



Lawyer Wellness??

Structure ~
Process~
Mind/Shift

August 14, 2025 ~ Pilot House/Smartmouth Virginia Beach

VBBA ~ Wellness Committee Presents:

Structure ~ Process~ MindShift

A Whole New Way to Think and Be Well!!!!!!

Oceanfront

8/14/25 ~ Pilot House at

4p-6p

1.0 Wellness Credit Pending

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Structure! Process! Mind-Shift!

VBBA Wellness Program (8-14-2025) – Class Outline (LRD: 8-13-25)
3 workplace methods to increase productivity and enhance well-being

Introduction: Speaker's experience/interests and disclaimers

1. Our Situation – as lawyers and prosecutors

Referral to recent ☐ VACA assistants committee **survey** on what prosecutors endure

The state of our profession today: We are a profession whose practitioners are subject to increasing suffering – depression, substance abuse, thoughts of suicide and other mental health issues.

A “**well-being crisis**”

Former VSB President Len Heath: Regent Law Review article (2019)

“The **statistics** for our profession are not impressive” – the markers that impede performance

- 21-36% of attorneys are problem drinkers
- 28% suffer from some form of depression
- 19% experience anxiety
- 23% have elevated stress
- 25% are clinically classified as having a work addiction

“Our profession has an unacceptably high suicide rate” Len Heath

2. Our adversity: What work stressors do we face? (see survey)

- work (caseload) overwhelm
- the rising number of jury trials
- ever growing professional knowledge requirements (new laws and cases)
- increasingly fast-paced and complex technological changes
- dissatisfied and angry victims
- leadership that is unsupportive and overly critical
- vicarious trauma
- a society that increasingly dislikes law enforcement and prosecutors
- family and other responsibilities outside of our work
- difficult people

3. Our Desire: What do we all really want as human beings?

To experience a sustained state of “**well-being**” which is a blend of

- seeing one's life as meaningful in the face of adversity, setbacks, and discomfort
- feeling stimulated and engaged (in “flow”) in a way that is productive and helpful
- having meaningful challenges that we have the capacity to meet
- a steady sense of feeling fulfilled and satisfied with our current life (in the present)
- feeling in control, secure and sufficient
- having peace of mind without the disturbances of negative emotional reactivity (NER)
- feeling one has a certain amount of autonomy, freedom, and discretion to do one's job (no micro-management)
- feeling that we are connected and belong

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4. Three big causes of our problems

Besides things like work environment: overwhelm, learning curve, leadership/personal deficiencies, etc.

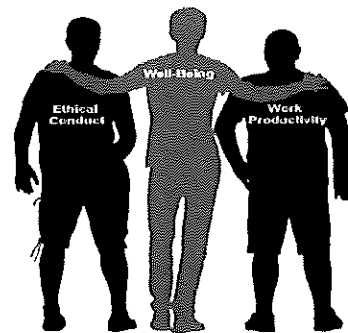
The failure to teach/prioritize/emphasize:

- **A good understanding of (1) the human condition and (2) the nature/effects of certain kinds of stress**
- **Preventative care** (we treat but we don't work to prevent by teaching good self-care methods – sleep, diet, exercise, stress management techniques, other healthcare practices). We are very good at treating the symptoms of suffering but not so good in addressing the causes of the disease. We're good at managing fires, but we suck at preventing them. One of the causes of our suffering is a failure to understand or know what can be done preventatively to ameliorate the adverse effects of our jobs. For instance, we don't teach or encourage one of the most important skills a human being can have – the ability to control one's mind, regulate emotions, and focus on one thing for increasing periods of time (meditation).
- **Effective workplace methods** (to ameliorate the effect of workplace stressors/dissolve chronic, negative stress) There is a distinct lack of instruction in law schools or continuing legal education in the area of "how to work." In other communities, there is a lot of writing on the subject of human performance. It is a hot subject of discussion in the sports and business communities which focus on achieving highly productive results. But for lawyers – very little. We just have to figure it out!

5. Key qualities of effective prosecutors

As prosecutors we depend on the presence of 3 essential drivers which work to mutually reinforce one another. The absence of any one these motivators will severely affect our longevity on the job.

