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Q&A: Mary Digiglio – “Employees must feel safe to raise concerns they have about behaviour that might be coming from more senior people.”

In our Q&A, Mary Digiglio, managing partner of Swaab and a board member of the Minds Count Foundation, explains why wellness programs can only be successful if they are incorporated as part of the culture of the practice.

You were recently named Wellness Advocate of the Year in the *Lawyers Weekly* Partner of the Year Awards, especially for your work to improve mental health outcomes in the legal community through Minds Count, formerly known as the Tristan Jepson Memorial Foundation. What does such recognition mean to you?

“It’s the most rewarding award I could receive. There are many people who spent a lot of time building the Tristan Jepson Foundation before I became an advocate. To see now that the recognition for wellness as an issue in the legal profession is spread wide enough to support an award, irrespective of who wins – says great things about how the issue has evolved in the past 10 years. That’s the most exciting aspect.”

What motivated you to get involved in Minds Count, which was set up more than a decade ago after law graduate Tristan Jepson took his own life aged 26.

“I first went to a lecture at the foundation in 2014 after I’d just become the managing partner of Swaab and I was really quite taken aback when the founder, Marie Jepson, got up and talked about where it got most of its funding – that is, from law students. I was embarrassed to be sitting in the Federal Court with all these lawyers from commercial law firms and corporations while Marie was remarking that this foundation was being funded by the people who could least afford it. That lecture got me interested in the space and it was quickly followed by a visit to the firm from Marie when I signed up Swaab as a signatory to the foundation’s guidelines. I’d never met her before and when I turned up at the meeting Marie said how surprised she was that I was there. She went on to say that more often than not when she would make appointments with managing partners, they wouldn’t show up but rather they would send the HR manager. I started to appreciate that this was a woman who had no agenda other than to try to prevent what happened to her own son from happening to other people and she wasn’t getting engagement from the right people in the legal profession. I felt I could be one of the people who tried to help leaders put this issue on the agenda.”

Are more firms backing the foundation now?

“More firms are making donations, but it’s still not enough. The foundation runs on the smell of an oily rag. We would love more support to be sustainable in the long-term.”

You have been responsible for promoting wellness in Swaab. What does a good wellness program look like?

“I have a view about programs. There’s a real risk of people thinking that all you need is a program of some sort that focuses on things you do as opposed to your behaviour or your attitude towards the issue. I could go on for hours about all the great things firms can do, such as implementing mindfulness programs and making sure you have an employee-assist program and flexible work policies. But those things don’t count for a lot unless it’s coming from a culture where the issue of wellness and the permission to talk about it is known and understood within a firm. Wellness must be weaved into the culture. If you have that and then supplement that with a program, awesome, but one without the other doesn’t get you very far.”

You have said in the past that wellness must be tied in with authentic leadership.

“Right, can you walk the talk. It’s fine to spend money on programs – and that’s important, it really is – but unless you’ve created a culture where people feel it’s okay to talk about this issue then you will struggle to make an impact. People need to know that if they experience some sort of incident that there’s a pathway to resolve it. This is also about prevention, too, so bad behaviour must be called out quickly. Employees must feel safe to raise concerns they have about behaviour that might be coming from more senior people.”

Workplace and employment pressures seem much higher in today’s world. What can firms do on this front?

“Speaking from personal experience, my mobile phone may as well be welded on to a part of my body and it is the way we are required to operate in firms today. If you want to have a sustainable practice, you need to be accessible to your clients, effectively 24-7. Mobile devices haven’t helped in terms of wellness, and I probably haven’t helped myself by making myself so accessible. But firms have a role to play, too. Gone are the days when you can say to an employee that you’re here from 8.30am to 6pm and please leave your personal rubbish at the door; that when you come to work you’ve got to compartmentalise everything that’s going on in your life and focus on your job. It’s hard to ask employees to do that if you’re also asking them to pick up emails at 8pm and be contactable on leave. There has to be give and take. When you’re employing someone now you really are employing the whole person. That means sometimes people have things going on in their lives which mean they are a bit off or they need more flexibility. The whole wellness space is about having a way to manage those scenarios. I’m not saying everyone should get everything they totally need at the expense of the business. At the end of the day we are running a business, but having a firm in which people can raise those issues and have a discussion about what they need in the next six months while, for example, their mother’s going through chemo, that’s crucial. So let’s talk about the ability to work remotely or whatever the case may be. As employers we have to be able to manage a successful business but also have engaged and happy employees and fewer instances of people being mentally unwell.”

Can you give us an example of how you've managed difficult circumstances in your firm that have had the potential to cause employee unrest?

"The one case I can speak more freely about is when you have bad behaviour by one of your partners and when you're challenged as the leader to start putting value on dealing with that behaviour, as against the potential revenue you'll lose by not having that person in the firm. It was about having the courage of my convictions in that scenario and taking a risk, calling out the behaviour and moving the partner out of the partnership. And then seeing that, shock horror, the firm having actually no financial detrimental experience under that scenario. Instead, the firm had a feeling of a weight being lifted off it. In my career as a leader that's probably the most challenging and potentially risky decision that I've ever made, but it proved what a lot of people say – and that is that when you finally cut those cancers out of the firm you ask yourself 'why didn't we do it a long time ago?'"

