

Impostor Syndrome, Elimination of Bias, and Tribal In-House Practice

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What is Impostor Syndrome (IS)? Why should we care?

A state of chronic self-doubt that causes lawyers to fear they will be exposed as incompetent even though the evidence of their success is obvious to their colleagues and clients.

Chronic self doubt and anxiety can lead individuals to feel they are “imposters” because they believe they don’t know as much as they are supposed to, and they are conflicted by guilt and anxiety





The term Impostor Syndrome was coined over 40 years ago by psychologists Suzanne Imes and Pauline Rose Clarice

IS is widely acknowledged but is not technically an illness and is not in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV), the official manual of the American Psychiatric Association

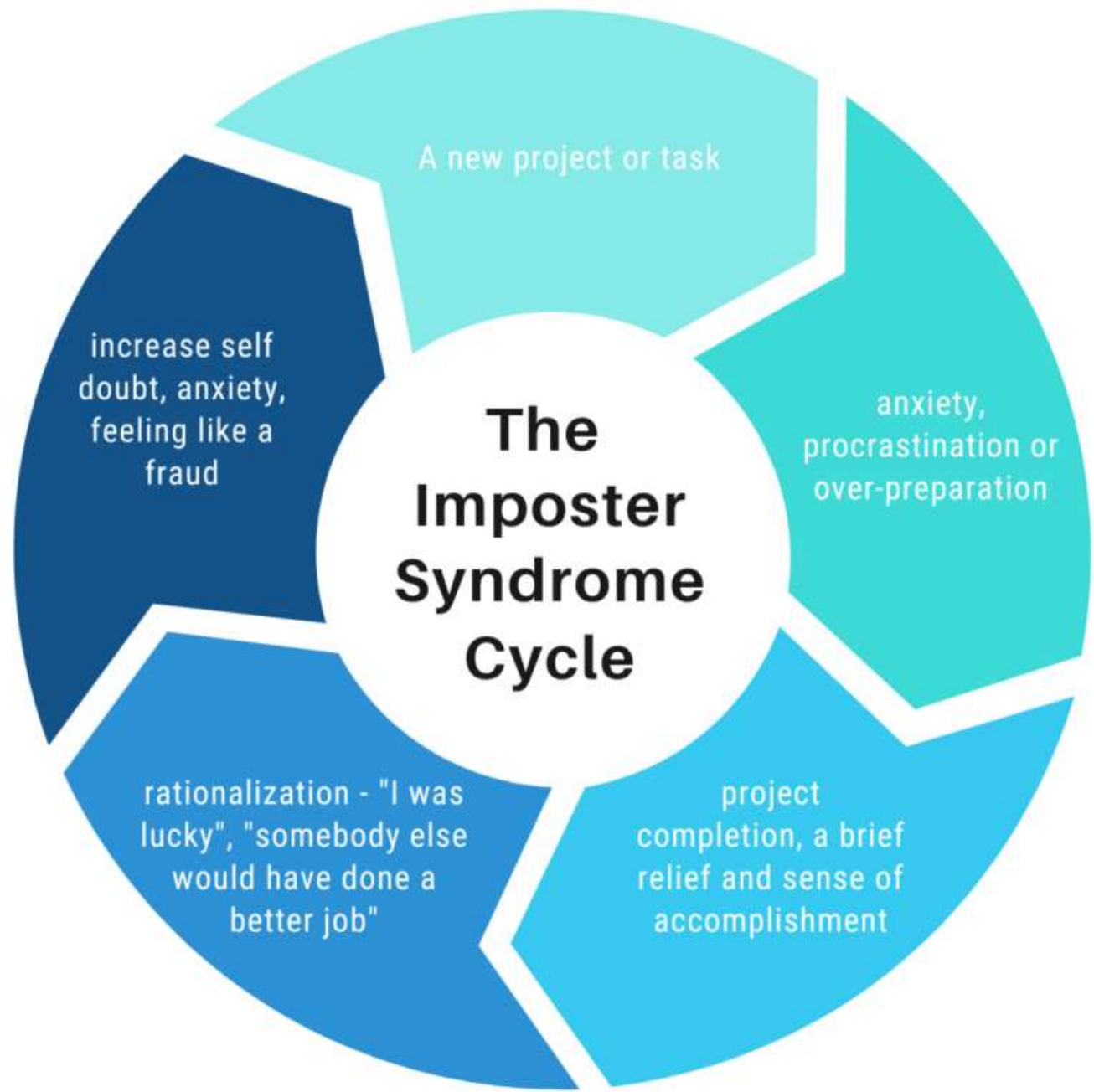




How do you know if you are affected by IS? Consider:

1. Are you frequently worried about making mistakes and frustrated because your work is not perfect?
2. Do you suspect you will never be smart enough or good enough no matter how successful you already are?
3. Do you often attribute your success to luck, chance, or anything else except your own talent and hard work?
4. Do you worry that everyone else is going to find out you are not a good lawyer?







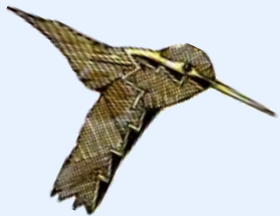
Why is this important?

IS probably affects:

1. a large number of attorneys (both Native and non-Native);
2. our workplaces;
3. the communities we love and serve; and
4. has broader implications for racism and other biases

There are aspects of the Native experience, our legal training, and the legal profession that probably contributes to IS among us