- **Ethical intention and action**, not only as a mandated precept of legal practice but as a requisite for well-being, as supported by the ancient Greeks like Aristotle who considered a sound ethical basis to be essential to a well-lived life. Like Plato before him, Aristotle regarded the ethical virtues — such as justice, courage, and temperance — as necessary for a state of well-being.
- **Productivity** as a process of getting the right things done (effectiveness) in the fastest time possible (efficiency) where efficiency is guided by effectiveness; and
- **The experience of well-being** in the conduct of our jobs



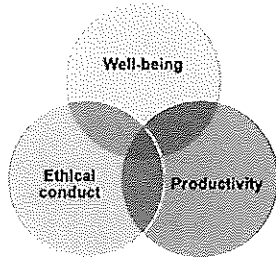
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6. What this class seeks to address?

This class argues that we, as prosecutors in the face of significant adversity, will experience a state of well-being and productivity if we follow and use certain **work methods** as guided by the rules and principles of our ethical code.

Themes of class today:



1. If we practice **good methods of work performance**, we can and will be much more productive.
2. Using certain specific methods, we will experience a much greater level of **well-being** and work satisfaction.
3. When we are productive and working in/from a greater state of well-being and positivity, we are much more likely to be ethical in our intentions and conduct and uphold the fundamental principles integrity, justice, and professionalism. This, in turn, adds to our sense of well-being because we are doing the right thing to the best of our current abilities.

7. Three Key Workplace Methods

The 3 following methods are part of a **preventative strategy** to combat workplace stressors and the suffering that frequently results.

What these workplace methods do:

1. Provide a high state of well-being
2. Enhance work performance and one's resulting productivity
3. Facilitate ethical intentions and actions

Essential precursor: All three workplace methods must first be grounded in, and fueled by, that **strong sense of purpose** which made us want to be prosecutors – to use our increasing skills and experience to help bring order and good relations to our communities so that our fellow citizens can walk the streets in greater safety without fear. Without this fundamental perspective infusing and guiding all the “little actions” we take to establish an environment of fairness and justice, we will cease to optimize our effectiveness. Reading the book, *The Locust Effect*, by Gary A. Haugen is an education in the value of fair and just law enforcement.

When our work is fueled in this way, the following methods will make a lot more sense.

1. **Structuring** (thinking ahead/planning, using various tools to create a framework of action)
2. **Process Engagement** (“deep working” / focusing)
3. **Mind-shifting** (reframing/changing perspective)

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1. Structuring (thinking ahead/planning)

"Live by design, not by default."

Distinguish the vital few from the trivial many. Clarify what's most important in your life and eliminate the non-essentials."

Greg McKeown/Philosophy of Essentialism

Story: The flying fortress

Do you wing it – let others create your life?

Or do you take control and ready yourself with a plan of action – a checklist of steps to take?

Most people – wing it or let others dictate their structure for them – their loss

Because, as Greg McKeown said, *"If you don't prioritize your life, someone else will."*

"Most people drift through life in reactive mode." Ashley Richmond

What is structuring?

Structuring – sets your direction/your path/your plan of future existence. Structuring provides a framework of operation, a clear path forward, that allows us to manage and complete tasks and projects with optimal efficiency and effectiveness.

Structuring manifests in the form of systems and paths which are made up of checklists, plans, strategies, SOPs, routines, rituals, habits, and sequential steps.

How do I structure the various areas of my life?

- **My life** – what aspects become a part of my life structure
 - Path
 - Values and purpose
 - Priorities
 - Goals (day/month/year/life)
 - **A typical day**/daily practices:

Creating a **written life purpose** (mission) and values statement – providing direction.
Reviewing daily.

- **Places of operation**
 - Prep for trials (see ☐ drug jury trial checklist)
 - Conduct of a bench/jury trial– OS, CA, order of witnesses etc.
 - This class – a product of organized structuring for clarity's sake
 - In anticipation of a negotiation session (leverage points/weaknesses)
 - Meetings (agendas)
 - Managing a DV docket (95 cases)
 - Different areas of an OCA civil practice which each contain a series of necessary steps/actions. "Systematization" leads to a more efficient and effective practice
 - expungements
 - interdictions
 - gun rights
 - "Red Flag" cases
 - FOIA

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Applicability – to all areas of life

- **Health practices** – sleep, diet, physical fitness, stress management, other healthcare practices (annual physical, colonoscopy, mammogram, etc.)
- **Self-improvement practices**
- **Work-outs** – exercise routines/intervals/yoga sequences
- **Meditation sessions** (breathing structure)
- **Travel plans** (itineraries)
- **Financial planning** (retirement)
- **Social life** (parties, get-togethers), etc.

