by Micaela Tucker, Esq.

BE WELL

Lower Your Stress, Increase Your Resiliency

I have always been interested in resilience--the ability to face adversity productively. From a wellness perspective, I do not buy in to the concept that we are each responsible and capable of handling all the world throws at us. I, for instance, would not have survived the crisis of raising a son with disabilities, had my community not carried us through his childhood. Impossible. Recent work at Harvard in childhood resilience has reinforced my belief in the importance of connection to resilience and how this connection might have some use for our legal community.

At the spring benefit lunch for our local Vermont Parent Child Center, I learned about Harvard's Center on the Developing Child and their work with Vermont babies and toddlers to boost resilience in our kids. Studies of resilience show that stress kills learning and development. This research, at a high level, has a two-pronged approach: first, prevent toxic stress by encouraging healthy interactions and second, build resilience by focusing on executive function development. Toxic stress in children comes from extreme, frequent, or prolonged adversity without the protection of a strong adult buffering relationship and is linked to lifelong health effects including high rates of diabetes, heart disease, suicide and obesity. The presence of toxic stress is also shown to interrupt executive function development, which is needed for successful progression of natural human development as well as economic and social success. Thus, the first step in ensuring resilience is to reduce toxic stress.

Preventing toxic stress on the brain through responsive interaction with children

The most reliable factor in reducing toxic stress among children is consistent healthy interaction with a trusted adult. That healthy interaction–called a responsive relationship--is undergirded by a type of caring and thoughtful communication called "serve and return." It turns out that both childhood and tennis are no fun without a responsive partner. In the infant's or toddler's case, well-being requires a trusted adult partner who is sensitive and responsive to a young child's sounds, gestures and needs.

The five parts of "serve and return" communication are:

1. Notice the serve and share the focus of attention
2. Return the serve by supporting and encouraging
3. Give it a name! Identify words and concepts
4. Take turns…and wait
5. Practice endings and beginnings.

The research shows, "responsive relationships are both expected and essential, their absence is a serious threat to a child's development and well-being." What's so interesting about this finding is that not only is the interaction needed but the absence of the interaction causes additional stress and harm. The stress hormones are activated and flood the brain, harming its ability to develop new skills, reducing its current capabilities as well as potentially setting up future health effects.

On the other hand, a strong responsive relationship puts children on the road to developing executive function, which includes the development of working memory, mental flexibility and self-control, all in coordination with each other. Working memory permits us to be efficient, draw on experience and access our mental store of learned facts and concepts. Mental flexibility goes beyond directing how we shift or maintain attention, allowing us to take on changing roles and perspectives when needed. Self-control enables us to maintain calm in highly emotional and contentious situations. It also keeps us focused. All of these intertwining functions are critical for self-regulation and further learning including how to be able to make healthy and reasonable choices. With a safe and secure environment and healthy social interaction, executive function develops and enables all the learning children need. However, without the presence of a protective responsive adult, children face unrelieved activation of the body's stress management system and they are set up for the worst of long-term consequences for learning, behavior and both physical and mental health.

So what does this have to do with lawyers?

In listening to the speaker from Harvard describe toxic stress, I scanned my life and legal experience, recalling clients and families dealing with exactly the types of adverse experiences she described. But then I found myself also thinking somehow about my own experience, not as a child, but as a young attorney. I was a young, single mom trying to manage adulthood and legal practice (and attorney colleagues) at the same time. Yet much of my time was spent in a solo office figuring out things on my own. It felt insane. Each day I would try to stuff new concepts into my head and it seemed they had all fallen back out.

What was going wrong? I had graduated at the top of my class, but why was I behaving like a stupid lawyer? I was stressed, not from adverse experiences, but perhaps from a lack of "serve and return." It wasn't until I happened into a mentor that I could learn again. Then I made huge strides, had my first trial and appeal, and began to suc-

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ceed. When I heard about this research, telling me that the inability to build executive function through responsive relationships creates toxic stress in children, I began to wonder, could it have the same effect on the developing lawyer's stress in the early career years.

What could responsive relationships do to promote well-being in the VBA?

This brilliant research is all in the context of early childhood development–or early brain development. A completely separate area of human neuropsychology, to be sure, than adult neurology. And, the first years of practice in even the most stressful and isolating law offices do not really approximate the horror of many adverse childhood experiences that stunt child development. However, there are undoubtedly lessons we can take away from the discoveries at Harvard. It is probable that if the human brain needs continued outside stimulation with other humans to develop neurological connections and sense of well-being in the early years, that need continues into adulthood. Indeed, this need for interaction is being studied at the other end of life as a way to help stave off dementia–that is the gradual loss of executive function–so why not the entire lifespan?

We also know that the mind is most vulnerable during times of great development. Only recently have we begun to understand these periods of development continue into the 30's and possibly 40's. Studies show that growth of executive function capacity continues at least to age 30 when most lawyers have entered or are entering practice. And now, scientists are proposing that the elasticity of the brain and the neuronal growth never stops.

Furthermore, there is nothing more critical for success as a lawyer than razor sharp executive function. We must have developed at a pretty high level to have achieved admission to law school, but entering practice requires more development of these skills, and expansion of working memory and mental flexibility. It is a potentially vulnerable (as well as exhilarating) time requiring more resilience and resistance to stress.

I propose that as a profession where learning is required for success, we adopt the growing evidence in science that care of the mind requires active and intentional work, not merely of our own but in connection to others. I further suggest that we who serve as mentors and supervisors of new attorneys must surely bear some responsibility for enabling or at least not threatening the potential for the necessary development in our colleagues. To that end, I hope you will join me in an experiment, trying out some brain tennis with your early career colleagues (and perhaps later career ones, too). I'd love to hear whether it makes a difference.

Let's take a second look at the five parts of serve and return communication--with new lawyers in mind:

1. Notice the serve and share the focus of attention. By noticing serves, you'll learn a lot about their abilities, interests, and needs. You'll encourage them to explore and you'll strengthen the bond between you. You can't spend all your time doing this, so look for small opportunities throughout the day to show you notice and share in the experience.
2. Return the serve by supporting and encouraging their interests and curiosity. When you return a serve, you acknowledge their thoughts and contributions are heard and understood. Never getting a return is stressful and causes efforts to communicate to be associated with stress.
3. Give it a name! This helps identify important concepts. It allows them to know that you see what they are focused on, and by providing the name or phrase, you help them understand the world around them and know what words to use.
4. Take turns…and wait. Keep the interaction going back and forth. Notice who's turn it is and understand that waiting is crucial. People learning new things need time to think. Turn-taking gives them practice with developing self-control in new situations and helps them learn how to get along with others in difficult ones. Practice with a trusted partner builds confidence and independence.
5. Practice endings and beginnings - Notice when the they are "done" and help, either with keeping them on task, wrapping up, moving on or mooting. This builds self-control and mental flexibility under duress. It also builds trust that they can seek your help when they run into a challenge or make a mistake.

Feel free to contact me with any questions! Good luck!

Micaela Tucker, Esq. is Co-Chair of the VBA Lawyer Well-Being Committee along with Samara D. Anderson, Esq.

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