

Part I

What Is Engagement and Why Should You Care?

Engagement has been a hot topic in the business world for years but has just started to gain traction in the legal profession. The popularity of the topic appears warranted by the growing amount of research that has linked it to a list of business success factors that firms care about—including making money.

Engagement Contributes to Business Success

For example, in a 2016 study, Gallup found that, compared with business units that scored in the bottom quartile of engagement, top-quartile units were more successful, with 41 percent lower absenteeism, 24 percent to 59 percent lower turnover (depending on historical rates of turnover), 10 percent higher customer satisfaction metrics, 17 percent higher productivity, and 21 percent higher profitability (Harter, 2016). The business units that scored in the 99th percentile of their organizations in engagement had four times the odds of success on business outcomes when compared with those in the first percentile. (See Brafford, 2014, for a summary of studies linking engagement and other



positive employee states to business success factors.) Based on the estimate that lawyer turnover costs larger firms over \$25 million annually (Levin & MacEwen, 2014), reducing turnover alone by even 10 percent could save larger firms \$2.5 million every year. That amounts to a \$50,000 bonus for 50 lawyers every year.

According to Gallup, however, most organizations don't reap the benefits of engagement. Gallup found that, in 2015, only 32 percent of American workers were engaged. The majority (50.8 percent) were disengaged, while 17.2 percent were actively disengaged (Adkins, 2016). The latter two categories differ significantly. Disengaged workers do their jobs but don't go beyond the minimum required effort. They avoid volunteering for anything and show little passion or creativity. We all surely know disengaged lawyers who are doing fine while doing just enough to get by. Many of us likely have or will fall into this category at various points during our careers.

By contrast, actively disengaged workers are destructive—like Peter Gibbons carrying out his revenge plot in *Office Space*. They're unhappy and convey that through their attitudes, words, and actions. They complain often and are most likely to steal from the firm or sabotage work. Gallup estimates that disengaged workers cost U.S. businesses over \$450 billion annually in lost productivity. The above suggests much room for improvement in engagement.

How Is Engagement Defined?

With findings like these, it's not surprising that work engagement has been getting so much attention. So what exactly is it? Fundamentally, work engagement means that we're motivated to achieve optimal performance. We're totally present and energized to invest fully in work every day.

But the truth is that there's no single agreed-upon definition or measure of engagement. The two most commonly used engagement surveys are Gallup's Q¹² and the Utrecht Work Engagement Scale (UWES), which is used in most academic research. I'll briefly describe each so that you'll be familiar with a few sound surveys in the event you decide to measure engagement at your firm.

To develop its Q¹² survey, Gallup identified high-performing employees and effective managers and investigated what attitudes and conditions appeared to explain their success (Harter et al., 2006). The result was 12 questions (which is why the survey is named "Q¹²"), which encompasses concepts such as:

- Job satisfaction
- Clear work expectations
- A purpose or mission that imbues work with importance
- Adequate resources to perform the work
- Opportunities to use strengths and to learn, grow, and develop
- Supervisors who care, provide recognition, and discuss progress
- Co-workers who value quality
- Meaningful opportunities to give input
- A close friendship with someone (Harter et al., 2006)

According to Gallup's analyses of its large volume of collected data, when work conditions fit this profile, employees will be enthusiastic and committed to their work (Adkins, 2016).

Academic researchers have taken a different approach. They strive to define engagement and explain how it works according to social science theories and research. They most often define it as a positive mental state in which workers experience high levels of three things, which are summarized in Figure 1. First is **vigor**, which emphasizes energy and resilience. When we are invigorated, we feel energetic and strong. We're excited to go to work in the morning and are able to work for long stretches. We're mentally resilient and persevere when things don't go well (Schaufeli & Bakker, 2003).

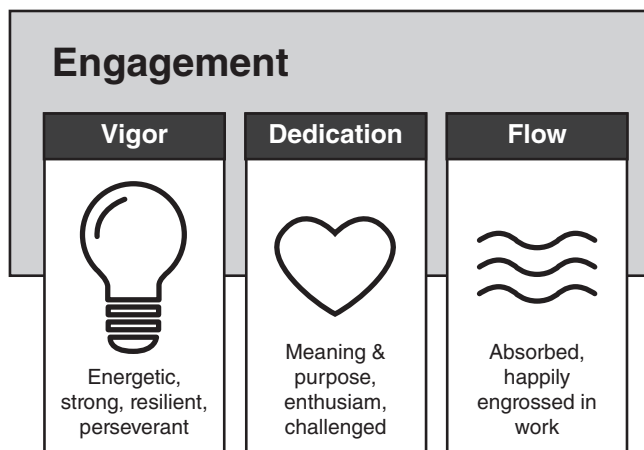


Figure 1 Defining Engagement

Second is **dedication**, which focuses on the meaningfulness of our work and enthusiasm. We're dedicated when we're proud of our work, feel that it's filled with meaning and purpose, and find it inspiring and challenging (Schaufeli & Bakker, 2003).