Why structure? What does the practice of structuring do for us?

- 1) Allows you to view the whole work landscape and **prioritize**
- 2) Provides clear **direction** – a clear path forward following a series of steps in proper order which saves you the time of having to reinvent wheels
- 3) Aids **memory** - not missing critical steps – and so saves cognitive resources and energy for creative endeavors and other tasks
- 4) **Reduces stress** (checklists/mind maps) because you know that you have got it covered
- 5) Makes you **efficient** – if you plan what you are going to do and say, you won't waste time
- 6) Causes you to be much more **persuasive and credible** because you appear organized, logical, confident (because you feel you are not missing anything), knowledgeable. Structuring inspires the confidence of others in your work saving you time having to convince people of your value
- 7) Structuring **counters dangerous reactivity** and allows for considered “responses.” If done well, structuring accounts for all contingencies, so that we are not surprised and can respond intentionally and effectively.
- 8) Creates a **platform** for others to work from and add to in the future

What are some good tools or techniques to create or manifest structure?

- **Checklists** – Daily/3 things to get done today; overview of “to do’s”
- **“Mind-mapping”** to better understand the big picture and context within which my statements occur (pulling/stepping back).
- **Pictorializing:** Diagramming out a story (case briefs).
- **Written plan:** Physically writing down a plan of action for reference and review
- **Brainstorming** – using the expertise and knowledge of others to create a better structure (USMC JAGs - “murder boards”)
- **Quiet time periods** to schedule activities and pursuits; taking/making the time to prepare – a conscious deliberate act that must precede work engagement
- **Periods of drift-play** (where you “unstructure”): Best ideas for structuring occur when you least expect them – in the shower, during work-outs, while driving. Release/relax allows for inspiration.
Albert Einstein: Lying down and gazing at the ceiling or taking long walks
Mozart: When traveling in a carriage or walking after a good meal or during the night when I cannot sleep— “when my ideas flow best and most abundantly.”
- **Statement of purpose or values** (a life review sheet)

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What are the requirements of structuring?

Structuring must **take into account/address**:

- our abilities and capacities
 - our attention/effort limitations
 - our training and experience
 - our knowledge and level of expertise
 - our fitness and fatigue levels
 - technological resources
- the abilities and capacities of necessary teammates and partners
- the environmental conditions in which our work or activities must be done
 - workplace conditions/deadlines/family responsibilities
- the desires, needs and requirements of others
- what we are trying to accomplish (our goals and targets)
- what is most important – priorities

In sum: We must **write down and map out (structure)** things so that we can

- ☐ prioritize
- ☐ properly place
- ☐ remember
- ☐ have a foundation to which we can make additions in the future
- ☐ properly brief others on the plan of action

What other say about the importance of structuring?

Guiding principles in structuring (limit your focus on things to do) as provided by Greg McKeown in his book *Essentialism*:

"The ability to selectively invest our time and energy in the few things that matter most is the highest form of effectiveness. Only once you give yourself permission to stop trying to do it all, to stop saying yes to everyone, can you make your highest contribution towards the things that really matter"

Step 1: Identify The Essentials

You can't prioritize what you haven't identified, so start by writing down a list of **the five most important things in your life**.

Step 2: Practice Priority-Based Scheduling

Plan each week in advance and start by scheduling blocks of time for your priorities.

Don't plan anything else before you've scheduled enough time for your priorities.

Step 3: Identify The Non-Essentials

Write down a list of up to 20 non-essential things (commitments, demands, distractions, etc.) you find yourself spending more time and energy on than you want. The more we become aware of these non-essentials, the better we can guard ourselves against them.

Step 4: Say 'No' To Non-Essentials

Last but not least, you will get tempted to give in to non-essentials. That's when it's important to remind yourself of your priorities and stay true to what matters most to you by saying *no*. It's not easy, but it's necessary.

What does the unstructured life look like?

