everything is over.

We can match them with someone who's on the other side of that. They can be sure that they're talking to somebody who's in the profession, who understands some of what they're going through, but who is never going to tell anybody else, right? That whole idea of the gossip moving out into the community, because it is a very small community. That's not going to happen with the peer volunteers. It's an explicitly confidential relationship. So that's something that we offer to people as well.

Then there's the coaching services. Parenting coaching, elder care coaching, nutrition coaching, quitting smoking coaching, financial coaching, anything that might pile on those stressors, or you just want to do for kind of a healthy lifestyle, you can call up and connect with the coaching services too. I always joke that for people who absolutely do not want to confess to another human being that anything is going on that they might be thinking they need help with. We have a lot of online stuff.

We have some online modules for coping with things like anxiety, anger management, reading, that kind of thing. All of it can be accessed in Ontario by going to the website or calling the number. The number is 1-855-403-8922. The website that you can use to sign in if you're looking for the electronic resources is myassistplan.com.

Paula: Beautiful. Alysia, thank you so much for all of that information. We will provide in the show notes to this episode a link to all the resources that you mentioned. I just wanted to mention that within Canada and Alysia told me this just before we started recording. There are equivalent services in all provinces. So it will look different depending on where you are. If you're outside of Canada, I would encourage you to look for whatever resources are available through your respective law societies. So you'll have that information. I encourage you to go to the web page.

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We are going to wrap up. Alysia I wanted to say thank you again. It has been such a delight to have you on today's episode. I'm so glad that you've shared all this wonderful information with our listeners. Thank you everyone who has tuned in this week. I know this is going to be a really helpful episode for so many of you. So thank you so much Alysia. I really appreciate you being here.

Alysia: Thank you so much for having me Paula. It's been so delightful to talk to you and be on your wonderful podcast where you raise so many thoughtful issues. So I feel really glad to have had this opportunity. Thank you so much.

Paula: Thank you so much. Thank you so much Alysia.

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