The third factor is **absorption**, which means being focused and happily engrossed in work (Schaufeli & Taris, 2014, p. 46). Absorption can be thought of as "flow," which is a concept that you might already be familiar with. Flow is the brainchild of one of my mentors, Dr. Mihaly Csikszentmihalyi (1990), who wrote a best-selling book about it.

A key condition of flow is facing a challenge we enjoy that stretches our skills but doesn't overmatch them. The result is a near trance-like state in which we feel strong and awesome. Athletes refer to it as being "in the zone." Flow often is described something like this: "Time flies without noticing it. You can concentrate effortlessly, everything goes smoothly, and you really enjoy what you do. Nothing seems to be able to stop you, and you are totally immersed in what you are doing. You feel as if in another reality and that is a very enjoyable experience" (Bakker, 2008, p. 407). Doesn't that sound like a place you'd like to be more often? You might recognize the feeling yourself, since about 85 percent of the population has experienced flow (Csikszentmihalyi, 1997). Frequently being able to get into flow at work is a big benefit that feeds engagement.

The UWES measures engagement using this three-pronged definition—which is the definition I use in this book. Engagement as measured by the UWES has been linked to a list of business success factors like those found by Gallup, including:

- Performance
- Productivity
- Retention
- Customer service, satisfaction, and loyalty
- Profitability (Jeve et al., 2015; Reijseger et al., 2016)

Although the UWES and Q¹² surveys ask different questions, they likely are tapping the same underlying psychological networks that influence worker motivation. This also may be true for many of the engagement surveys used by law firm consultants. But, before using them, you'll want to ask why they believe their surveys are valid and linked to the things you care about.

Does Engagement Require Nap Pods and Lego Play Stations?

Google is legendary as a great place to work and for its eccentric perks, like Lego play stations, gourmet chefs, and nap pods. Are these kinds of things necessary for work engagement? While these all sound very nice, perks are not at the heart of work engagement. Even Googlers recognize that Google energy stems in large part from being surrounded by amazing people in a challenging work environment. When asked to describe what makes Google a great place to work, one Googler summed it up like this: “We are surrounded by smart, driven people who provide the best environment for learning I’ve ever experienced . . . [I] have never been more challenged and energized professionally from my colleagues than at Google” (D’Onfro & Smith, 2014). At least on these points, law firms can rival Google. Law is inherently challenging and firms are filled with the best and brightest, who can help others grow in an energized workplace.

What Does Work Engagement Feel Like?

To get a sense of what full engagement really is about, think of a memorable time that you were at your best at work—really on fire as a lawyer. For me, my first appellate argument is a good example. My preparation actually had started years before, while I was an associate working with some of the best lawyers in the country, learning to craft persuasive briefs under their guidance, and watching them excel at oral arguments. When it finally was my turn, my skills were ready for the task.

The case I was getting ready to argue had dragged on for years. We had won summary judgment on all claims and now were defending our position on appeal. Several days before my argument, I paid a visit to the courthouse on a reconnaissance mission. How is the courtroom laid out? (*Kind of like a church. Lots of dark shiny wood, blue upholstered chairs toward the front, lines of long wooden benches that look like church pews at the back.*) Did lawyers really start their arguments by saying, “May it please the court”? (*Yes, most do.*) How “hot” was the three-justice panel? (*Hot. A trial judge was sitting by designation and was determined to prove he belonged there.*) During the many days of preparation leading up to my court date and during the argument itself, I felt excited, fully absorbed, invested in working for long periods, and challenged but ready and resilient. The case was important to my client and to me. I was fully engaged.

On the big day, my favorite associate, Michelle, who also had worked hard on the case, had come to watch and give me moral support. My case was called, I walked to the podium and launched in: “May it please the court . . .” I didn’t get far before the justices interrupted with tough questions. When my allotted time was up and I turned to go to my seat, I glanced back to the shiny pews where Michelle was sitting. She mouthed the words “rock star” to me. I tried not to grin. It was exactly how I felt. (Along with sweaty and relieved.) Oh. And we won.

Of course, not every day can be like this one. And we wouldn’t want them to be—that would be exhausting. But we can try to bring more of those elements into our everyday work. Our task in this book is to identify what makes episodes like these special—e.g., feeling stretched but not overmatched by a challenge, a colleague’s support, cultivated confidence—so that we can re-create them more often in our own work lives and those of others.

Enhancing Engagement and Beating Burnout

Engagement surveys can signal whether motivation is waning but give little insight about what to *do* about it. Since there is no universal recipe for boosting engagement for all people in all settings, a better understanding of what makes engagement tick can help you figure out what strategies might be best for you and your firm.