Chaotic lifestyle, disorganization, missed deadlines, distrust of others, irresponsibility, demotivation, worry/frustration (NER), stress, avoidance, procrastination, failure, suffering, drift into distraction, feelings of pointlessness, nihilism

The Goldilocks approach – not too much, but not too little.

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2. “Process-ing” or Process Engagement (“deep working” / focusing)

Story: Chop Wood Carry Water
(Zen and the Art of Archery)

The focus on process, not product

Basically, a focus on what is happening right here, right now

- Not getting worried about future
- Not getting depressed about past events

No expectations – just do.

Where does this apply? How is it effected?

1. Deep work sessions

Priority legal work

- Structure: Establish priorities/essentials/plan
- Setting the intention/define the objective (write out clearly) – **one high priority task**
- Outline the steps
- No interruptions or distractions
- Then do, focus! Use of a ☐ Timer (*Pomodoros* – 90/30s or 45/15s or 15/5s)
- Run the marathon – one step at a time (focus)
 - ❖ Andrew Huberman: 90 minutes is optimal
 - ❖ Research: 22 minutes for brain to focus 100%
 - ❖ Break – yoga/socialize

Yoga/Meditation: another form of deep work

Structure the practice

Then just do – focusing on each move as it happens with the breath – generating a flow

Mundane, necessary mindless work

Keep in mind your purpose – “little acts”

Focus/limit distractions/”do the process” with attention

2. Dealing with emotional reactivity

Boredom, worry, frustration, self-pity

Let go, breathe, focus on the process of your work

What others say.

“The journey is the destination” – Seneca

Remember that your work is not just about the product – a guilty verdict.

You will get the guilty verdict if you do follow the right process and do it well.

Living and learning are just as important as achieving specific goals. Instead of focusing on reaching a specific goal, learn to appreciate the experiences and lessons you gain along the way. The journey itself becomes the source of your satisfaction, not just the endpoint.

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“True happiness is to enjoy the present, without anxious dependence upon the future, not to amuse ourselves with either hopes or fears but to rest satisfied with what we have, which is sufficient, for he that is so wants nothing.”—Seneca

Appreciate the beauty and significance of everyday experiences, regardless of their apparent importance. A sunny day, a meaningful conversation, or a personal accomplishment can all contribute to the joy of the journey.

Learning, overcoming challenges, and becoming a better version of yourself becomes the primary reward. See yourself as a work in progress, constantly evolving and learning. Each step on the journey contributes to your personal growth and fulfilment.

Deep work. Cal Newport: “To produce at your peak level you need to work for extended periods with full concentration on a single task free from distraction.”

No distractions. Create A Distraction-Free Environment (Jari Roomer)

Distractions are the enemy of focus. And right now, we’re living in an age of distraction overload:

- Research by RescueTime shows the average office worker gets distracted every 3–6 minutes
- A study by Microsoft revealed that the average human attention span has declined by 34% since the year 2000
- A VouchercLOUD study found that the average knowledge worker is only productive for 2 hours and 53 minutes in an 8-hour workday

So, if you want to protect your productivity, create a distraction-free work environment that allows for deep focus and concentration:

- Turn notifications off
- Put your smartphone out of sight (and out of reach)
- Download app/website blockers (like Freedom or App Block)
- Put on noise-cancelling headphones
- Close all unrelated internet tabs (especially email, social media, etc.)

Remember, distractions are the enemy of focus. They can’t co-exist.

Define your goal for the session. Before you start a focus session, define the objective as precisely as possible:

- Prepare for this jury trial.
- Write for my book → Write 800 words for chapter 5
- Prepare this class

Remember, the more abstract you are about the objective, the more distracted you’ll be.
The more clarity you create about the objective, the more focused you’ll be.

90 minutes deep work. Dr. Andrew Huberman, neuroscientist and professor at Stanford University, **recommends in his podcast**, 90 minutes is the optimal length for a focus session. If you try to go any longer than that, you’ll start feeling mentally fatigued and become more prone to distractions.

20-30 Minute Break After Each Focus Session

Working in a state of deep focus for long is hard work for the brain, draining mental energy.

That’s why it’s essential to take a good break (20-30 minutes) after each focus session.

The better you prioritize rest and recovery, the longer you’ll be able to operate at peak mental performance throughout the day.

Don’t try to push through and skip your breaks.

It will cost you later in the day, as your brain will get tired and lack the mental energy to function optimally.