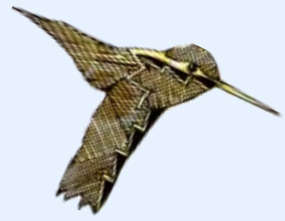




Causes of Imposter Syndrome

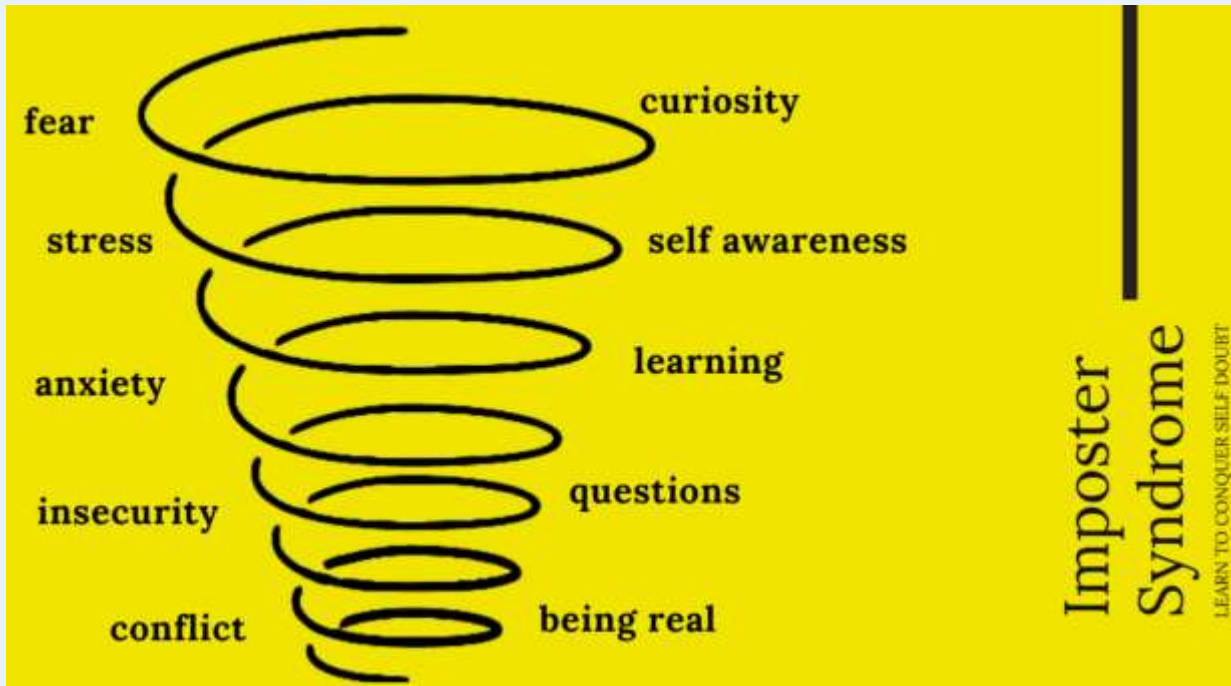
Strategies for recognition and change





Causes of Imposter Syndrome

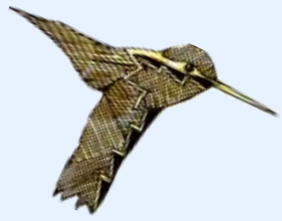
Contextual factors are the primary cause, NOT THE INDIVIDUAL



“today, imposter syndrome puts the blame on individuals, without accounting for the historical and cultural contexts that are foundational to how it manifests”

Ruchika Tulshyan and Jodi-Ann Burey (2021)





Research of Indigenous Law Students and Alumni Experiences

- Study conducted in Australia, published in Legal Education Review (Schwartz, 2018).
- Surveys (39 students & 29 alumni) and two focus groups
- Five Broad Themes:
 - experiences of alienation, imposter syndrome and lack of cultural safety;
 - Limited institutional understanding of the complex lives of many Indigenous students,
