

# Legal Professionalism & Self-Care

## Resilience, Success & Failing Well

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# What Does Self-Care Have To Do With Professionalism ?

- Self-Care = feeling happy ?
- Self-Care = self-indulgence ?

*#selfcare*



## “The Good Lawyer”

- Training good lawyers, successful lawyers
- **Competent**
- “Competency” technical definition
- Base-level requirement to be licensed to practice law
- **Legislative framework:** *Rules of Professional Conduct* (s.3.1, s.7.1-7.3, Commentary); *Law Society Act* (s.37), Law Society's Mental Health Strategy Task Force Final Report to Convocation (April, 2016)

# Competency

- Psychologically and emotionally fit for practice
- Being able to manage the challenges of life and legal practice in a way that allows you to discharge your duty to clients in a professionally responsible way
- In other words, **competency requires self-care**

## Mental Health & The Legal Profession

Lawyers (and law students) are notoriously vulnerable to adverse mental health experiences:

- **20% of entire legal profession suffers from clinically significant levels of substance abuse, depression, anxiety or some other form of psychopathology**
- **Rates of MDD 3.5x higher than the general population**
- **6x more likely to commit suicide than non-lawyers**

# Competency = Skills Take Care

- Part of teaching you to be *good lawyers*, i.e. ***competent lawyers***, is about teaching you to be as healthy psychologically & emotionally as we can
- Teaching skill set of self-care

The "F"  
Word

**FAILURE**

# Thinking about Failure

- Identity = Positive Achievements
- “I am a good student” vs “I do well in school”
- “I am a top athlete” vs “I have achieved a lot of success in sports”
  
- Failure has become understood as something we are rather than something we do
- “I am a failure” vs. “I failed at something”



# Failing Well

Two reasons to learn to fail well:

1. We become more **Resilient**
2. Makes us more **Successful**

# Resilience


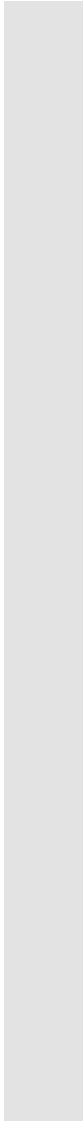
- “Rubber ball effect”
- If failure is a state of being, we “stay squished”
- If failure is an experience, we can have learn from it and have another better experience
  
- Resilience is not an inherent state of being, it is a set of skills, something you do

# Success

- Resilience → Perseverance Through Adversity  
→ Success
- *Resilience* more common characteristic among successful people than even *high IQ*
- “People who lack a capacity for persistence in the face of adversity may choose what’s safe rather than risk failure by pursuing goals they might find more fulfilling and which could be more valuable to society.”

## How to Start Failing Well

- Move away from concept of “**The Best**”
- The complexity of a meaningful concept of success makes a singular, absolute and permanent definition of “the best” anything simply non-sensical
- In the real world, “the best” is not *one thing* - it is not *a thing* at all
- Not a thing we do, nor a thing we are

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- **The Best**
  - **The Best I Can Be**
  - **The Best I Can Be in the Circumstances**

# Best I Can Be In The Circumstances

Achievements or failures are a product of:

- Abilities
- Amount of work
- Resources (energy, time, money, supports, etc.)
- External circumstances (conducive or obstructive)
  
- Not about negating personal responsibility
- More accurate understanding about reality of experience of failure
- **Creates space for us to fail and still not be a failure**
- **Creates opportunity to improve, to succeed**

## Our Community Failing Well

“Despite submitting 41 resumes, having 9 OCIs, scheduling 5 in-firms, and attending 3 call backs, I received zero offers on Call Day. It took another 16 resumes and 5 interviews before I landed a summer position. I am now completing my articles at the same firm and couldn’t be happier!”

- UofT Law Alumni, 2017

# Our Community Failing Well

“My law school professor refused to write a reference letter for my graduate school application because, according to him, I wasn’t good enough for Harvard.”

- Anna Su, SJD Harvard, Assistant Professor U of T Faculty of Law



## Our Community Failing Well

I went into 1L interviews with top grades and multiple firm opportunities. I came out with nothing and it was no mistake – I did a terrible job in interviews. It was the most large scale failure I'd had at that time in my life and it shook my confidence. *I started to fall into the trap of mixing up my self-esteem with the interviews for a job.*

I ended up landing jobs in NYC and Toronto during OCIs where I realized that, at the end of the day, a job is just a job. I was fine with those jobs, but I would've also been fine without them.

Its not logical to be worried about what will happen if you don't get x job or get x number of HHs or get x number of in-firms or a summer position with x firm. Because those very well may not be the road to happiness for you, and whatever unexpected thing comes at you from left field, that you never wanted, actually may be better than you'd ever expect.

- UofT Law Alumni 2016

# Professionalism & Self Care

- Competency as a Professional Obligation
- Psychological/Emotional Well-Being is a key component of competency
- Well-Being requires Self Care
- Learning to Fail Well is a self-care skill



***THANK YOU & BE WELL***