

## ***DEALING WITH STRESS AND THE LAW PRACTICE***

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### **INTRODUCTION**

**“A lawyer is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice. Lawyers, as guardians of the law, play a vital role in the preservation of society.... “**

*From the Texas Disciplinary Rules of Professional Conduct. Preamble: A Lawyer's Responsibilities*

Implicit in these words is the lawyer's commitment to maintain the fitness necessary to carry out these responsibilities. In the disciplinary rules, fitness “denotes those qualities of physical, mental and psychological health that enable a person to discharge a lawyer's responsibilities...” While fitness for these responsibilities encompasses legal expertise and competence, an important aspect of the lawyer's ability to carry out these important responsibilities is the lawyer's ability to manage stress in his law practice – his own self-induced stress and that imposed by the environment of his practice. The focus of this article, therefore, is to help you explore stress as a personal experience; to help you identify and understand your sources of stress; to help you assess your responses and reaction to those stressors and determine whether, in your view, your reactions are productive or counter-productive; and to help you explore ways to reduce and manage stress by focusing on what works for you and what does not and by learning new strategies and techniques for handling stress.

### **UNDERSTANDING STRESS**

## Dealing With Stress and The Law Practice

Life events and challenges are the true source of stress. Each and every day you face numerous life events and challenges. Challenges at home can take special form. Why didn't the alarm go off? David has a tummy ache and refuses to go to school. Little Veronica announces that if David doesn't have to go to school, then neither does she. Spot wants to go out but no one seems to notice. Your dear husband has a nine o'clock and, sorry Honey, he has to leave "right now." Did anyone remember that you had an eight o'clock? The challenges at work can also be special. Opposing counsel announces that his client wants to revisit the settlement agreement. A new client is pacing in your waiting room. Will he understand that the Judge has called all counsel on a difficult case to his chambers for a meeting in thirty minutes? And what about that agreement your client wants so badly, seemingly without understanding or acknowledging your advice against it in its present form? Consider also the challenges of recreation and other demands placed on your mind and body. Sources of stress are everywhere!

While these stressors are a fact of life, your response to these stressors is what constitutes stress. The distinction between stressors and stress is very important since stressors are the many daily occurrences which call upon you to adapt and stress is your response as you try to make your adjustments. It is also important to understand that virtually everything in life, every life experience, is potentially a stressor for someone.

Life events which can potentially be a source of stress can be categorized to include anticipatory stressors, change stressors, situational stressors, chronic stressors and fixated stressors. Anticipatory stressors are those areas of concern over future or potential events. What if the Judge rules against me? What if my client insists on putting this provision in the agreement against my

## Dealing With Stress and The Law Practice

advice? What if my boss says “yes”? What if it rains tomorrow? Change stressors are probably the most obvious--a change of office address, a new baby, a new secretary, a new computer system for the office, a new judge and a change in work hours or conditions. Situational stressors are the stressors of the moment. These stressors are usually some event that demands your attention right now. The verdict is in. The jury is out. The secretary quit. The case just settled. Your client wants to talk about the land deal in thirty minutes. Your speech receives a standing ovation.

Chronic stressors occur over time and may represent challenges over which you have no control and which require you to endure or adapt. You may experience the loss of a partner through divorce or separation. Your son leaves home. You may suffer a personal injury or illness. You may be in a difficult and challenging work situation because of a poor relationship with a co-worker or supervisor. Fixated stressors are stressors dragged on from the past. These stressors generally represent your inability or your unwillingness to let go of sad or bad memories, old hurts or difficult challenges from the past. Some examples are comments your brother made to you at your sixteenth birthday party about your weight, the humiliating experience in your first speech class, being dumped by your tenth grade sweetheart or not getting the red wagon your dad promised for your fifth birthday.

Who can be productive in a law practice when you are physically and emotionally exhausted? You simply cannot attend the responsibilities of being a lawyer without understanding and dealing with the life events and stressors that bombard you daily. Unattended stress drains you and your practice of valuable resources. Stress, in check, can be an energizer but stress responded to with negative and counter-productive behavior can be devastating and at great cost to you and your

## Dealing With Stress and The Law Practice

practice.

Understanding the costs to you and to your practice can be a motivator for change and for learning more productive ways of managing your stressors and managing the way you respond and cope with stress. Consider the cost to your physical well being, such as fatigue, headaches, muscular responses, tense feelings, tense shoulders and neck and cardiovascular responses. Negative emotions such as irritability, depression, anxiety, contempt, shyness, fearfulness or distress can take its toll. Other costs include stress-related performance problems such as being confused, easily distracted, making mistakes, memory loss, disorganized environments, feeling overworked and losing creativity. Interpersonal problems also occur where stressed individuals become cynical or hostile, nonassertive, insensitive to others, less cooperative and conflict oriented. Other stress-related behaviors that can cost you and your practice are overeating, losing sleep, smoking, use and abuse of chemical substances, and “type A” behaviors such as needing to be in control, pushing deadlines and constantly rushing.