 - around mental health and family/parenting responsibilities;
 - The need for academic and non-academic support, and the interrelatedness of the two;
 - Financial hardship and accommodation needs;
 - The particular needs of older students.

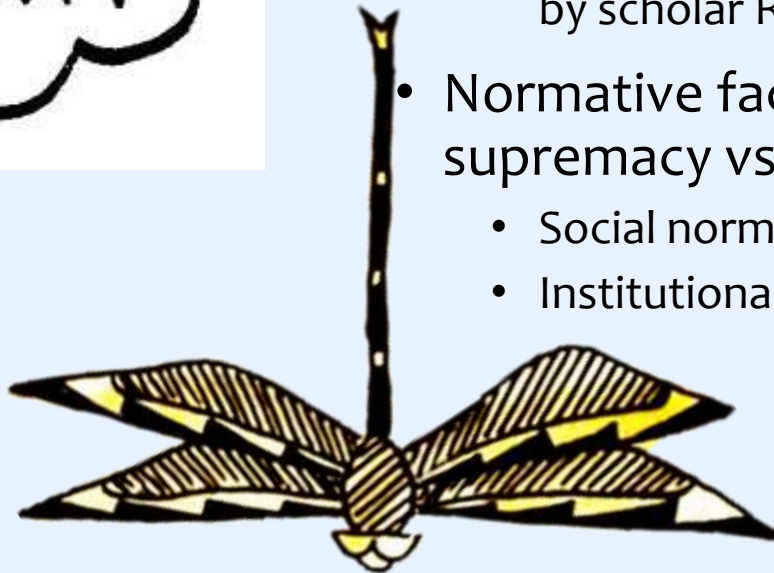


Environmental Factors

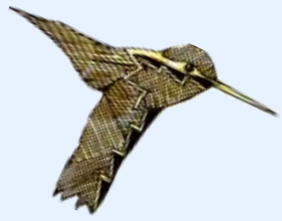
- Environments of EXCLUSION AND ELITISM vs. Belongingness
 - Who's in? Who's out?
 - Microaggressions
- Importance of place and space
 - More specifically, the level cultural safety in the workplace or classroom
 - Cultural safety – coined by Maori nurses and defined by scholar Robyn Williams (1999)
- Normative factors – Patriarchy & white supremacy vs. Indigenous Norms
 - Social norms
 - Institutional norms



workplace environment



Can you be your authentic self in the work environment?



