

Navigating Executive Function in Modern Law Practice

Dysfunctional executive function – the brain’s operating system – is not due to a lack of discipline or work ethic. Rather, it is most often associated with neurodivergent conditions or traumatic brain injury, anxiety, chronic stress, and aging. Here are tools to help alleviate dysfunctional executive functioning.

BY MELYNDA L. BENJAMIN

It is 2:00 A.M., and the office is silent except for the hum of a computer monitor that has been staring back at you for five hours. On the screen sits a half-finished brief, brilliant in its logic, less than stellar in its citations, and yet, you stare completely unable to do anything. You know exactly what needs to be done. You have the case law memorized. The deadline is looming. Nonetheless, the electrical circuits between “knowing” and “doing” are not connecting.

For many attorneys, this is not a lack of discipline or a failure of work ethic. It is the invisible barrier of executive dysfunction. Most often associated with neurodivergent conditions such as attention-deficit hyperactivity disorder (ADHD) and autism spectrum disorder (ASD), executive dysfunction can also be the result of traumatic brain injury, anxiety, chronic stress, and aging.¹

Executive function is the brain’s operating system. Located in the prefrontal cortex, it manages essential cognitive processes: planning, organization, task initiation, working memory, impulse control, and emotional regulation.² Executive dysfunction occurs when these cognitive processes are impaired. When that system glitches, it does not matter how high your IQ is or how many years you have spent in the trenches.³ The engine is running, but the gears are not catching.

In a profession that demands we always be “on,” many of us have become high-level practitioners of performance masking: the pattern of compensating for neurodivergent traits to blend into neurotypical expectations. We project an image of total control in the courtroom and at the negotiation table, while quietly drowning in unreturned emails, fragmented calendars, and the crushing weight of administrative tasks.

We tell ourselves to “just focus harder,” as if a mechanic could fix a stalled engine by simply staring at it with more intensity.

The Litigator: Task Initiation & Organization Systems

Consider “Beth,” age 56, a seasoned litigator. Her brain was wired for the high energy of the courtroom. She could outthink opposing counsel and adapt quickly to the unexpected twists and turns of trial. Fueled by the dopamine produced when the stakes were the highest and the feedback was immediate, Beth thrived on the very stress that froze others. Her ability to hyperfocus under pressure was her “superpower.”

Although Beth was a powerhouse in front of a jury, her office was a maze of to-be-filed documents and unorganized research. When a mundane motion or routine answer to discovery sat on her desk,



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she experienced complete task paralysis. To an outsider, it looked like procrastination. To Beth, it felt like an invisible wall. Every time she tried to start, her brain turned to a lower-stakes task, such as answering a trivial email or reorganizing her trial binder for the third time.

Beth's task paralysis and nonexistent filing system led to multiple last-minute deadline crunches, misplaced discovery, and an embarrassing public judicial warning. Beth needed tools to manage her lack of task initiation and office clutter.

Beth's Toolbox

- **Zone File System.** Beth created visual landing zones for her office and digital desktop by creating larger specific areas for similar documents, rather than multiple folders buried deep in cabinets and digital root directories.

- **Visual Task Timer.** Beth began to use the 5-minute rule, committing to start a task for only 5 minutes, and the "Pomodoro technique," working for 25 minutes, followed by a 5-minute reward break. Using a manual timer reduced her risk of falling down the media rabbit hole when reaching for the clock on her smartphone. For Beth, these task initiation tools reduced the intimidation factor and created momentum.

- **Body-Doubling.** Beth and a co-worker set a time every week to meet in the office conference room and work on a task they each had been avoiding. Working in the presence of another professional (even virtually) provided gentle accountability and nonjudgmental support facilitating task initiation.

The Dealmaker: Administrative Transitions & Action Tracking

For some, the struggle is not starting a task but the "gear grind" of switching between them. Sequencing and transitioning are the executive functions that allow us to move from high-level advocacy to low-level administration. When these gears do not align, the administrative tax of the job becomes overwhelming.⁴

"David" was a brilliant transactional attorney, 32 years old and on the partner track with a large law firm. His ability to quickly identify risks, mitigate liabilities, and ensure contractual precision in complex legal landscapes established him as a superstar in fast-moving, high-stakes negotiations. He could anticipate an opponent's move three steps ahead, and he often found the creative "third way" out of a deadlock by identifying nonobvious trade-offs that satisfied both parties.