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3. Mind-shifting (reframing/changing perspective/ Waldperspektive)

Story: The Trier Stress Test

Excitement vs. worry/fear (same brain regions)

My personal “mindset intervention” – before public speaking (what I tell myself)

- I’m excited about being able to **help**
- I’m excited about the opportunity to **improve** my own teaching and public speaking skills.
- Public speaking and the necessary preparation help me **learn** and **clarify**

“I get to do this” v. “I wish I didn’t have to do this”

“I have to do this” v. I can only do what I can do”

Two other ways I “mind-shift”

- ☐ **Scarcity** to **abundance** -from complaint to gratitude
- ☐ **Anger** to **compassion** or understanding (highway, courtroom)

What mind-shifting basically achieves: Non-reactivity – achieving the state of calm

What mind-shifting requires?

- ☐ Self-awareness and self-knowledge (what “triggers” your NERD?)
- ☐ Understanding and appreciation of value of mind-shifting (to one’s well-being)
- ☐ The ability and strength to control and shift the mind to a better place

Why mind-shift?

- Personal well-being –
 - “Resentment is like drinking poison and waiting for the other person to die” Saint Augustine. Holding on to anger ultimately hurts oneself rather than the person who is the source of anger – reducing reactivity
 - Story: The monk who carried the woman across the river
- Non-reactivity facilitates productivity
- A state of calm allows you to make good choices and decisions

Methods and environments

“GAP” practice: Become aware of and acknowledge the
Goad (the trigger or stimulus to reactivity)
Analyze
Present (your response)

“Between Stimulus and Response There Is a Space. In That Space Is Our Power To Choose Our Response.” Psychologist, Rollo May

Courtroom

- Aggressive, offensive opponents
- Unreasonable judges
- Difficult, obstructive witnesses

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Highway – the best training ground in the world – to and from work

“Your problem will not become my problem” (don’t take it personally, let go, let go, let go)

- Slow driver (late for work) (compassion)
- Tailgater
- Line cutter
- Middle finger man
- Driveway exit

In the office

- Difficult people (in office/pro se defendants)
- Attractive colleagues in office – see them as sisters or brothers – keeps you out of trouble

“Book cover” practice (with other people) Never judge a book by its cover. Stay open!

To see your work as

- A challenge to conquer
 - An opportunity to create
 - A chance to learn or grow or improve
- A mundane, boring task** – how can I make this “system” better?

Sahil Bloom: Use the Difficulty: A Life-Changing Philosophy

When asked about his life philosophy during an interview, award winning actor **Michael Caine** told a story...

“I was rehearsing a play when I was a very young actor and I had to come in a scene. It was just stage play, I’m behind the flats waiting to open the door. There was an improvised scene between a husband and wife going on inside—he threw a chair and it lodged in the doorway. And I went to get open the door and I just got my head round and I said, “I’m sorry sir I can’t get in...there’s a chair there.” He said to me, “**Use the difficulty!**” I said, “What do you mean?” He said, “Well if it’s a comedy, fall over it. If it’s a drama, pick it up and smash it. Use the difficulty!” Now I took that into my own life. You ask my children, anything bad happens you’ve got to use the difficulty. **There’s never anything so bad that you cannot use that difficulty.** If you can use it a quarter of 1% to your advantage, you’re ahead. You didn’t let it get you down. That’s my philosophy.

This story offers a powerful reframe... *Every single difficulty you face is an opportunity in disguise.*



Life Truth: In a 1789 letter to a friend, Benjamin Franklin famously wrote, “In this world nothing can be said to be certain, except death and taxes.” With all due respect to Ben, I think we can add a third certainty: **Difficulty**. The difficulty is a guarantee. The struggle. The obstacle. The frustration. The failure. The hurt. The setback. They will come. You don’t get to choose whether they appear, or when, but you do get to choose how you handle them.

How can you *use the difficulty* you’re currently facing? How can you embrace this struggle? How can you grow through it? How can you find flow through this friction? How can you sow the seeds of your light during the periods of darkness? The difficulty is a guarantee. You can’t control it. But you can control how you react to it. You can control your response to it. You can control your attitude towards it. *You can use the difficulty.* Becoming aware. Controlling our judgmentalism – staying open, not becoming closed. Always trying to see things from another angle/context.