### **REDUCING AND MANAGING STRESS**

The key to managing stress is understanding that for every life event and potential stressor you face you can choose and direct your response. How you handle your stressors can mean the difference between being productive and happy or being tense and frustrated. You can and must take personal responsibility for how you experience stress and, more importantly, how you experience your life, in general. Where taking personal responsibility requires change in your response to life events and your stressors, you must accept that you have the ability to make the needed changes and choose to make those changes. The choice is truly yours. The process of

## Dealing With Stress and The Law Practice

managing and reducing stress requires that you not only react to the stressors of your life and practice but that you continually work to reduce the stress levels and the causes of stress in your environment.

### ◆ **Conduct your personal stress inventory**

Inventory your experience with stress so that you can direct any needed change and prepare for healthy responses to your stressors. First, understand and become aware of your stressors. Identify them and determine their source. Do you know and understand the stressors in your life? Do you know how severe the problem of stress is for you? Are your stressors mild, moderate or severe? Which stressors are good for you and which are bad? Is it the kind of stressor that gets your adrenaline flowing or is it debilitating?

Are your stressors more internal or external? While we all own internal messages that have been developed, generally, from childhood, those internal messages can be unrealistic and can be a source of stress. People whose stressors are more internal tend to be idealistic with high expectations for themselves. They tend to attach more significance to achievements, accomplishments or status symbols or the lack thereof. Internal stress tends to stem from one's perception of self-value and self-worth as viewed by others or as perceived to be viewed by others. Internal stressors can also be self-inducing as in not getting enough sleep or inappropriate comparisons of self to others. External stress, particularly in work-related situations, can include such factors as lack of appreciation for one's work, inadequate training to handle the job, long hours, demands for always increasing productivity, excessive competition among co-workers, inability to control outcome or performance expectations, time pressures and deadlines, discordant relationships with a boss or co-worker or lack of voice in the decision-making process. External stressors can also come from the environment--

## Dealing With Stress and The Law Practice

noise, uncomfortable desks or chairs, lighting, lack of privacy, inadequate space or ringing telephones.

Second, you must determine your typical reaction to your stressors. Are they physical reactions such as nervous stomach, tight shoulders and neck, heart palpitations, pounding or racing heart and tightness of the chest? Is your reaction more emotional? Do you experience high-energy emotions such as anger, hostility or restlessness or low-energy emotions such as depression, boredom or a simple sense of helplessness?

Third, determine what method you currently use for coping or handling your reaction to your stressors. Do you grab a scotch to deal with the frustrations of demanding deadlines, clients and opposing counsel? Or do you head for the gym? Next, determine which of these coping skills and techniques work best for you and in which situations. Determine which techniques are productive and which are counterproductive. Next, decide and choose to take responsibility for managing and reducing stress in your life. Choose to engage in behaviors and coping strategies which are productive to reducing and managing the inevitable life events and stressors that surround you. Finally, keep it in perspective. Try hard to understand the difference between the things that you really can change and the things you cannot. Then work at changing those things that you can and at accepting the things over which you have no control to change.

Having completed your personal stress inventory and expanded your understanding of your stressors and how you handle them, you are ready to go to work on managing and coping with your stressors.

◆ **Take personal responsibility for how you will experience life**

## Dealing With Stress and The Law Practice

Work on your attitude and your view of the stress management process. It is your life, your behavior and your stress. It is within your power to accept the things that you cannot change and to change those things that you can. You can add to your own efficiency and enjoyment of life by choosing how you will respond to the events of life. First step is to accept yourself unconditionally, that is, accepting who you are and what you are and separating who and what you are from what you do. Decide and believe that you are capable, ready and willing to manage the stress in your life rather than having stress manage you.

If you do not like your behavior or the way you respond to the events of life or if your behavior sometimes causes you stress, you can take responsibility and you can choose to change unproductive behaviors. If your environment seems to be the source of your stress, change it. Such factors as noise, lighting, privacy, comfort, space can be a source of stress. Accept the fact that stress can be a negative or a positive element in your life. Make stress a positive force by managing stress in such a way that it becomes your energizer, your source of excitement about life and about your work.