The crisis for David was transitional friction. Moving from the logic and strategy of a merger to the task of manual billing felt like a physical grind. He had lost thousands in revenue because he could not bridge the gap between the adrenaline-fueled excitement of the work and the mundane task of recording it. Although his firm's client management software captured the hours worked for a specific client, when David was hyper-focused on a project, he rarely remembered to log into the system. David tracked time on sticky notes and the margins of his contract drafts, and by the end of the month, the mental energy required to reconstruct the hours felt like a physical weight. As a result, he often under-recorded to avoid the shame of his disorganization.

Despite his ability to outline every minute detail of a complicated contract, David's project management skills were less than precise. A review of his Monday morning to-do list showed 1) client phone calls; 2) billable hours; 3) SKC merger; and 4) D&M financial agreement. Unfortunately, by Friday morning, the list remained unchanged, and the burden of unfinished action items loomed over him week after week.

David's partnership was at risk, and he had not met the threshold for his last bonus – not because he was not producing but because he could not bridge the gap between his exceptional work and the mundane task of documenting it. David needed strategies for sequencing and productive project management.

A Toolkit for the Brain

To move from dysfunctional executive function diagnosis to delivery, attorneys must adopt a "systems-first" mentality. Use these tools to help you move into the delivery mode.

- **Visual Systems:** If "out of sight, out of mind" keeps your physical or virtual desk top cluttered, create simple "like with like" landing areas. Avoid complicated hierarchical file systems.

- **Point-of-Action:** If you struggle with billing or calendaring, keep the software open on your second monitor at all times. If you struggle with filing, keep the scanner within arm's reach.

- **Body Doubling:** Work in the presence of another professional (even virtually). This provides gentle accountability and nonjudgmental support facilitating task initiation.

- **Externalizing Time:** Use analog clocks and visual countdown timers. Make the passage of time visible.

- **Focus Blocks:** Define set periods of time for "no interruptions." Close the office door, turn off smartphone and email notifications, use noise-cancelling headphones. Explain to coworkers that during this time, interruptions are "emergency only." **WL**

David's Toolbox

- **Point of Performance Capture.** David downloaded a time-monitoring app to run in the background of his computer. This made a record of his actions, keeping the hourly details, even if he forgot to open a client's folder. Not only did this help David reconstruct missing time, but it also served as a productivity log, helping him be more efficient and increasing his billable hours.

• **Action Specific To-Do List.** David began creating a concise, actionable task list that started with a verb, represented a single step, and could be completed in one sitting: “Call G. Larson to discuss property tax incentive.”

• **Planned Administrative Time.**

David blocked billing and administrative sessions into his weekly schedule. He kept the allotted time reasonable and set a timer to reduce the overwhelm of extended periods of mundane work.

The Associate: Impulse Control & the Shame Spiral

For decades, legal culture has treated organizational struggles as a character flaw. We use terms like “lazy,” “scattered,” or “unreliable.” For the neurodivergent brain, these are not moral failings. They are mechanical ones. Executive dysfunction occurs when the individual wants to act neurotypically but is unable to, often resulting in anxiety and shame.

Emotional regulation and impulse control are deeply interconnected through shared neurological pathways. Deficits in the prefrontal cortex mean that once an emotion is triggered, it is harder to inhibit the resulting behavior.⁵ This can lead to impulsive outbursts, snapping in anger, or making hasty decisions before considering consequences. Individuals with executive dysfunction related to ADHD may struggle with justice sensitivity, the emotional, cognitive, and behavioral reaction to perceived unfairness, inequity, or wrongdoing;⁶ and rejection sensitive dysphoria (RSD), an intense emotional reaction related to the feeling of being criticized.⁷

“Jacob,” a 25-year-old recent law school graduate, quickly landed a coveted governmental role. He was bright and quick witted and had a passion for public service. His mind was always generating novel legal theories and unconventional approaches to problem-solving. Jacob’s ADHD-driven sense of justice led him to be an outspoken advocate against unfairness, and his

ability to empathize and connect with others made him exceptionally skilled at interviewing witnesses.

