

# The Power of Brokenness

Abandoning Resilience to Transform the Legal Profession

BY J. RYANN PEYTON





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**T**he legal profession is obsessed with narratives of resilience and triumph over adversity. At the same time, our profession and its organizations struggle with issues of retention, culture, and resistance to change. In a time when lawyers embody “grit” as a badge of honor to be earned for surviving the challenges of lawyering, there lies a quieter, more profound truth: the path to genuine belonging and cultural transformation often winds through the valleys of brokenness. The pursuit of resilience, while admirable, can sometimes inadvertently perpetuate a culture that prizes individual strength over collective vulnerability.

But what if we dared to embrace our brokenness, not as a sign of weakness, but as a catalyst for meaningful change in the legal profession? How can leaders harness the transformative potential of embracing their own vulnerabilities and creating spaces where others feel safe to do the same? From boardrooms to Zoom rooms and small firms to international legal organizations, we will explore the ripple effects of relinquishing the myth of resilience in favor of a more authentic, compassionate approach to leadership.

### **A Culture of Resilience**

Resilience has been a long sought-after trait in prospective lawyers for generations.<sup>1</sup> The concept of “resilience” came about in the 1970s when social scientists began considering interactions among complex systems, both ecological and psychological.<sup>2</sup> From this initial research, scientists went on to better understand how certain personality traits can become protective factors in helping individuals recover from trauma or respond to challenges.<sup>3</sup> Thanks to the influences of capitalism, professional hardiness and the ability to recover from hardship started to become a highly desired quality in employees and corporate cultures. Not surprisingly, the increasing desirability for resilient workers in the 1990s corresponded to the shifting culture of work, in part due to the increase in technology and the slow eradication of the work/life divide, both of which made work more stressful.<sup>4</sup>

From there, “resilience culture” was born, and employers had a scientifically driven reason to begin seeking resilience from their employees. On the surface, resilience culture makes sense. Most people would agree that adaptability to challenge is a beneficial professional skill. But is it the role of employers to resource this skill in their staff?

In 2017, the National Task Force on Lawyer Well-Being went so far as to recommend that legal organizations train lawyers in resiliency using the military’s “Real Warrior” resilience training as a model to improve lawyer well-being.<sup>5</sup> Such a suggestion is a prime example of how the leaders of our profession have attempted to turn the idea of resilience into a mechanism for improving lawyer well-being and changing culture in the legal profession. But what if resilience is the obstacle not the solution to culture change in the legal profession?

When considered more deeply, resilience culture becomes a tool for leaders to maintain the status quo while putting the responsibility on individual employees to navigate traumatic workplaces and organizational failures. At its worst, resilience becomes a subtext of affirming exceptional individualism as a cultural default, which is actually detrimental to well-being and positive cultural change.

When applied inappropriately, resilience can have substantial negative implications. First, it can imply that challenge and adversity can be easily overcome, especially through positive, growth-based mindsets. Nothing could be further from the truth. While a growth mindset can be helpful in navigating minor setbacks, some challenges in life (especially traumatic experiences) can take years to navigate and heal from regardless of one’s resilience.

Second, it places the burden of overcoming adversity solely on the individual, not the organization, the team, or the leadership. It also suggests that someone lacks resilience if they cannot adapt or overcome their setbacks, which can create a sense of shame and guilt in those already struggling.

Third, resilience can create a stigma around help-seeking behavior as challenges are minimized and people are expected to “muscle” through or toughen up to deal with those

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challenges. This can also lead to overwork and burnout as people simply work harder despite being overwhelmed.

Finally, resilience culture allows us to avoid interrogating the systems, cultures, and structures that require resilience in the first place. When the narrative is that a person either possesses the skill to navigate challenges or doesn't, we don't have to consider why that challenge exists in the first place.

If resilience is the silver bullet many employers believe it is, it simply would have worked by now. We must do something different to drive real culture change in the legal profession. Instead of valorizing resilience as the ultimate professional virtue, we could advocate for a radical reevaluation—one that acknowledges the potency of vulnerability, authenticity, and interconnectedness. By abandoning the facade of invulnerability and embracing our shared humanity, we open the door to a deeper sense of belonging and a more inclusive, empathetic culture.

### **The Paradoxical Power of Brokenness**

Resilience often downplays the complex challenges individuals encounter in their daily lives. As a society, we frequently disregard the reality that adults can be profoundly impacted by trauma, whether stemming from childhood experiences or traumatic events in adulthood.<sup>6</sup> Trauma can manifest in various forms, including depression and anxiety, underscoring the challenging journey to recovery that many individuals face. For lawyers, trauma can also come from our day-to-day work with clients who have suffered their own traumatic events. Secondary traumatic stress, also known as vicarious trauma, is a condition that mimics post-traumatic stress disorder. It is caused by being indirectly exposed to someone else's trauma.<sup>7</sup> As a result, we are all a little broken,

and each of us in the legal profession has various needs related to our experience with trauma.

However, because perfectionism and compulsion are not only expected but highly rewarded in our profession, we frequently forget that professionals have human needs too. Furthermore, resilience culture asks us to abandon ourselves and our human needs in favor of work, career advancement, or the client. Finally, historical philosophy in the legal profession has also implied that "success" as a lawyer requires an abandonment of self. As a result, those who make it to positions of leadership and power in the profession might be the most adept at subverting their human needs in favor of professional advancement.

