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The Productivity Blind Spot in Law Firms

Productivity failure in legal practice is not a discipline problem. It is a cognitive risk problem.

By Advocate Sonja Cilliers and Maryke Groenewald

Founders of Professional Mind Resilience Institute (PMRI)

By 10:30 on a typical court day, many South African legal practitioners have already dealt with a delayed roll, a last-minute directive, multiple client messages, and at least one urgent administrative issue. The drafting or preparation planned for the rest of the day is quietly deferred to “later,” when mental energy is already depleted.

Productivity does not fail in these moments because legal professionals are inefficient. It fails because the **cognitive conditions required for precise legal thinking have been eroded before the real work begins.**

Understanding this pattern requires moving beyond time management and into how sustained pressure, interruption, and cognitive load affect brain function and, by extension, professional performance, and firm-level risk.

Legal work is cognitively demanding by design

Legal practice places sustained demand on executive cognitive functions: working memory, attention regulation, prioritisation, judgment, and emotional control. These functions are primarily mediated by the prefrontal cortex and are essential for drafting, analysis, strategic decision-making, and client communication.

Under stable conditions, experienced lawyers perform these tasks efficiently. Under sustained pressure, particularly when combined with constant interruption, these systems become less dependable. Productivity declines not because ability is lost, but because the **conditions needed for high-level cognition are disrupted.**

In South African practice, this challenge is amplified by heavy court rolls, unpredictable directives, externally imposed deadlines, and fragmented communication across email, WhatsApp, calls, and in-person interruptions.

Productivity is not only an individual issue, but also organisational

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While productivity is often framed as a personal concern, its consequences are organisational. When cognitive overload becomes widespread, firms experience increased rework, inconsistent judgment, supervision strain, and higher attrition, all of which carry direct financial and reputational cost.

Productivity, in this sense, is not about speed or output. It is about **protecting the cognitive conditions under which professional standards can be reliably kept across a firm.**

Pressure changes how the brain functions

Pressure does not merely increase workload; it alters cognitive functioning. Short-term stress may sharpen attention. Prolonged stress, especially in unpredictable environments, impairs prefrontal control and shifts behaviour toward reactivity.

In practice, this manifests as:

- narrowed attention and reduced cognitive flexibility
- diminished working memory stability
- increased reactivity to incoming demands
- greater effort needed for emotional regulation
- less nuanced decision-making under time pressure

These effects explain why capable practitioners often feel mentally “less sharp” during peak periods. The issue is not competence, but **cognitive capacity under sustained strain.**

Interruptions and task-switching: the hidden productivity cost

Legal work is structurally interruption-driven: urgent client messages, court delays, last-minute instructions, administrative demands, and continuous counsel - attorney engagement. Each interruption appears minor. The cumulative cognitive cost is substantial.

The brain does not multitask complex work. It switches between tasks, incurring a measurable “switch cost” each time. In legal practice, where each matter carries its own factual, procedural, and relational context, this cost is particularly high.

The result is a familiar pattern: full days of activity with limited progress on work requiring depth, such as drafting, analysis, and strategic preparation. From a firm perspective, this translates into **inefficiency, increased error exposure, and avoidable rework.**

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Productivity as professional and firm-level risk management

When cognitive overload becomes normalised, the impact is systemic rather than isolated. Over time, firms begin to see:

- increased drafting and review errors
- rising write-offs due to rework
- inconsistent judgment in client communication
- weakened supervision capacity
- burnout-driven attrition and loss of institutional knowledge

These outcomes rarely present as a single failure. They appear as patterns over time: missed details, dissatisfied clients, billing inefficiencies, and unexpected departures. Productivity, properly understood, is therefore a **risk management issue**, not a personal preference.

Why conventional productivity advice fails legal practice

Generic productivity advice assumes control over workload and interruption that legal professionals do not have. It also frames productivity as a function of discipline or motivation.

In reality, legal practice is externally driven. Responsiveness is often unavoidable. Approaches that focus solely on personal discipline do not address the true constraint: **finite cognitive capacity in a fragmented working environment**.

A more effective approach is to treat productivity as **work design**, structuring legal work in a way that protects cognitive bandwidth despite pressure.

Protecting cognitive capacity in legal environments

Evidence-informed productivity structures include:

- protected focus periods for cognitively demanding work
- structured response expectations rather than constant availability
- deliberate reduction of task-switching where depth is required
- professional boundaries framed around accuracy and turnaround

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- alignment of complex work with cognitive peak periods

These measures do not reduce service quality. They improve accuracy, predictability, and sustainability which are outcomes that matter to practitioners and firms alike.

Conclusion

When productivity declines under pressure, the solution is not greater discipline or longer hours. It is better structure.

For law firms, productivity is not a soft skill or wellbeing initiative. It is a determinant of professional risk, quality control, profitability, and long-term sustainability. Treating productivity as a cognitive and organisational issue allows firms to move beyond individual endurance and toward systems that consistently support high-quality legal work under pressure.

For more resources and support, visit the Professional Mind Resilience Institute (PMRI) at www.pMRI.co.za or contact us at info@pmri.co.za.

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Sonja Cilliers is an advocate of the High Court of South Africa. She was admitted as an attorney of the High Court in 2001 and, after practicing as an attorney for several years, did pupillage and became a member of the Pretoria Society of Advocates in 2005. Sonja has been in practice, as attorney and advocate for an aggregate of 24 years, and obtained extensive experience in litigation in various fields of the law; including contractual law, banking law and litigation, corporate law, family law, insurance law and personal injury law. Sonja completed her B(Proc) (1998), LLB (1999) and LLM (contractual law) (2003) degrees at the University of Pretoria. She is qualified as an AFSA trained Arbitrator and Mediator and obtained the one-year diploma from AFSA in Arbitration and Mediation in 2003.

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