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## **Voices of Well-Being in the Legal Community**

*By Tanya Hanson and Kyra Hazilla*

Oregon's legal community is fertile ground for sustainable well-being as a critical element in the improvement of legal services and increasing access to justice. Stakeholders throughout the state and across the profession are doing the work of sharing their experiences to combat stigma, looking at systems and organizations to identify areas for growth, and dedicating their time and energy to making change—whether serving in a formal capacity or quietly inspiring others through their actions.

Two of the many community members involved in this work are 2024 Oregon State Bar President David Rosen and longtime OSB member Cindy Danforth. We sat down with each of them to talk about their thoughts on the current state of well-being in our profession. In the conversations that follow, they share insights from their own personal journeys, offer candid assessments about the challenges we still face, and voice hope for the next generation of legal professionals.

## Q&A with David Rosen

### Tanya: What do you see down the road for lawyer well-being in the profession?

**David:** First, I would like to regularly see an experiential component in CLEs when teaching about mindfulness. By that, I mean giving people opportunities to practice mindfulness during the CLE.



I think this is critically important, because while we can conceptualize mindfulness in terms of the benefits and reasons to practice, we can't know it without feeling it in the body. I'd like to see us all walking away from CLEs having experienced it and knowing for ourselves whether it works for us.

The second thing I'm really excited about is the strategic planning around diversity, equity, inclusion, and lawyer well-being that the OSB is doing. Over the rest of this year and the beginning of next year, the Bar will be collaborating with stakeholders to develop a five-year strategic plan for DEI and well-being in the Oregon legal community. I think a lot of the work we did with the last stakeholders group on well-being will come into play, and I'm looking forward to seeing us lay out the road ahead.

**Tanya: As you've hit the halfway mark of your term, what's one of the greatest takeaways you've had from your experience as president in the realm of well-being?**

**David:** What quickly comes to mind is the connection between professionalism and mindfulness. I've had the chance to write and

present on this, so I'll be brief. The high points for me are: (1) These concepts have incredible overlap—both rooted in presence, intentionality, non-reactivity. (2) Although not everyone might be interested in mindfulness, I think the vast majority of attorneys agree that professionalism is an essential aspect of our practice. (3) Like mindfulness, professionalism is a noun and a verb, encapsulating both aspiration and action. As a noun, it's an ideal, a value, a beacon on the horizon. The question is how to turn it into a verb—a choice we can make and live into. Like mindfulness, professionalism is about practicing, remembering, and returning.

**Tanya: You've been open about being in recovery. Can you talk about deciding to quit drinking? What would you want somebody to know about that decision?**

**David:** Everyone's individual experience is their own, but I also think there are some common themes. It's a decision we can only make for ourselves—in a variety of ways and with a variety of help. While culture and perception are changing, this decision can still be a very lonely and hard door to walk through. For me, the biggest impediment to walking through that door was fear of losing too much of myself. I liked to drink with friends and colleagues, and there was connection in drinking—both in the act of drinking and the culture/ritual aspects of it.

To quit drinking was like tapping out—with



anyone and everyone I ever drank with—and admitting I was weak. I like to say I had a John Wayne problem. Deciding to quit felt like I had to kill the John Wayne in me—that cowboy/macho aspect of me, and what was going to be left was someone who was weak. It did not appear strong to me to be vulnerable. It did not appear strong to look at this thing I needed to stop doing. Of course, at the heart of this is a paradox. Only until we make the decision to quit and go through that door can we actually uncover the truth, which is that turning toward acknowledging alcoholism, as opposed to running away from it, is what requires *real* strength. And what unfolds is the wisdom of knowing what we can control and what we can't.

I don't think it's a revelation to say that, as a society (and in media), we glorify knowledge of craft beer, wine varietals, single malt scotch, single barrel bourbon, and the like. It's a hobby with a very slippery slope for too many people. Then one day—even years later—we recognize we have an unhealthy relationship. Surprise, but no surprise. As a legal culture, we can help each other by consciously acknowledging that anyone who makes the decision to not drink is making a healthy choice for themselves. We can make that the default. I still am saddened to hear folks talk about this topic today as if those making this decision are less than or weak.

**Kyra: I love that you're demonstrating a dismantling of this idea, because it's part of the profession's drinking problem. You pointed directly at it, which is that our legal culture equates toughness with competence, and vulnerability has no place in a profession where your "professionalism" is tied to your lack of vulnerability. Our mindset is that we're "John Wayne"—all of us, irrespective of gender. And it's so damaging to our humanity, because you cannot be a whole and healthy person if you can't show up vulnerably anywhere.**

**Tanya: So how do we as a legal culture redefine what it means to be a professional?**

**David:** I believe our job is to clear the way for the new lawyers and law students. If we acknowledge that this work is hard and takes a toll on our lives and we want to invoke change, then we've got an obligation to create paths

for change for those who come after us, to create more fertile ground than we had, and to empower individuals to show up fully as who they are, not some culture-created concept of what a lawyer has to be. As lawyers already in the profession, we have a choice. Do we say, "I had to go through this, so why shouldn't the next generation?" **or** "I went through this, and there's a better way that I want to be part of." I believe we have to be open to what we want to change in ourselves and the profession. Brene Brown gives a great talk on the power of vulnerability that is worth a listen for all of us—I think to understand what's needed, we need to look at what we needed.