Structural Factors: Our History Matters

- These places weren't designed for Indigenous people
 - Often they were designed to destroy us
 - Education & law as tools of colonization
- American Myths
 - Manifest Destiny
 - The Vanishing Indian
- The end justifies the means – Logic of Elimination

Yet we are still here





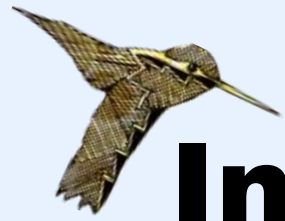
Structural Factors

- Assumptions and expectations of people in the profession
- Intergenerational trauma → lateral oppression
- “The Systems” – Institutional factors require institutional change
 - Higher education
 - Tribal
- The lack of transitional support within and across systems

Leadership says go get your education and come back...

Are systems developed to facilitate the return home?





Interpersonal Dynamics

- Feelings of belongingness
 - Consistent issue in higher education settings
 - This does not end after graduating
- Microaggressions
- Macroaggressions



Friendship Dance
Michael Chiago



Impacts of Living with Imposter Syndrome



Psychological Impacts...

- ❑ mental distress
- ❑ continued self-monitoring and self-doubt
- ❑ feelings of anxiety, depression and stress
- ❑ persistent fears of failure or unworthiness



Personal impacts of living with Imposter Syndrome:



Atelophobia

[A-tel-o-pho-bia]

The fear of imperfection. The fear of never being good enough.

- creeps into our relationships and friendships
- can sabotage our relationships
- minor disagreements
- am I good enough?
- trust/ doubt/ worth



Imposter Syndrome For Students:

- Social isolation
- Academic struggles
- “I don’t belong here”
- burn out
- poor choices for course study
- Wrong career choices
- anxiety about entering the workforce
- social media expectations

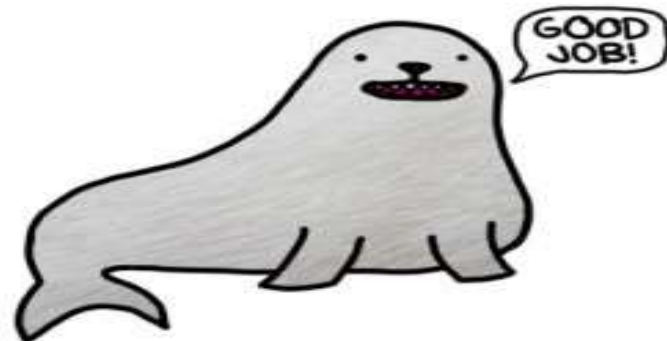


Professional Impact of Living with Imposter Syndrome:



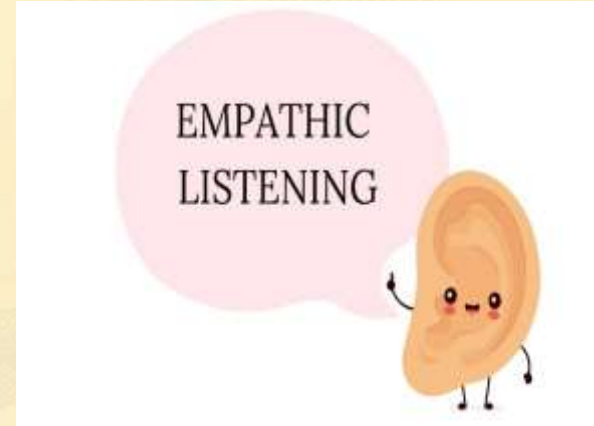
- ❑ Over-production → burnout → drop in job performance → lower job satisfaction
- ❑ constructive criticism → questioning the underlying message → need for approval → fear of inability to live up to expectations → overachieve or opt out
- ❑ Settling = not trying to move up the ladder

SEAL OF APPROVAL



Are there Positive Impacts?