Jacob’s cubicle was a mess. If another assistant needed to cover a file, it was nearly impossible for them to find in the quagmire of manila folders and case law on Jacob’s desk. Completely absorbed in his research, he would often “forget” to leave for court on time. His daily calendar was full of gaps, causing stressed last-minute scrambles to court. Jacob often wandered up and down the

cubicle hallways of the office, stopping frequently to chat or make a comment on something he overheard across the bay. If he had a question about a case or office procedure Jacob would immediately jump up and ask a coworker for clarification. He was intensely aware his frequent interruptions were annoying his colleagues, and he worried about being rejected and excluded by his peers.

On several occasions Jacob’s supervisor called him into her office for informal counseling, and eventually he



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was placed on an employee performance plan. He knew the plan was supposed to serve as motivation, but to him it felt like public shaming. Rather than focusing on improvement, he ruminated obsessively on past negative conversations and perceived mistakes. Jacob had shared his ADHD diagnosis with his supervisor, and his intrinsic sense of justice and rejection sensitivity made this criticism seem unfair and targeted.

Although he had only been with the office for a year, he was considering looking for a different legal role. Jacob was in the “grass is greener” stage of his career. He believed the problem was the *office*, not his *systems*. He was convinced that in a different position or at another firm, his brain would suddenly function “normally.” This led Jacob to look for an exit rather than a solution.

Jacob’s Toolbox

• **Productivity Coach & Therapy.** Jacob began to work with an ADHD productivity coach for tailored strategies to manage his executive dysfunction and a counselor certified in cognitive behavioral therapy (CBT) to help him process emotional regulation.

• **Accommodations Request.** Jacob asked to move his workspace to a quiet area of the office, away from the break room and lobby, reducing distractions. He asked his supervisor for regular check-ins to ensure deadlines were being met and to provide nonjudgmental support.

Meeting with her about his courtroom “wins” and case management reduced his RSD and feelings of overwhelm.

• **Thought Parking Lot.** Jacob began keeping a notebook at his desk. Whenever he had a random idea or question, he quickly jotted it down in the notebook and went back to work, keeping him focused on his current task. He later asked questions in “batches” at the office meeting and shared case insights at his supervisor check-ins without the fear of losing his thoughts.

The Supervisor: Cognitive Overload & the Masking Point

Masking is the equivalent of putting a sticker over your car’s flashing check-engine light; you might keep driving for a while, but eventually the system hits the breaking point and the engine stalls. The “masking point” often appears mid-career when increasing task complexity, administrative demands, and personal life pressures overwhelm the ability to compensate for the executive function gap.⁸

“Maria” was the soul of the public defender’s office; at 46 she had over two decades in the trenches. Her clients trusted her implicitly because she did not just see a case number; she saw a human being. She could deescalate a volatile client and negotiate with a prosecutor using a blend of firm legal logic and emotional intelligence. She was the person new attorneys came to with all the tough questions.

Maria was aware she had always struggled with organization and time management. For years she was able to compensate for her executive dysfunction by staying late and working into the evening hours, when she knew she was the most productive and there would be fewer interruptions. Now, with three children and aging parents, the mask was slipping. It was not just the physical tasks of caregiving; it also was the mental load of remembering health-care appointments, school forms, and medication schedules while simultaneously tracking court dates. Her working memory was

permanently occupied by coordination.

Maria was a compassionate and skilled advocate, but advocacy and administration required two different brain “operating systems.” Her recent promotion to division supervisor was intended to be a reward for her years of service, but it had become a source of profound stress. Moving from the intensity of a client meeting to the dry, linear task of reviewing timesheets or assigning cases required a massive task-switching effort. For her overwhelmed brain, the transition was exhausting. Now, the to-be-closed files were piling up in the corners and client calls were going unreturned.

Maria was seriously considering walking away, not only from the public defender’s office, but the entire practice of law. She knew the consequences of this decision would be the loss of important health care and pension benefits, which would have far-reaching effects on her family and her future. Maria did not want to abandon her profession, but she needed to escape the exhaustion from the 24/7 performance of “having it all together.”