It also helps to understand the devastating condition of burnout, which essentially is the opposite of engagement. Burnout is a debilitating response

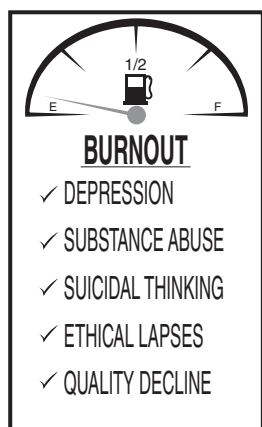


Figure 2 Effects of Burnout

to chronic stress that can have serious psychological and physiological effects. As summarized in Figure 2, people experiencing burnout feel exhausted, cynical about the value of their activities, and uncertain about their ability to perform well (Maslach et al., 2001). Questionnaires that test for burnout ask, for example, whether you feel callous toward others, feel emotionally drained, have stopped caring about clients, and feel that your work makes a positive difference in others’ lives.

No studies have been conducted to identify the burnout rate in the legal profession, so I investigated burnout rates in another demanding profession—the

medical profession—to use as a rough gauge. There, 30 to 40 percent of physicians experience burnout, which is associated with an increased risk of depression, substance abuse, and suicidal thinking (Dyrbye & Shanafelt, 2009, 2016). Burnout also can damage professionalism. For example, research with medical residents and students has shown that burnout is associated with dishonesty, ethical lapses, increased errors, and a decline in the quality of patient care (Dyrbye & Shanafelt, 2016; Schwenk, 2015).

You likely know lawyers who have battled burnout during their legal careers, or you may have done so yourself. If so, you know that the condition can suck the life out of people. Intermittently during my 18 years of practice—and especially toward the end—I experienced burnout symptoms firsthand and actually nicknamed my job *The Vampire* as a result. The strategies in this book are important for enhancing engagement but also for beating burnout.

Managing the Engagement-Burnout Scale

The causes of engagement and burnout can be understood using a conceptually simple balancing framework, which I'll call the Engagement-Burnout Scale. (See Figure 3.) To visualize this framework, think of a scale—the kind that looks like our familiar scales of justice (not the kind you stand on, like the one under my bathroom sink that torments me). On one end of the scale, think of all of the draining aspects of our jobs, which I'll call *Stressors*. These consume energy and can lead to exhaustion. They include things like a too-quickly-approaching deadline on a deal closing, being in trial when your daughter has her first ballet recital, or 2,197 unread emails in your Outlook inbox (the number currently in my lawyer-husband's email inbox).

The other end of the scale is piled with the energy-giving aspects of our jobs, which I'll call *Boosters*. When the scale tips in favor of Boosters, we feel engaged. When excessive Stressors keep tipping the scale, we're headed for disengagement, burnout, and possibly quitting (Schaufeli & Taris, 2014).

Boosters Fuel Work Engagement

Since Boosters are so important to engagement, let's focus a little more on what they are. Boosters include all of the good things about ourselves and our

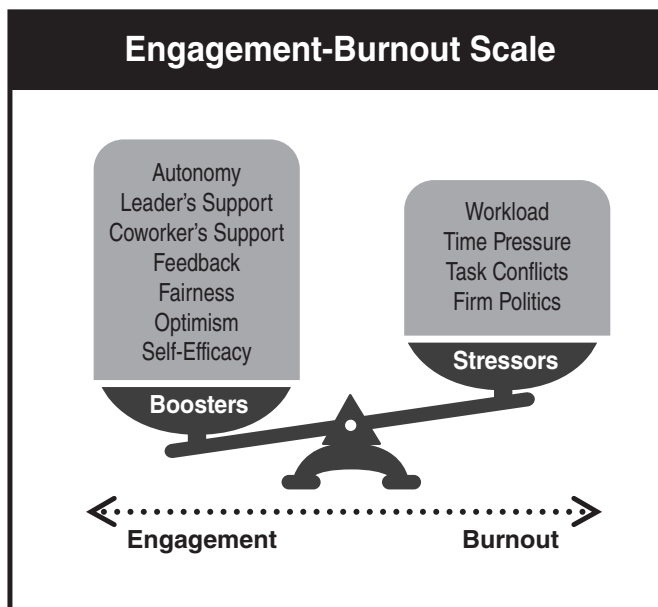


Figure 3 The Causes of Engagement & Burnout

jobs that support our ability to achieve work goals, reduce depleting Stressors, or contribute to our growth and development (Schaufeli & Taris, 2014).