The brokenness we all share as human beings yet attempt to subvert as professionals has a paradoxical power. At first glance, this brokenness may appear as a barrier, representing vulnerability, pain, and imperfection. However, it is precisely through acknowledging and embracing our brokenness that we tap into its transformative potential.

Brokenness serves as a bridge by fostering empathy, connection, and authenticity. When we share our vulnerabilities and acknowledge our struggles, we create space for genuine human connection and understanding. In this shared space of brokenness, individuals find solidarity and support, dismantling the barriers of isolation and shame.

Safety is a basic human need, and without it, individuals may struggle to cope with the challenges they face.<sup>8</sup> Creating space for the vulnerability of brokenness provides the safety, emotional support, and validation people need to feel seen, heard, and valued for being exactly who and where they are as human beings. This psychological safety is what in turn creates a culture of belonging.<sup>9</sup>

### **A Spectrum of Belonging**

In the post-pandemic era, legal organizations are fixated on an effort to create cultures of belonging. This preoccupation is for good reason, as the research continually indicates that "belonging" is critical for successful organizational recruitment and retention.<sup>10</sup> Unfortunately, too many organizations and organizational leaders see belonging in a binary context of either existing or not. As a result, organizations work toward creating the "arrival" of belonging. The myth of arrival in this context is the mistaken belief that once a certain milestone is reached or a certain level of success is achieved, a culture of belonging will suddenly exist.

Believing that belonging is a destination rather than a continuous journey undermines the ongoing efforts needed to foster a culture of belonging. This misconception often leads to complacency, hindering genuine progress in creating environments where everyone feels valued and accepted. Recognizing belonging as a dynamic process necessitates ongoing commitment and adaptation to meet the evolving needs of diverse communities within organizations.

Belonging is not something that either exists or doesn't exist. Like any experience, belonging occurs on a spectrum that ebbs and flows from hour to hour, day to day, week to week, and so forth. Recognizing this variability is crucial for promoting inclusivity and understanding that each person's journey toward belonging is unique and multifaceted.

Despite the uniqueness of each person's journey to belonging, everyone requires two things to move from low to high on the belonging spectrum: (1) knowing what your needs are as an individual, and (2) getting your needs met. Too many organizations fail at creating a culture of belonging because they are unable or unwilling to create a space where people can

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have individual human needs and get those needs met by leaders and colleagues alike.

This is precisely why resilience culture thwarts the journey to belonging. When organizations are led by people who have circumvented their own human needs in furtherance of their professional success and when those leaders also tout resilience to undermine the human needs of their employees, a vacuum of humanity is created. Belonging requires humanity, and it cannot exist in places lacking it.

Abandoning a culture of resilience in favor of a culture of humanity is critical in fostering belonging within any organization. Creating a culture of humanity involves an environment where compassion, empathy, and respect for every individual are deeply ingrained. Key features of a culture of humanity might include:

- **Leading by example.** Ensure that leaders exemplify compassionate and empathetic behavior in their interactions with others. Their actions set the tone for the entire organization.
- **Encouraging open communication.** Foster a culture of open communication where individuals feel safe to express their thoughts, feelings, and concerns without fear of judgment or reprisal.
- **Practicing active listening.** Encourage active listening by genuinely seeking to understand others' perspectives and experiences. This fosters empathy and strengthens interpersonal connections. Additionally, practice the art of repair when there are ruptures in relationships.
- **Cultivating empathy.** Provide opportunities for employees to develop empathy skills through training, workshops, or experiential learning activities that help them understand and connect with others' experiences.
- **Supporting work-life boundaries.** Recognize the importance of work-life boundaries and support employees in maintaining opportunities for rest and recovery. This demonstrates care for their overall well-being.
- **Providing support and resources.** Offer support services and resources, such as counseling, mentorship programs,

or employee assistance programs, to help individuals navigate personal and professional challenges.

One of the simplest ways to begin creating space for the individual needs of the members of your organization is to ask questions more effectively when examining the impact of decisions, actions, and interactions by adding “for you” to the end of your question. For example, “Does this compensation model work?” invites an impersonal, abstract analysis of the impact of the model. Conversely, “Does this compensation model work *for you*?” makes the question more personal and allows a person to express their needs and get them met by a receptive leader.

### Conclusion

In the legal profession, the pursuit of resilience has long been championed as a virtue, celebrated as the hallmark of success amid adversity.

Yet beneath the surface of this narrative lies a profound paradox. While resilience offers a veneer of strength and fortitude, it often masks the deeper realities of human vulnerability and the complex challenges we face. As we navigate the corridors of power and prestige, we are reminded that the path to true belonging and cultural transformation requires us to confront our brokenness with courage and compassion. By embracing our shared humanity and relinquishing the myth of invulnerability, we pave the way for a more inclusive, empathetic culture—one where authenticity thrives, and individuals feel seen, heard, and valued. We can endeavor to chart a new course—one guided not by the pursuit of individual resilience, but by a collective commitment to nurturing our humanity and fostering genuine belonging for all. In this embrace of our brokenness lies the promise of a legal profession that is not only resilient but profoundly human. CL



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### NOTES

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