**Kyra: As I'm hearing you talk about being with vulnerability, I'm reminded that a mindfulness practice allows us to tolerate discomfort—whether physical or emotional. We need to help folks develop the skill to be able to sit with how uncomfortable all of this can be sometimes, including what it feels like to show up as your messy self in a professional environment.**

**David:** I completely agree. I think mindfulness gives us an opportunity to look at discomfort—which might come from stories we've told ourselves, unconscious bias, misperceptions—and examine it and know for ourselves what is true. Looking at discomfort mindfully allows us to see the other side—to learn what is there, to grow, and to recognize that this is all part of the path.

I think we also have to be conscious of the direction we want to head. I like to think of it as the baton we all carry. At the end of the day, we're running a short race with our career. I'm running a really short race this year with the presidency. It's acknowledging that we stand on the shoulders of those who came before us. We are taking a baton from them, running a short race, and then handing it off. We have the autonomy to decide what type of baton, the words inscribed on it, and how we want to run that race. The way to find those words is to look at who inspired us to come into this profession, who continues to inspire us, and how we want to hand off the baton. Because pretty soon, sooner than we all think, we're handing off that baton. Keeping the past, the present, and the

future in mind aligns us with our values, keeps us connected to what’s in here (motions to heart), and allows us to do our best to stay on track and run the race we want to run.

**Tanya: When you think about this year of serving as OSB President, is there something in particular that would make you feel it was time and effort well spent?**

**David:** That’s a good and fair question, and there are so many answers that are all true. The effort for me, like the baton, is showing up authentically, being grounded, and returning to the heart. The day takes us away from that, and it’s our job to return to it. Handing off the baton to the next president is, first and foremost, about continuing to cultivate that space for all of us to be able to show up fully as our authentic selves—because it’s contagious. For me, it’s returning to connection.



## Q&A with Cindy Danforth

**Tanya: How has well-being played a part in your professional journey? And how has your legal career impacted your well-being?**

**Cindy:** My first job out of law school was as Assistant Attorney General in the appellate division, transferring to the trial division a year later. It was a fabulous place to work, a great group of people, and an amazing training ground for becoming a litigator. But I was commuting from Eugene to Salem, and I had 30-plus active cases. My shortest day was 12 hours with travel time, which didn’t leave a lot of time for my little one at home. Law was a second career for me, and I thought, *how much do I need to kill myself in this job? How much stress do I want in my life?* I had my daughter at an older age, so that played a big part in my choices, too. It was a huge decision to leave the DOJ, but I thought, *this is not sustainable and we can’t move to Salem.*

I left the heavy caseload of the DOJ, but I stayed in litigation for almost 20 years. Although I continued to do litigation work, I had more control over my caseload as a sole practitioner. I could say “no” to potential clients if I was too busy and refer them to another attorney. After nearly two decades in private practice, I made another career transition and left litigation to do employment investigations consulting.

A dear childhood friend died last September. When she was dying, I took a year off so I could go back to Ohio and see her as often as I could. I have a 90-year-old mother. I’m trying to balance what’s important now. *How can I be of service? Do I love what I do? Am I doing something that’s enjoyable? Is it helping anyone?* Those are the gauges now. I don’t need to make a lot of money anymore. That’s not a priority for me at this point in my life. I feel like I’ve done good work and had a successful career. Things are shifting even now. I’m always balancing, *am I going to be able to get on a plane and go see my 90-year-old mom? Am I going to be able to be there for my daughter, my husband, my friends?*

**Kyra: I’m struck by how, over and over again, you show up for yourself in many ways where you realize something isn’t working. Who cares what the typical path is? I’m not going to do it. Or, who cares what the legal profession would say about these career choices? This does not fit who I am, my whole self, my family. How are you able to do that? What capacity are you using? Can you teach that to somebody?**

**Cindy:** Well, it helps to have a really supportive partner. That’s a big thing. I have a very supportive husband who supports my choices. I also have a network of different communities. I can’t tell you how important it is to be connected with other people, both in recovery and outside of that.

**Tanya: You’ve made some tough career choices in order to be more available for the people who are important to you. How can we take care of ourselves and others, yet also shift legal culture to be more supportive of everyone’s well-being? How could we make law jobs less stressful?**

**Cindy:** I think it would be great to have a new acceptable pleading motion that lawyers could file like a notice of unavailability, where you could state that you're not going to be available to respond to motions, show up in court, or go to a hearing while you're out of the office or away from work. That would be a really helpful tool. You can't really take time off in this profession. Especially in litigation, you never know whether you're going to get an extension or if you're going to have to spend your whole vacation writing a reply brief. A little more kindness, a little more compassion.