- Studies show that people who have imposter syndrome are more “other-oriented” and less self-focused
 - increases empathy
 - better listeners
 - better interpersonal skills
 - better connections with patients or clients



Interpersonal Skills	
Communication	Influence
Leadership	Motivation
Negotiation	Problem solving



TOKENISM and imposter syndrome :

Does diversity increase value?

Token : not truly worthy of being there

Stereotype Threat: proving the stereotypes true

Pioneers: being the first of the group – the pressure




So... what can we *do* about it?

Strategies for recognition and change



Confident advice by confident people

- Rewire your brain
- Avoid stress (Let it go!) 
- Identify your weaknesses and improve
- Lose that pretentious feeling
- Motivate yourself to perform better
- Get out of your comfort zone
- Write down your achievements and read them when you have negative thoughts
- Keep a file of the compliments you've received and the stories of people you've helped and read it often

Bonus points:

Use a calendar so you don't miss appointments

Download a task manager to help you stay on task

*the above advice has been humanely sourced from various terrible blogs and articles online.



As individuals who experience it..

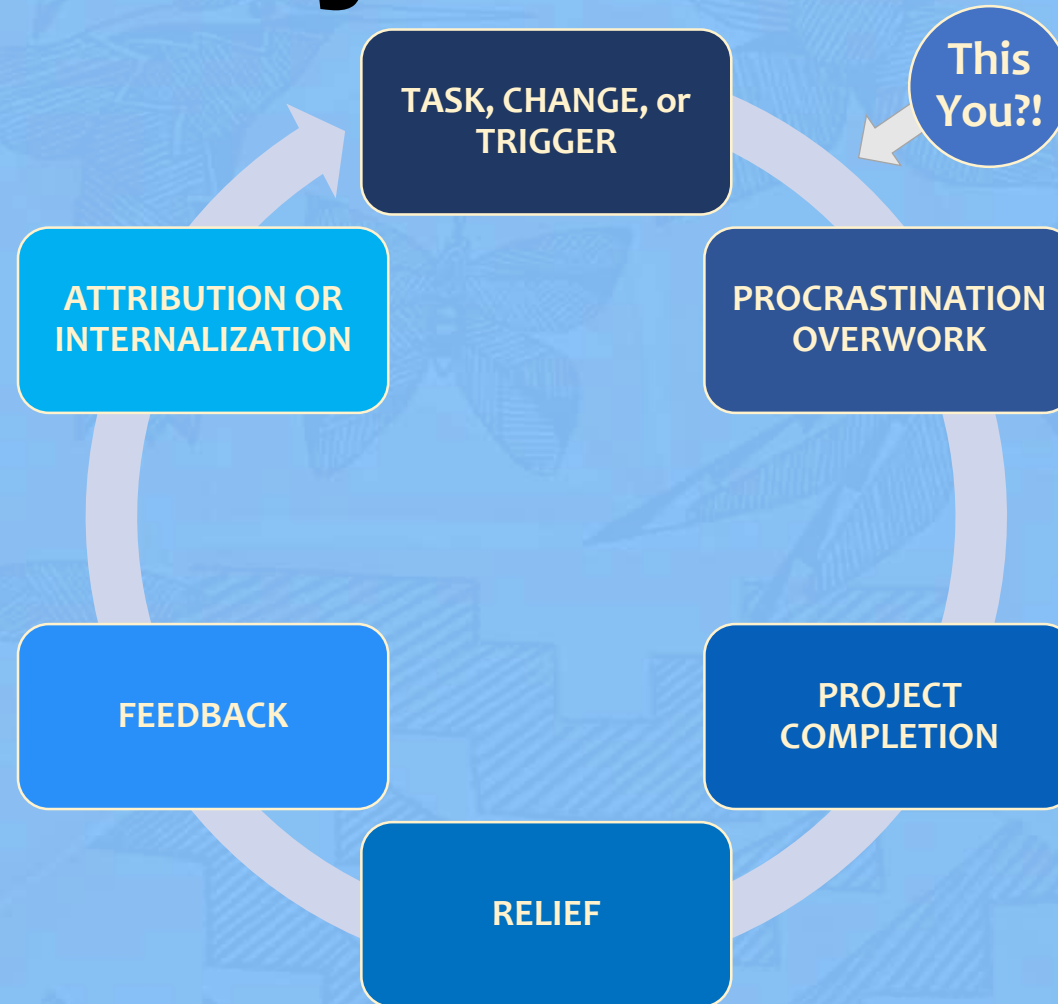
Wait... do I want it to stop? Because this podcast said it was like a superpower.