Maria’s Toolbox

• **Focus Blocks.** Maria scheduled no-interruption periods, asking coworkers to disturb her only for emergencies. She clearly defined what constituted an emergency: calls from a judge or the children’s school.

• **Strength Matching.** Maria asked to be paired with an experienced member of the office staff who had strong organizational skills. This allowed Maria to comfortably delegate filing, scheduling, and office tasks, thus increasing productivity and efficiency.

• **Office Hour Adjustment.** Maria knew she was the most productive in the late afternoon. She requested her schedule be adjusted to working an hour later four days per week in exchange for leaving one day per week by noon. This allowed Maria to make necessary family appointments without taking additional personal leave.

The Soloist: Decisional Fatigue & the Loss of External Support

Executive dysfunction is not just a wellness issue. In the legal world, it is a competency issue. Under SCR 20:1.3, a lawyer must act with reasonable diligence and promptness. According to the Wisconsin Office of Lawyer Regulation Annual Report for FY 2024-2025, the most common allegations against Wisconsin attorneys were lack of diligence and lack of communication. These are the primary areas affected by executive dysfunction.⁹

“Michael” always considered himself a Lincoln-esque “country lawyer” and at 67, he was a fixture of the community. He knew the grandfather of the person he was currently representing in a land dispute, and the chief judge was a former summer intern from his office. Michael did not just know the law, he knew the history of the county, the personalities of the judges, and the unwritten traditions of the local bar. His 150-year-old office building, conveniently located across the square from the courthouse, had been his home away from home for 40 years.

Frequently late to court, Michael’s tardiness was attributed to being a dedicated lawyer who was likely finishing a conversation with a neighbor on the courthouse steps, and not to his inattention to time. The court orders forgotten on the clerk’s bench were seen as eccentricities of a long-standing practice and not a lack of focus.

Judy, Michael’s office administrator, had retired the prior year. With rising

operating costs and a self-imposed reduced case load, he wanted to downsize and move the practice to his home. Michael had no idea how to start; he was overwhelmed by decisions on what to keep and what to discard from years of practice. His executive dysfunction struggles were no longer masked by Judy’s organizational skills. Without her, there was no one to remind him it was time to head to the courthouse. He alone was responsible for entering court dates into the office calendar system. Judy’s retirement caused a breakdown of Michael’s support scaffolding. His “external brain” no longer sat at the wooden desk in the front office.

Eventually, a missed hearing and several late filings led to a malpractice claim. When the insurance investigator visited Michael’s office, he was not prepared for the obstacle course of cardboard bankers’ boxes, overflowing metal cabinets, and towering stacks of brown accordion files. His first recommendation: “Get a handle on the clutter!”

Michael’s Toolbox

• **Professional Organizer.** Michael hired a professional workplace organizer to help reduce his “decisional overwhelm”: the mental paralysis caused by too many choices or sentimental clutter. Michael and the organizer decluttered the files according to retention schedules and designed an efficient long-term storage plan. After downsizing, the organizer worked with Michael to set up his home workspace with easy to maintain office systems.

• **Analog Clocks.** Michael placed a large analog clock in his new home office. Non-digital clocks helped Michael by showing elapsed time, current time, and time remaining. This allowed him to stay on schedule more easily than using the static digital display on his laptop.

• **Virtual Office Assistant.** Michael’s downsized practice no longer needed a full-time office administrator. Michael hired a certified virtual assistant, a trained legal professional who remotely managed his email, calendar, and billing efficiently and confidentially.

The Professional Ecosystem

Executive dysfunction is an explanation for why the engine is stalling, but it is not an excuse for leaving the car in the middle of the road. The question is no longer whether your brain is “wired” for this profession; the question is whether you are willing to update the operating system.

A 2016 American Bar Association study found that 12.5% of attorneys report having ADHD, compared to 4-8% of the general adult population.¹⁰ We are over-represented in these statistics, and our profession depends on how we respond.

Understanding your brain is the diagnosis; building a fail-safe environment around it is the professional solution. To move from diagnosis to delivery, attorneys must adopt a “systems-first” mentality. By optimizing the environment rather than just the person, we reduce liability, increase retention, and finally allow brilliant legal minds to focus on what they do best: practicing law. **WL**

ENDNOTES

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