



AMERICAN  
BANKRUPTCY  
INSTITUTE

## 2017 Rocky Mountain Bankruptcy Conference

# **Optimize Cognitive Fitness: The Connection Between Lawyer Wellbeing and Performance**

**Dr. Debra Austin, J.D.**

*University of Denver Sturm College of Law; Denver*

Debra Austin, JD, PhD  
Professor of the Practice  
University of Denver Sturm College of Law  
[www.debraaustin.info](http://www.debraaustin.info)

**Recommendations to**

**Maximize Competence, Enhance the Attorney Mind and Brain, and Redesign Your Performance Plan**

**Nutrition**

- Four Simple Ways to Start
  - Smaller frequent meals to maintain blood sugar levels
  - Big Salad Every Day
    - Dark Leafy Greens, Olive Oil & Vinegar, Avocado
  - Drink Coffee, Tea & Water
  - Snack variety of Nuts
- Eating Tips: Carbs
  - Pound of produce a day
  - Organic
  - Vitamins & Minerals from Whole Foods
  - Slash sugar
    - Reduce cravings
    - Lower risk of Weight Gain, Diabetes, Heart Disease & Glycation
    - Use Stevia to Sweeten
- Eating Tips: Fats
  - Healthy Carbs & Fats: slow glucose conversion & feel satiated
  - Healthy Fats: enhance brain & aid nutrient absorption
    - Olive and Canola Oils & Avocado
    - Omega-3: Flax & Chia Seeds, Walnuts & Fatty Fish
  - Snack on Nuts for antioxidants
  - Improve Omega-6/Omega-3 Balance
    - Reduce Meat and Increase Fish intake
    - Minimize Bad Oils: Corn, Soybean, Sunflower & Safflower
- Eating Tips: Protein
  - Reduce Meat & Increase Omega-3 Rich Fatty Fish
  - Healthy portion of meat is palm-size
  - Increase Plant Protein: Soy Beans; Quinoa; Beans & Rice; OR Vegetables & Nuts
- Eating Tips: Vitamins & Minerals
  - Supplements Doctors Take & Recommend
    - Vitamin D & Vitamin B12
    - For Omega-3
      - EPA/DHA; Flax Oil; Fish Oil; or Flax/Fish Oil Combined, Algae
- Shopping Tips
  - Outsides of the Grocery Store: Limit Incentive Salience of Sweet-Laden & Processed Foods
- Habit-Builder Tip: Keep a Log of weight, BMI, Activities, Food
  - BMI = Body Mass Index (BMI Calculator online)
  - Glycemic Index Foods online

## 2017 ROCKY MOUNTAIN BANKRUPTCY CONFERENCE

### Building Brain Resources

- Exercise
  - Enhances blood and oxygen flow
  - Increases and balances neurotransmitters
  - Stimulates Brain Derived Neurotropic Factor (BDNF)
- Adequate Sleep
- Mindfulness Meditation (Attention & Focus)
  - Easy Way
    - Bring gentle and consistent attention to your breath for 2 minutes, and when your attention wanders, bring it back
  - Easier Way
    - Sit without an agenda for 2 minutes, shift from doing to being
- Loving-kindness Meditation (Empathy & Compassion)
  - Think of Yourself
    - May I be happy
    - May I be well
    - May I be safe
    - May I be peaceful & at ease
  - Think of Loved One, Think of Difficult Person, and Think of all Persons or Beings
    - May you be happy
    - May you be well
    - May you be safe
    - May you be peaceful & at ease
- Priming for Performance: Best Day
  - Recall Best Day prior to Hearing, Presentation, Demanding Performance
- Enhance Engagement and Flow: Savoring
  - Prior to work on a project, recall or reflect on life's pleasures, wonders, and awe-inspiring moments (Consider Journal Practice)
- Cultivate Optimism and Gratitude
  - Journal or Reflect on
    - Three Things I'm Proud of
    - Three Things I'm Grateful for
    - What Went Well: Things that went well today and why
  - Random Gratitude Texts

### Book Recommendations

- The Anxious Lawyer by Jeena Cho & Karen Gifford
- Search Inside Yourself by Chade-Meng Tan
- The Engine 2 Diet and My Beef with Meat by Rip Esselstyn
- Mayim's Vegan Table by Mayim Bialik

*We are what we repeatedly do.*

*Excellence, then, is not an act, but a habit.*

~ Aristotle ~

## **Optimize Cognitive Fitness: The Connection between Lawyer Wellbeing and Performance**

Debra S. Austin, J.D., Ph.D.

Professor of the Practice

University of Denver Sturm College of Law

Law is a cognitive profession. The stressors of work in the legal field can take a tremendous toll on cognitive ability. Lawyers suffer from depression at triple the rate of non-lawyers. Neuroscience shows that chronic stress can kill brain cells necessary for memory formation. Lawyers and judges can benefit from maximizing their cognitive health, just as they care for their physical health.

The ABA Model Code of Judicial Conduct Canon 2 and Model Rules of Professional Conduct Rule 1.1 require judges and lawyers to be competent in completing their duties. Developments in neuroscience reveal how cognition operates in the brain, and provide guidance for improving cognitive effectiveness, performance, and productivity. In addition to bolstering cognitive competence, lawyers who undertake cognitive wellness initiatives may also be gaining competitive advantage over those who do not. This presentation will identify the areas of the brain involved in cognition and will describe how the emotional brain and thinking brain work together during the process of memory formation. It will explain the impact of stress on cognition, the influence of alcohol on brain function, and the effect of food choices to empower the brain. It will conclude by connecting the neuroscience with a series of recommendations to optimize cognitive fitness.

To Apply for CLE Credit

My presentation was approved for CLE Credit for the following jurisdictions in the 10<sup>th</sup> Circuit:

10th Circuit Bench & Bar Conference

Job Performance: Steps for Optimizing Cognitive Function & Effectiveness

Course ID: 754222 Presentation on 9-3-16

CO, KS & OK: 1.2 General; 1.2 Ethics; OR .6 General and .6 Ethics

NM, UT & WY: 1 General; 1 Ethics; OR .5 General & .5 Ethics

Bio

Dr. Austin's scholarship is focused on how neuroscience research can help law students, lawyers, and judges improve their performance and wellbeing. Her seminal work, *Killing Them Softly*, shines a bright light on lawyer depression, substance abuse, and suicide, and its application of neuroscience to the chronic stresses of law school and law practice depict how law students and lawyers suffer cognitive damage that impairs them from doing precisely what their studies and practices require. Her article *Drink Like a Lawyer* demonstrates how self-medication with substances like alcohol, marijuana, and study drugs impairs law student and lawyer thinking. Her recent *Food for Thought* explores using nutrition to fuel optimal cognitive performance. Dr. Austin received her Bachelor of Music Education from University of Colorado; her J.D. from University of San Francisco; and her Ph.D. in Education from University of Denver. She received the William T. Driscoll Master Educator Award in 2001.