I also think it would be great if law firms in general were aware of the importance of well-being and worked to create balance in their environment, whether it's a wellness program or a yoga class or building in some downtime into the workweek (go out for a healthy lunch, take a walk, meditate, etc.). It would just be a way of life. *Everybody does this. This is normal.* Wouldn't it be interesting if you had a mentor for your well-being? Your well-being mentor.

**Tanya: Oh, I love that! Where can I find one?**

**Cindy:** Right? What if law firms had a well-being mentor checking in on you? *How are you doing? How can we help you? Not, what are you doing to take care of yourself? What can WE do to help?* Also, normalizing asking for help—reaching out—even if it's just to this one confidential person. And we actually *WANT* you to do that. I feel like it's still really hard for people to ask for help in this profession, because you don't want to appear that there's something wrong with you. There is still stigma and embarrassment around mental health or addiction issues. And the mindset that you have to struggle and suffer and do what I did is alive and well.

**Kyra: I read a law review article about thinking like a lawyer, and one of the lines that sticks with me is how the legal profession perceives that if you're not tough, you're incompetent. And that harmful ideal shows up in this stigmatizing way over and over again, even in micro ways. I love that you pointed to your support network, because we need other voices telling us something different.**

**Tanya: You mentioned your recovery community. What are some other ways you have gone about creating community? Where else do you find support?**

**Cindy:** I do everything I can to stay connected to the friends I grew up with who live far away—going to see them when I can, doing Zoom meetings, phone calls. I've been going to this little yoga studio since before Covid, and I love my two teachers and the people who go there religiously. There's a meditation component that really helps to slow down my brain. My husband's a musician so we have a music community through him, which is really fun. I made longtime friends through the moms of my daughter's childhood friends, and we did a mother-child camp many years in a row. Some of them are like sisters to me, and they're like family to us.

I'll tell you another thing I do that I started years ago when I was in litigation. My days were so full, and it was all about just working and surviving and getting dinner on the table. Somebody asked me, what brings you joy? *I don't know, having an hour to myself?* So I started this little handwritten joy journal. I wrote down things I used to love to do and taped it to my monitor. Now I have a list of all these things that bring me joy, like nature, pets, friends, kundalini, gardening, riding a bike, reading, movies, travel, concerts, art, music, color, river rafting, skiing, the ocean, alone time, being in water. But if I didn't have it taped to my monitor, I would totally forget about it. And what I wrote at the bottom was, *it's not just about survival.*

You have to be so perfect as a lawyer. You have to be right all the time. You can't make a mistake. You can't look bad—all these things that are just part of being human. Sometimes I'm going to make a mistake. Sometimes I'm going to be wrong. Sometimes I'm going to lose. it doesn't mean anything bad. My little list has really helped me, and I keep adding to it. Kids bring me joy, but I'm not around kids anymore. So I just signed up to be a reader to a kindergartener and a first grader, and I'm having so much fun. I just started skiing again. I used to be an avid skier, but my husband and daughter don't like to ski.



***“You have to be so perfect as a lawyer. You have to be right all the time. You can’t make a mistake. You can’t look bad—all these things that are just part of being human”***

I thought to myself, *am I done skiing? No, I just have to find people to ski with.*

**Tanya: Your comment that it’s not just about surviving is so on point. In our hectic lives, we can become so focused on just getting stuff done, and the joy gets crowded out. I’m thinking about micro joy moments I could do right now, and maybe those create some momentum to build on.**

**Cindy:** That’s right. And you don’t have to stay at the same job for 30 years and hate it. Individuals have to be brave enough to engage in change for themselves. For a lot of folks, change is scarier than being at this job they’re miserable doing. Maybe change is just being willing to change.

**Tanya: When you think about the well-being work group you were involved in and other efforts around the state, what are you encouraged about? What is happening now that wasn’t happening before? Are you seeing something that you hope continues?**

**Cindy:** I’m just encouraged that people are aware that this is not a healthy profession in a lot of ways. People don’t look at you like you have two heads when you talk about well-being. The first step is being aware, and then we can move toward a solution. I’m encouraged by the young lawyers and the changes to the bar admission requirements, so it doesn’t have to be so rigid and difficult to become a lawyer. I’m really encouraged that we’re talking about these things on a statewide level, trying to come up with solutions. It’s not being pushed aside like it’s someone else’s problem.

**Tanya: Any final thoughts you’d like to share?**

**Cindy:** I want to make sure I put in a plug for counseling. There should be no stigma attached to that. It should just be part of what we do for our well-being. You shouldn’t have to be embarrassed about letting it slip that you have a therapist or that you went to counseling. If you said, *I can’t work through lunch because I have a dentist appointment, no big deal, right? Taking care of your teeth is okay. But I can’t work through lunch because I have a therapy appointment?* We’re going to know we’ve made it when we hear people saying that.

We are so grateful to David and Cindy for their willingness to engage in these conversations with us and with the community, for embracing vulnerability, and for exemplifying showing up for themselves and for others. Thank you!

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