Let's take a look at a couple of models and then –
What can we do?

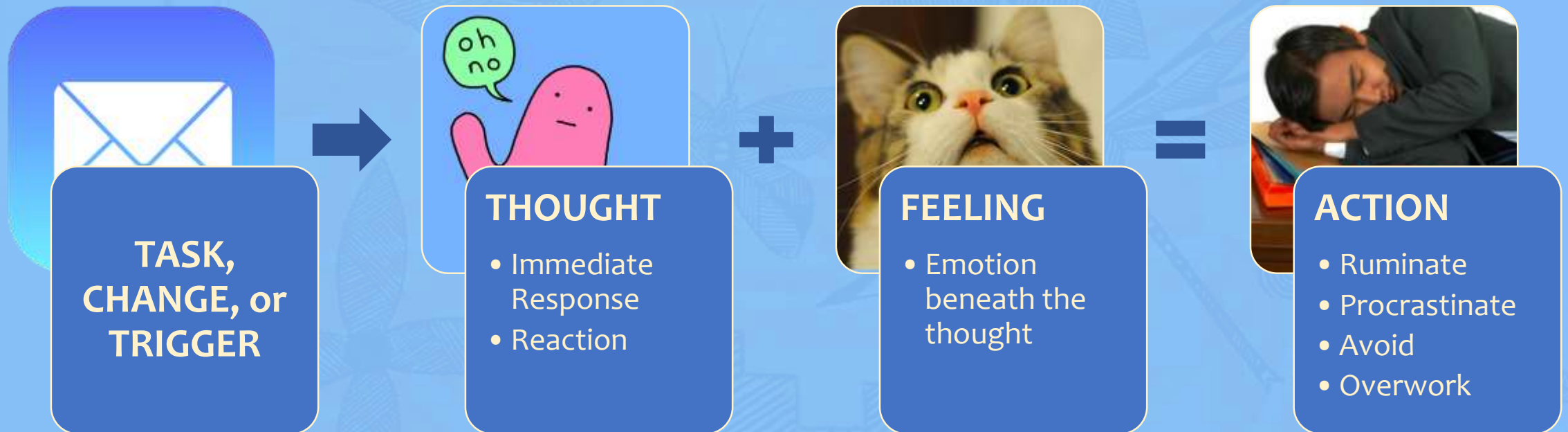
- **IDENTIFY THE FACTS**
- **ACKNOWLEDGE and ASK**
- **SEEK SUPPORT**
- **PRACTICE**



