



Positively Legal: How to Use Neuroscience for Positive Change at Work

Skills and Professional Development



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The modern workplace seems to be faced with change relentlessly, be it at an individual or organizational level. In-house lawyers are no different, we are faced with change when we restructure our teams, bring in new technology through large projects, or are part of organizational transformations and continuous improvement projects. As people, we are inherently wired to resist change, as lawyers, even more so, particularly those with a fixed mindset. As leaders we need to turn people's negative or resistant mindsets to being more positive and open to change, allowing for the greatest success.

Change – what it means and how it affects our brains

In the book [Neuroscience for Change at Work](#) by Tibisay Vera and Melanie Franklin, change is described as an emotional experience which can stop us from moving forward because we lack energy and motivation. Our brains may resist the change for a number of reasons:

- Triggering pain and fear as we think changes to the status quo may mean losing personal status or being treated unfairly;
- Wanting to avoid the high levels of energy needed for change;

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- Being cynical when remembering previous change initiatives which involved a lot of work for little gain;
 - Fearing that we are out of our comfort zone and lacking the curiosity to challenge the status quo; and
 - Loss of certainty promotes resistance to change.

According to Vera and Franklin, change requires “us to activate the neurobiology of the brain’s reward system, such as dopamine, oxytocin, and endorphins, which help trigger open-minded behaviors, excitement, motivation, trust, and growth mindset, and therefore will facilitate individuals to embrace change and adapt more positively to it.” To achieve this, they suggest using the PEPE[©] Model.

Understanding the PEPE[©] Model

The [PEPE[©] Model](#) was developed by Vera and involves four fundamental principles that drive resistance to change from the brain perspective:

Pain

Change can feel uncomfortable even if they think it will be beneficial. The pain is our “internal alarm system” alerting us that there is a change to the status quo and possible threats because of the uncertainty of the “new state.” To navigate change we need to manage this pain. Leaders need to reduce fear and motivate individuals to see change as an opportunity. Research shows that people with a [growth mindset](#) find change less painful than those with a fixed mindset. For people with a growth mindset, “the anticipatory part of the brain reward system (dopamine) will be activated, providing motivation and excitement.” To help adopt a growth mindset and accept change, we need to promote psychological safety for both individuals and teams that will allow people to feel comfortable speaking out and expressing concerns and believe their contributions are valued and their skills and knowledge are respected by their peers and managers. This psychological safety will encourage volunteers willing to initiate change and find new ways of working. Fostering a sense of belonging during change can also help people feel positive emotions and be motivated and ready to contribute to the group’s success.

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Energy

Energy is the capacity for work and motion (the ability to produce physical movement). There is a direct relationship between energy and peaks and valleys (below). The brain automates as many processes as possible to save energy, including relying on old habits. Brain bias is another way to take short cuts and can lead people to resist perceived risks and challenges from any new change.

Managing energy during change includes delivering the necessary information when needed to avoid overwhelming people with too much information up front (cognitive overload) or too little (uncertainty). The brain doesn't need to search for information independently and therefore saves energy and reduces resistance to change. Emphasizing the personal benefits that resonate with everyone can help motivate people to find the change worthy of their energy. Using small but frequent deadlines can help maintain higher levels of focus and attention increasing the release of adrenaline and dopamine. This could be small, daily, or weekly objectives helping to avoid overwhelm and maintain energy which reduces resistance to change.

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Peaks and valleys

Peaks and valleys refer to the fluctuations in both brain chemistry and brain waves (patterns of electrical activity indicating different mental states such as concentration, mind wandering, stress, or sleep). To adapt positively to change and be resilient we need to recreate the natural “high and lows” of the neurobiology and brain waves without burning out. Working in short, focused periods on small cycles of changes (sprints) was suggested as this “allows those delivering the change and those impacted by it to rapidly elevate neurobiology levels (adrenaline, noradrenaline, dopamine, and oxytocin) and enhance focus and engagement. After each sprint, the team reflects and celebrates its small achievements, which naturally lowers the levels of the brain activity relatively quickly.” People should also “promote the valleys” by creating habits and doing activities that induce relaxation and reduce arousal allowing the brain to rest (tied to the brain's [default mode network](#)). When entering a valley people should do a self-check to see if they need a reset by asking if they are making more mistakes than usual; taking longer on regular tasks and finding themselves and finding yourself annoyed at things that don't usually bother you.

