



LSA LEGAL DIVISION CLE  
NOVEMBER 30, 2023  
SAMANTHA WAGNER

## Normalizing Failure and Building Resilience: Keys to a Sustainable Career

AKA "I did a lot of therapy so you don't have to!"  
(just kidding, you can consider therapy, too)

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## Who am I?

Who I'm NOT:

- Not a licensed therapist or counselor or otherwise credentialed to discuss mental health.
- Not speaking on behalf of my office (AG), the State of Iowa, or anyone other than myself in my personal capacity based on my experiences.
- Not giving legal advice.

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Please be advised this presentation and the provided materials contain my general thoughts on the subject matter covered based on my experience and understanding of the topics discussed. It is not intended to be an official opinion or a policy statement of the Iowa Attorney General's Office, nor is intended to be a substitute for legal advice from your legal counsel. Please consult with your legal counsel prior to taking action based upon any of the matters discussed or written materials provided in this presentation, as all legal matters are highly dependent on the specific facts and circumstances surrounding each matter.

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## Who I AM:

an attorney who cares about the well-being and mental health of other attorneys.

- Recovering Perfectionist.
- Once described by a former supervisor as having a "particular aptitude" for anticipating worst-case scenarios.
- OCD/Anxiety/Depression Sufferer.
- Chair, ISBA Attorney Well-being Committee.



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## Who I AM (really):

an imperfect attorney who cares about attorney well-being and mental health AND struggles sometimes, too.



Trying to take cute pic, later discovered chocolate stain.

Last minute passport pic b/c failure to plan

Receipts from car being towed in April 2023 & September 2023

Experiencing extreme altitude sickness after DRIVING up mountain

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**Why should we care?**

PRACTICING LAW IS HARD FOR EVERYONE.

IT'S EVEN HARDER FOR LAWYERS WITH MARGINALIZED IDENTITIES.

INCREASED AWARENESS OF MENTAL HEALTH AND SUBSTANCE ABUSE ISSUES IN OUR PROFESSION.

HIGH ATTRITION RATES AT FIRMS AND IN PROFESSION, GENERALLY.

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- Off-loading unnecessary work and delegating
- Mindfulness/meditation
- Importance of good sleep, exercise, and healthful eating
- Importance of social connections
- Eliminating stressors and simplifying your life
- Self-care; regular dentist, doctor appointments
- Calendaring and time management
- Digital overwhelm and organization
- Gratitude practice/journaling
- Finances and debt's impact on well-being
- Parental leave/ support for parents in our society and profession
- Systemic problems in the legal profession
- Injustice and marginalization and effects on the profession
- Alternative fee/billing structures
- Good boundaries
- Burn out
- Compassion fatigue

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Resilience is the process of successfully adapting to difficult or challenging life experiences, especially through mental, emotional, and behavioral flexibility and adjustment to external and internal demands.

[. . .]

Psychological research demonstrates that the resources and skills associated with more positive adaptation (i.e., greater resilience) can be cultivated

Source: American Psychological Association Dictionary, available at <https://dictionary.apa.org/resilience>.

RESILIENCE

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The ability to recover from setbacks, adapt well to change, and keep going in the face of adversity.

RESILIENCE

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Everyone makes mistakes and perfection is impossible.

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Iowa State Bar Association, The Iowa Lawyer, September 2022 edition.

**Normalizing failure & building resilience:**  
Keys to a sustainable career  
Lessons learned from leaders across the state

By Sarah Bauer

It's often said that the only way to succeed is to fail first. While this may sound like a cliché, it's a truth that many of our industry leaders have lived by. In this article, we explore the experiences of several successful professionals who have shared their insights on how to navigate setbacks and build resilience in the legal profession.

These leaders, including [names], have provided valuable lessons on how to embrace failure as a learning opportunity and how to maintain a sustainable career in the long run. Their stories remind us that success is not a straight line, and that it's okay to stumble along the way. By normalizing failure and building resilience, we can create a more supportive and sustainable legal profession for all.

For more information on these topics and other legal news, visit [www.iowabar.org](http://www.iowabar.org).

**Business Valuation & Litigation Support**

**Real Estate Appraisal**

**Iowa Appraisal**

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**Failure is the admission price of a life well-lived.**

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**Small print - What you learn when you're d...**

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**Failure is the admission price of a life well-lived ...**

**and our work demands excellence!**

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**Iowa Rules of Professional Conduct**

**Rule 32:8.4 MISCONDUCT**

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Iowa Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;
- (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Iowa Rules of Professional Conduct or other law;
- (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or
- (g) engage in sexual harassment or other unlawful discrimination in the practice of law or knowingly permit staff or agents subject to the lawyer's direction and control to do so.