A model of the imposter syndrome cycle for individuals



A model for self assessment



Model example 1: The Assignment

- Task – On Wednesday afternoon, a member of tribal council calls and asks you to conduct research and prepare a detailed memo by Friday at noon.
 - Thought – I’m going to mess this up. It should probably be assigned to someone with more experience.
 - Feeling – Anxiety, insecurity, fear.
 - Action – Procrastinate. I listen to a song on my ipod to relax my brain. Anxiety. I ruminate on the request and how unqualified I am. I don’t even think I know anything about this area of law. Avoid. I’ll work on another project until I’m ready. Wait until the last minute. Complete the assignment in at the last minute. The assignment has a typo.
 - Result – The memo is fine. But I am exhausted. A colleague points out the typo in a lighthearted but constructive critique. I resort to eating the emotional emergency oreos hidden in my desk. I can’t sleep that night.
- Task – On Wednesday afternoon, a member of tribal council calls and asks you to conduct research and prepare a detailed memo by Friday at noon.
 - Thought – I’ve don’t a memo before. I don’t know much about this area of law, but I can look into it first and then start the memo.
 - Feeling – Confident.
 - Action – Begin researching immediately. Complete a draft of the memo Thursday afternoon. Catch up on some emails. Proofread Friday morning and email it before noon.
 - Result – The memo is fine. I went to the movies last night to see Black panther 2. It was lovely.



Model example 2: The Replacement

- Change – You receive word that an attorney in your office is getting major surgery and will need the office to cover their clients. There's 3 other attorneys in your office. All of their clients are given to you until further notice.
 - Thought – This must be a test. I can't screw this up. I must not fear. Fear is the mind killer.
 - Feeling – Fear, stress, insecurity,
 - Action – Overwork. Arrive early in the mornings. Stay late in the evenings. Work through lunch. Document review and drafting on the weekends. Burn out. After a month of burning the candle at both ends you get sick. You failed.
 - Result – Their clients and your clients have to be covered by other attorneys while you recover. You fear coming back to the office. You start looking for other jobs.
- Change – You receive word that an attorney in your office is getting major surgery and will need the office to cover their clients. There's 3 other attorneys in your office. All of their clients are given to you until further notice.
 - Thought – I'll ask to have the clients split up amongst all the attorneys so the additional burden is spread out.
 - Feeling – Mindful
 - Action – You are able to handle the additional work. You review a few documents on Saturdays to make sure you stay caught up.
 - Result – You are able to maintain a decent work life balance. Two months later, your colleague returns.



Model example 3: The Motion

- Event – You are a young attorney that recently argued a very important motion for the tribe. You just received word that you succeeded. This was your first “big win”.
 - Thought – That motion would’ve won with anyone arguing it. It’s not a big deal. I have other really important projects to focus on.
 - Feeling – Self-doubt, avoidance.
 - Action – You forget to mention the outcome to the client or your supervisor. You feel uncomfortable discussing it when your supervisor asks if there is any update.
 - Result – You don’t inform the client or your supervisor that the motion succeeded, and they find out later. In your self-doubt and avoidance, you have failed to communicate with your client.
- Event – You are a young attorney that recently argued a very important motion for the tribe. You just received word that you succeeded. This was your first “big win”.
 - Thought – Great. I’ll forward this email and keep working on my other tasks.
 - Feeling – Excited. ... but busy.
 - Action – You forward the email and attachment to your supervisor and the client. You decide to stop and grab a cheesecake on your way home. #Yolo
 - Result – You have a delicious cheesecake. You also allow yourself to celebrate your accomplishment, even if it’s a small celebration.



Interrupting the imposter cycle

- IDENTIFY THE FACTS

- What was the event or occurrence?
- What was your immediate reaction? What were you thinking?
- What was the emotion at the core of that reaction? Was it fear?
- What other factors contribute to this experience?
 - What is your work environment like? Are there other stressors at your job that are contributing to your experience? Are you actively being marginalized or harmed at work?

- ACKNOWLEDGE and ASK

- Acknowledge the facts and the emotion you feel.
- Is my emotion and my reaction proportionate to the facts and the environment?



- **SEEK/BE SUPPORT**
 - Experiencing imposter syndrome can be very isolating.
 - Seek a mentor, colleague, or community to share your experience.
- **PRACTICE**
 - Practice being kind to yourself.
 - Practice monitoring your internal dialogue.
 - And practice monitoring your environment... are you experiencing imposter syndrome? Or is a supervisor/colleague/ or the work environment telling you that you are unworthy, incompetent, and don't belong?