Error detection

Error detection is the brain's ability to signal and adapt behavior when there's a conflict between actual responses and intended responses or expectations. Change disrupts the ability to predict the future using past experiences — “when the status quo becomes interrupted, the amygdala becomes activated, and the brain becomes hypervigilant regarding potential threats.” The brain can release a positive or negative signal depending on experience. Leaders should reinforce messaging in communications, set realistic (yet challenging) targets and engage the end users throughout the project to avoid negative, unexpected surprises.

The PEPE[®] Model has, at its heart, navigating the brain of the individual to bring about positive reactions to change to ensure its success. Another evidence-based approach to change by Professor Julie Hodges focuses on [People-centric Organizational Change](#).

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Putting people at the center of successful change

For leaders looking to make change successful in their legal team or bring the legal team along in an organizational transformation, Hodges focuses on a few techniques. These techniques are focused on organizational transformation but are equally applicable to legal team transformation or change projects.

- **Engaging opposing voices** – there will always be stakeholder opposition to change because change does “not always seen as rational, and therefore people struggle with it.” People have “aversion bias” where they may be more worried about losing what they have rather than being excited about a change that could improve things. While opposition is often seen as negative, it can be positive as it keeps the change conversation going and helps to identify any constructive feedback and crystalizes the positive and negative aspects of the change. An important way to address any opposition is by providing psychological safety allowing people to raise issues and using active listening — that is, taking the time to actually listen to the issues raised rather than defending the change or being dismissive.

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- **Communication of change** – communication plays a pivotal role in people-centric change before, during, and after a transformation. Messaging needs to be made at the right time and through the right channels — “evidence has consistently shown that effectively managing communication during transformational change is related to a range of positive employee

outcomes.” This should explain what the change means for individuals and their teams as well as creating feedback loops where people can respond to the messages. Storytelling is an effective communication tool – this includes finding an innovating way to express — why are we changing? how will we get there? what will be different? how does this relate to me?

- **Well-being during change** – well-being is vital for ensuring the success of a business transformation as change is disruptive. Hodges suggested ways to build well-being during transformation, including:
- Talking and listening to people and finding out about the challenges and stresses that they are facing, and ensuring that they have support to cope with them;
- Creating well-being advocates from across the organization to support colleagues and signposting them to relevant sources of help and advice;
- Encouraging individuals to take responsibility for their own well-being;
- Setting up employee forums, which are used as a conduit for information but also for listening to ideas for shaping transformation;
- Running focus groups which enable those involved or impacted by the transformation to come together to share experiences and learning and identify solutions and support mechanisms; and
- Don’t simply focus on individual well-being. At the team level, people need to respect each other’s well-being needs to create an environment where the team can perform at its best and have the collective energy to support the change. Leaders should celebrate small wins along the way like “wins of the week” as this can motivate people. At an organizational level it is important to recognize and promote well-being as one of the pillars of successful transformation as individuals collectively create positive change and successful transformation.

Positive change for successful transformation

Whether the legal team is changing itself, bringing in new technology or part of an organizational transformation, change brings challenges and resistance. These tips can be used from the smallest projects of change to bring about a more positive and energized mindset to accept and implement change.

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authors, its sponsors, and/or ACC. These resources are not intended as a definitive statement on the subject addressed. Rather, they are intended to serve as a tool providing practical guidance and references for the busy in-house practitioner and other readers.

[Caterina Cavallaro](#)



Associate General Counsel

VGW Holdings Limited

Caterina Cavallaro is associate general counsel at VGW.

She combines technical legal skills with practical business understanding and a love of innovation, project management, and legal technology to improve ways of working within the legal industry. She is a member of the ACC's In-House In-Health and Legal Technology and Innovation Special Interest

Groups.

In addition to her legal skills she has a Diploma of Positive Psychology and Wellness and is a freelance writer. Her “Positively Legal” column for the *ACC Docket* focuses on the intersection of neuroscience, positive psychology, and in-house practice by interviewing experts and fellow lawyers and curating up to date quality research, podcasts and books to help lawyers learn to take control of their own wellness and support their careers.

Outside of work, Cavallaro loves traveling, snorkeling, meditating and spending time in nature.