**Comment 1 to Rule 32:8.3 requiring the reporting of professional misconduct:**

[1] Self-regulation of the legal profession requires that members of the profession initiate disciplinary investigation when they know of a violation of the Iowa Rules of Professional Conduct. Lawyers have a similar obligation with respect to judicial misconduct. An apparently isolated violation may indicate a pattern of misconduct that only a disciplinary investigation can uncover. Reporting a violation is especially important where the victim is unlikely to discover the offense.

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Our responses to mistakes and failures via thoughts, beliefs, and actions impact our legal practice and the sustainability of practicing law.

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Our responses to mistakes and failures via thoughts, beliefs, and actions impact our legal practice and the sustainability of practicing law. . .

**And** we are often very hard on ourselves!

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### What do we do when we make a mistake\*?

Acknowledge bad feelings.  
Don't make it worse.  
Use skillz to reframe our thinking so we can take action.  
Practice failing.  
Use reminders.

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Goal:

“Can I feel \_\_\_\_\_ and still do what needs to be done?”

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- Can I feel frustrated/mad at myself and still draft this motion?
- Can I feel ashamed and still call the client?
- Can I feel embarrassed and disappointed and still come to work the next day?

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Acknowledge and accept difficult thoughts and feelings about the mistake without pushing them away.

**ACKNOWLEDGE HARD FEELINGS**



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**ACKNOWLEDGE HARD FEELINGS**

- Acceptance ≠ Agreement, Liking, Desiring
- Cultivating WILLINGNESS to experience difficult thoughts and feelings.



[Source: Jenna Lejeune, Ph.D., "Willingness in difficult times: Holding the cactus gently," Portland Psychotherapy, available at <https://portlandpsychotherapy.com/2011/06/willingness-difficult-times-holding-cactus-gently/>.]

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**ACKNOWLEDGE HARD FEELINGS**

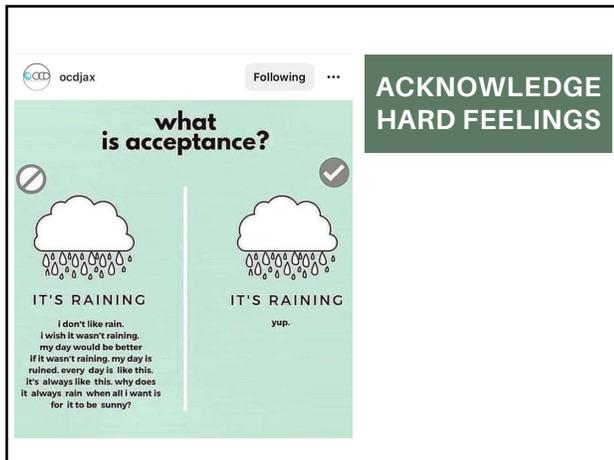


Can I gently hold even unpleasant thoughts and feelings without struggle?

[Source: Jenna Lejeune, Ph.D., "Willingness in difficult times: Holding the cactus gently," PORTLAND PSYCHOTHERAPY, available at <https://portlandpsychotherapy.com/2011/06/willingness-difficult-times-holding-cactus-gently/>.]



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ocdjax Following ...

### what is acceptance?

IT'S RAINING

I don't like rain.  
I wish it wasn't raining.  
my day would be better  
if it wasn't raining. my day is  
ruined. every day is like this.  
it's always like this. why does  
it always rain when all I want is  
for it to be sunny?

IT'S RAINING

yup.

**ACKNOWLEDGE HARD FEELINGS**

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Resources:




**ACKNOWLEDGE HARD FEELINGS**

- Kimberley Quinlan Podcasts - Your Anxiety Toolkit
- Acceptance and Commitment Therapy (ACT), generally

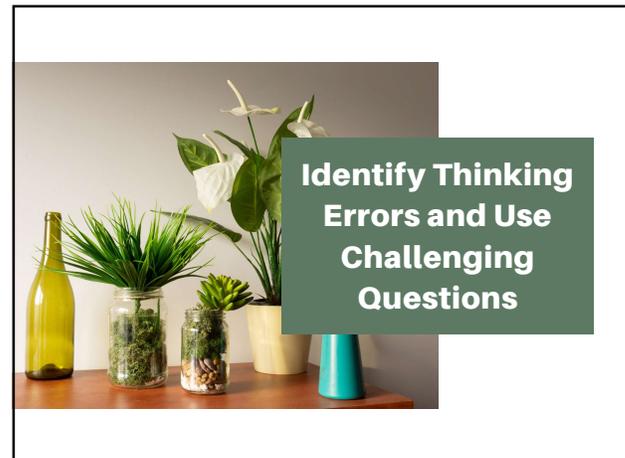
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**Don't Make it Worse**

- It's okay for you to feel bad!
- Stop discounting your pain and discomfort!
- We're not talking about them, we're talking about you.
- Buddhist idea of clean versus dirty suffering.