Will this fix everything and cure us? No. There appears to be a lot of snake oil advice out there for those experiencing imposter syndrome. But in general, the goal is to train yourself to interrupt the cycle before that stage when we engage in the maladaptive practices that lead to very real consequences for our clients and ourselves.

Remember that If you need professional assistance, please reach out to a mental health professional.



What can be done by those in positions of power?

There are a few things to remember:

- Imposter syndrome is NOT a mental illness.
- Imposter syndrome is experienced by individuals, but it is a symptom of the impact that systems, environments, and interpersonal interactions have on individuals.
- Although a professional or academic environment may be toxic, it is individuals that build and maintain these environments.
- The law and the practice of law are not acultural.



Be willing to interrogate the environment you are responsible for. You might ask:

- What is the environment I am creating?
- Do I have employees that are experiencing imposter syndrome?
- Have I done anything to support these individuals?
- Have I put any professional or personal barriers in place to protect my own comfort above the needs of any employees?
- What could I do to make the environment more supportive?
- If changes are necessary, am I willing and ready to change?



Find ways to make the workplace more:

- Collaborative
- Communal
- Learning focused
- Growth focused
- Culturally relevant
- And flexible





IS and the ABA's Model Rules of Professional Conduct

Rule 1.1: Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.





Those with IS believe they give the impression that they are more competent than they are and have deep feelings that they lack knowledge or expertise.



Some may be perfectionists who either procrastinate due to overwhelming fear and anxiety or over prepare because they believe it is the only way they can succeed.



Anxiety and lack of confidence may inhibit communication resulting in perceived lack of preparation and development of competence





May complicate a supervising attorney's ethical duty of supervision

A realistic assessment of an attorney's knowledge and skills required; provide attorneys with a realistic, balanced view of their skillset

Assigning work to attorneys for which they are unprepared and do not have the appropriate skill set or substantive foundation may result in 1) the delivery of poor work product; 2) client dissatisfaction; 3) undesired results, all of which feeds IS



IS and the ABA Model Rules of Professional Conduct

Rule 1.4: Communication

a) A lawyer shall:

(1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules;

(2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;


(3) keep the client reasonably informed about the status of the matter;

(4) promptly comply with reasonable requests for information; and

(5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.





Attorneys may be too nervous or anxious to communicate with clients, colleagues, and supervisors

Supervising Attorneys need to be aware of attorneys that do not speak up for obvious reasons as well as misperceptions about the attorney's ability



Resources

McIntire Newman, M. (2019). Do You Suffer From Impostor Syndrome? Texas Bar Journal, January, 2019. https://lscpagepro.mydigitalpublication.com/publication/?i=551479&article_id=3264498&view=articleBrowser

Tulshyan, R. and Burey, J. (2021). Stop Telling Women They Have Imposter Syndrome, Harvard Business Review. <https://hbr.org/2021/02/stop-telling-women-they-have-imposter-syndrome>

Tulshyan, R. and Burey, J. (2021). End Imposter Syndrome Your Workplace. Harvard Business Review. <https://hbr.org/2021/07/end-imposter-syndrome-in-your-workplace>

Sampat, S. (2018). A Call to Deal with Impostor Syndrome, A Hidden Source of Attorney Distress. American Bar Association Journal. https://www.abajournal.com/voice/article/a_call_to_deal_with_impostor_syndrome_a_hidden_source_of_a_torney_distress

Milios, M. (undated). Imposter Syndrome: Embrace it. Hennepin Lawyer. <https://www.mnbar.org/hennepin-county-bar-association/resources/hennepin-lawyer/articles/2022/05/10/imposter-syndrome-embrace-it>

State Bar Employee Assistance Programs may also have additional information and resources about Impostor Syndrome



Thank you!