What I'll call "Personal Boosters" encompass our own personal capacities—our physical, psychological, emotional, and intellectual skills and strengths. An example falling into this category is our own confidence developed from prior practice and success—like the confidence I had developed before my first oral argument from years of practice as well as visiting the courthouse in advance. Another example is our resilience and optimism that allow us to bounce back quickly from setbacks, like losing a big case, losing a client, or getting constructive feedback that stings.

Boosters also can be things that are part of our work context, which I'll call "Contextual Boosters." Contextual Boosters include characteristics of our jobs as well as social and organizational aspects of our work, such as how much autonomy we have, our supervisors' leadership styles, support from our colleagues, opportunities for development, clear feedback, and many others. Specific examples that fall into this category include a colleague offering to cover a hearing for you, a supportive leader giving you advice about your development, or a supervising partner entrusting you with significant responsibility for which you feel ready.

Goal	Strategy
✓ Enhance predictability	Give feedback, clarify expectations for success, reduce ambiguity when possible.
✓ Help them understand	Give information and explain the situation.
✓ Foster a sense of control over the situation	Grant autonomy and discretion concerning scheduling, decision-making, and work methods.

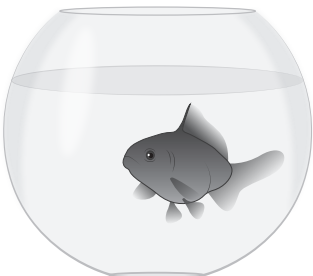
Figure 4 How Leaders Can Reduce the Stress of Stressors

Boosters Buffer Stressors to Avoid Burnout

Boosters directly fuel engagement and also provide a defense against excessive Stressors that can erode our well-being and cause burnout. Notably, not all Stressors are equally depleting. For example, they're less draining when they're predictable, reasons for them are understandable, and they're perceived as within our control (Bakker & Demerouti, 2007). This is why Contextual Boosters like feedback and clarity of our role or task (which enhance predictability), effective leaders (who provide information to understand the situation), and job autonomy (which enhances control) all qualify as Boosters that can buffer the negative effects of Stressors. (See Figure 4.)

Cultivate the Right Context for Engagement

Both types of Boosters are important. But, historically, organizational programs seeking to curb burnout and foster engagement have focused primarily on Personal Boosters—by, for example, teaching individual resilience strategies and stress management. Trying to make people tougher seems far easier than changing organizational structures that are causing the problems in the first place. But research shows that Contextual Boosters play a bigger role



in burnout and engagement than Personal Boosters (Maslach et al., 2001). Think about it this way: If a goldfish is living in a bowl of polluted water, it doesn't matter how optimistic and resilient the little guy is. Eventually, he'll float to the top, belly up, after slowly suffocating in the murk. Law firms need to clean up their fishbowls. It's not realistic

to focus only on individual-level Personal Boosters without also cleaning up the “pollution” and enriching the environment. The best approach (and the one taken by this book) is to incorporate strategies that bolster *both* types of Boosters.

Tailoring Boosters to Enhance Engagement

While this basic balancing under the Engagement-Burnout Scale seems simple, putting it into practice can be challenging. What’s tricky is figuring out for all lawyers which Boosters are most needed to aid their engagement given their own set of work and life Stressors. People have different collections of Boosters and Stressors, which change over time. For example, a new associate’s, new partner’s, or new mother’s collection may be very different from each other and from that of an aging partner preparing for retirement. Unfortunately, engagement does not offer a one-size-fits-all approach. But research has identified many strategies to foster engagement that can be tailored to individual and firm needs.

Before getting to specific strategies, we’ll next move on to mixing the foundation of our positive law firms. In Part II, we’ll talk about the four ingredients that will form the foundation of all of the engagement strategies discussed in the rest of the book.



Questions for Self-Reflection on Part I: What Is Engagement and Why Should You Care?

Work engagement means that people are totally present and energized to invest fully in their work every day. They feel a sense of meaning and purpose, high energy and enthusiasm, resilience, and being regularly absorbed in their work. When people are highly engaged, it contributes to higher profits, productivity, client satisfaction, and retention of people. On the other hand, people experiencing burnout feel exhausted, cynical about the value of their activities, and uncertain about their ability to perform well.

- Which describes you better? Engagement or burnout? Which best describes the lawyers around you? Are they fulfilling their potential? Are you?

- What is your firm doing to boost engagement? What does it do to undermine engagement?

Boosters are all the energizing things about ourselves and our jobs, and Stressors are all the depleting things. When Boosters outweigh Stressors, workers are engaged. When Stressors outweigh Boosters, burnout is likely.

- What Stressors are most prevalent for you?
- What Boosters should you focus on developing?
- What can you do to help identify the biggest Stressors for those you work with?
- Do you make efforts to enhance predictability, help others understand situations, and foster their sense of control?
- What can you do to start developing Boosters to counteract the Stressors?