You are a specialist property lawyer who had to make the transition to calling the shots for the firm more broadly as managing partner. How have you made the transition?

"I adjusted to the people-management side well. I don't know if I adjusted well to being the managing partner. I don't have any formal management training, so managing a law firm for me has been about learning on the job and surrounding myself with very good mentors. The people side of it and the wellness space are probably indicative of my natural inclination to look out for the underdog. That reflects my background and the way I have been brought up. It can be tough, though. Before studying the law, I started a psychology degree and didn't finish it, and now I'm thinking that maybe I should go back and finish that degree!"

Who have been some mentors for you?

"Fred Swaab, the founder of our firm, has passed away and I didn't have a lot of quality time with Fred when he was well. But certainly his legacy still serves as a massive mentoring influence for me, even though he is not here. It comes back to challenging myself and asking how he would deal with a scenario."

What was his approach?

"Well, one of the values of our firm since its inception is to have generosity of spirit. Fred was a big giver of time to clients and people within the firm, and within the community generally. That's something really special to hold on to. A lot of my decisions come out of wanting to ensure that that remains the key value of our firm in everything we do; that we don't lose our generosity of spirit. Personally, I'm lucky that my husband has had a relatively long career in the law, most of that career managing law firms, so he has been a wonderful resource. There have also been a number of impressive consultants who've played a key role in my development in the past five years."

What lessons have they passed on to you?

"This sounds very cliched, but trusting my gut. Generally, my gut instinct has proved to be right. That's first and foremost. Another thing I believe is powerful in a leader is to not be afraid of revealing my own vulnerabilities. I've never been diagnosed as mentally unwell, but I've had my share of stressful and emotionally challenging events in my life that have 'stress-tested' my resilience. At times, I have had so many plates spinning in the air, I've thought I

must have been close to having a breakdown. I don't have any personal diagnosed lived experience with mental health challenges; however, wellbeing is not just about developing tools to deal with mental health episodes, it is about developing tools to stay well and hopefully avoid episodes. So I have called on those stressful times, my own vulnerabilities and the toolkit I have developed for myself to relate to people when talking about wellbeing."

In what way?

"My mother lives with Stage 4 (metastatic) breast cancer. In 2016, not long after mum's diagnosis, my husband was diagnosed with multiple myeloma (a form of leukaemia) and spent months having chemo before a bone marrow transplant. During this period, I continued to manage the firm and my property law practice, as well as being a parent and friend to our seven-year-old daughter, who was also processing a lot. I'm just an ordinary human being who has to deal with the challenges life throws you, like everybody else. I think I am resilient, but I'm not some wonder woman. I have not been afraid to share my challenges with people in the firm. It's risky; don't get me wrong. It's risky to reveal your vulnerabilities because there are people out there who will take that and use it against you. But mentors have helped me get to a point in my career where I'm confident enough to be okay with who I am, and I'm okay with the bad things and good things that have happened in my life and the mistakes I've made. They're all components that make me up as a person and I'm okay to talk about those things. That gives me a real connection with people across all levels of the firm."

How is your husband now?

"His health is good. He's back working and he's well."

You commented about the prospect of people preying on vulnerabilities. Why does that happen?

"It's a combination of a number of things. I don't think social media platforms and email communication helps. That medium of communication, while it's effective and needed, also allows people to hide and have conversations with others in a manner and tone that they wouldn't if they were having a face-to-face conversation. Consider the fact, too, that the legal sector is [highly competitive], which means people are more inclined to adopt a survival instinct. Some people feel that the way to get ahead is to put other people down, rather than to have the confidence that the best way forward is to help put your best forward and not worry about what other people are doing."

Does it come down to people's insecurities as well?

"There's a massive lack of emotional intelligence across our profession and that has something to do with the fact that, generally speaking, lawyers are perfectionist, A-type personalities. I don't know enough about psychology to know whether there's a connection between that type of personality and a lack of emotional intelligence, but I've been surprised in the past how many people don't get the bleeding obvious about how an incident might affect someone emotionally. The way you communicate with people is crucial. I use the simple example of email communication. It doesn't matter how annoyed I am about an email I receive, I will always mark on the return a salutation, whether that's 'Dear' or 'Hi' and I will

always say thanks for the email or offer some form of introduction. And I'll always say 'Kind regards, Mary' to sign off even if the person has sent me the most horrible email."

How else can firms address wellness issues?

"One of the things that's become apparent to me is that, as a gender group, women have had the support of each other and they have been able to pursue work flexibility and express what's important to women. But I worry about male lawyers aged about 30 to 60. There's often not enough support for men, and a lot of them are experiencing a huge amount of stress. They might be in their second marriage but still have children from a prior marriage and could be supporting two families, or they might have the same issues as women around having sick parents or juggling work and child drop-off and pick-up commitments. I would like to let men know that it's okay for them to have access to all of the same opportunities for help that women might be less reluctant to seek."

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