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**Identify Thinking Errors and Use Challenging Questions**

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### Common Thinking Errors

- **All-or-nothing thinking:** Things are all or nothing, absolute, good or bad, black or white. There is no middle ground, or shades of gray.  
-I'm either perfect or a failure! "I got 80% on that test so I must be a failure."
- **Disqualifying the positive:** A person ignores information that contradicts a negative thought, often finding ways to discount positive or neutral information.  
-E.g., forgetting the times you have done things correctly and had success, or attributing a success to luck.
- **Should Statements:** Having an ironclad, rigid list of rules about how things should be, especially how they and others should be treated. Can lead to lots of self-judgment and condemnation, unreasonable pressure, leading to fear and doubt or disappointment and feelings of failure.  
-"I should have known better." "I should be able to do this by now." "I should never cancel meetings."

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### Common Thinking Errors

- **Catastrophizing:** Imagining the worst possible outcome in a situation. Overgeneralizing one bad thing.  
-"This is it, I'm going to get fired, and I'm going to be homeless and out on the street with my cats!"
- **Unhelpful Thought:** A thought that has truth, but ultimately does nothing to help a person solve or move on from a problem.
- **Labeling:** Giving a person or self a label that is unalterable or final in description.  
-"I'm an idiot." "I'm incompetent." "She is worthless at everything."

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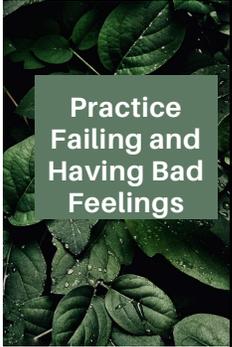


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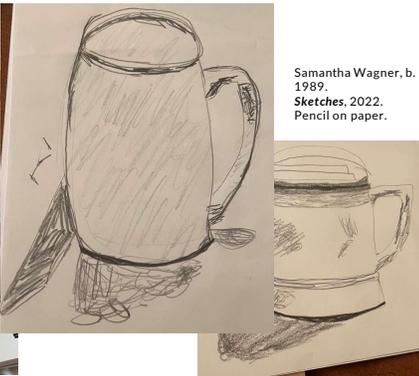
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- Try a new hobby you *know* you will be bad at.
- Purposefully make a mistake without correcting it:
  - NOT malpractice or ethical violations or anything involving clients
  - Put a typo in an email subject line
  - Use the wrong form of "your" in a text message to a colleague
  - Mispronounce a city, e.g. SPOKANE
  - Misstate a fact in conversation – celebrity marriage, state capitals
  - Hang a picture slightly crooked
  - Spill on yourself or put lipstick on your teeth, nail polish on your cuticles
  - Show up to an appointment late
  - Tell someone something you're not proud of
  - Send an email without proofreading and don't review it later
  - Invite people over with a messy house



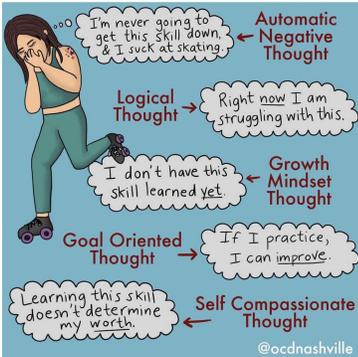
## Practice Failing and Having Bad Feelings

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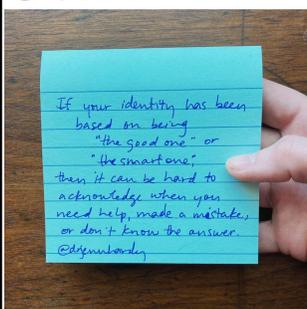
Samantha Wagner, b. 1989.  
Sketches, 2022.  
Pencil on paper.

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@ocdnashville

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@emotional support lady

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## Use Reminders.

- Stickers on a water bottle, coffee mug, planner
- Bracelets
- Artwork
- Photographs of family and friends

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**Use Reminders.**



**Kimberley  
Quinlan**

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**Thank you!**

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Link to all IWIL resources:  
<https://lawyerwellbeing.net/wp-content/uploads/2022/04/Activity-Guides-All.pdf>

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