### ◆ **Be mindful of your self-talk**

An event which occurs is not in and of itself stressful. Generally, it is what we tell ourselves about the event and the significant meanings and beliefs we attach to the event that constitutes the stressor. Those personal thoughts drive how we respond to that event. Two individuals can experience the same event with very unique responses, depending on how the event is perceived. For example, One lawyer can experience an upcoming trial with excitement and exhilaration while the other is panicked and debilitated, each having convinced himself or herself of what the trial

## Dealing With Stress and The Law Practice

means. For most people, a very large percentage of their internal dialogue focuses on negative thinking about themselves, especially, with regard to life events. Such self talk can be a source of internal stress. You should be sensitive to the messages you send to yourself on a daily basis.

Reframe how you view a situation. Instead of “I can’t stand this” try “this is inconvenient and I don’t like it but I can handle it.” Instead of engaging in frustrating monologues about the ridiculously long line to the district clerk’s desk, try deep breaths or strike a conversation with someone in the line about a non law-related topic. Choose to avoid thoughts that are perfectionistic, catastrophic or pessimistic. Work at the “gray” area of thinking rather than the “black/white” view of the world. Allow for flexibility in thinking and for reframing a negative view of an event. Instead of “awfulizing” the fact that you were passed over for a specific case assignment, reframe this event to something more positive: “I won’t get to work on that case but maybe I’ll have more time to work on this one.” More flexible thinking can allow for creative problem solving and a broader view of events or the meanings attached to an event. Avoid personalizing situations and events.

### ◆ **Build your resilience to stress**

Maintaining good health habits such as good nutrition and physical exercise will help to build your resilience to stress. Additionally, a more healthy lifestyle could help to combat any physical reaction to stress since over 75 percent of all visits to primary care physicians are to treat stress-related complaints. This could require lifestyle changes primarily focused on your physical and mental health.

### ◆ **Build a personal arsenal of relaxation techniques and strategies**

## Dealing With Stress and The Law Practice

Relaxation techniques are useful stress reducers. Techniques such as meditation, conscious breathing, muscular relaxation, quiet time, aroma therapy, massage therapy, yoga, centering, guided imagery and visualization are all useful in the reduction of stress.

Don Jones, Director of the State Bar Texas Lawyers' Assistance Program, recommends the following short, relaxing exercise to be tried for at least 10 minutes every day for two weeks. Jones suggests that this exercise can become an almost automatic response to stressful situations.

Create as quiet and comfortable an environment as you can - put your phone on hold, tell your secretary you're out, whatever you can do to reduce or eliminate interruptions for at least 10 minutes. Sit upright in your chair with both feet flat on the floor. Begin by feeling your feet on the floor and your body in your chair. Close your eyes and try to notice any areas of tension in your muscles and, to the extent you can, consciously relax those areas. Take a deep, slow breath to the count of four. Repeat this "four count" breath two more times. Then, as you breathe normally, bring your attention to your breath and simply notice it. See if you can feel it as it passes through your nose or at the back of your throat. Feel your lungs fill and your abdomen rise and fall. Wherever you can notice it the best, concentrate on that location and spend about seven minutes or so simply concentrating on your breath. If your mind wanders, don't worry about it. Just catch it and bring your concentration back to your breath. After about seven minutes, take three deep, "four count" breaths (as you did at the beginning), open your eyes and you're back at it hopefully a little more relaxed.

### ◆ **Manage your time and tasks**

Look for ways to stress-proof your time and tasks. Use and make time to update your personal planner. Find a resource for getting organized. Study it and put into practice the suggested principles for getting organized. Create and prioritize "to do" lists. Solicit the help of your secretary in managing your time and tasks. Organize your work. Use and update new task reminder software

## Dealing With Stress and The Law Practice

and electronic organizers.

Take care not to create stressful situations for yourself. When presented with a request of your time or talent, realistically evaluate whether you have the time and if you do not have the time, say “no.” If your tendency is to feel guilty or stressed when you say “no,” consider a counter offer to do the parts of the requests that will fit your schedule, being careful to communicate clearly what you can and cannot do. Only make promises you can keep and then keep them.

Buy birthday cards in advance, address them and keep them in a tickler file. Keep blank note cards and cards for special occasions available for quick address and mailing. Schedule and balance time for home, work and leisure activities, including exercise, rest, sleep, relax and play. Schedule appointments realistically to allow for travel time and traffic. Give yourself a sense of “restart” by periodically, spend a couple of hours lovingly and leisurely attacking the mounds of paper in your “in” box and on your desk.

### ◆ **Build and use a strong support system**

Just being able to talk to a trusted friend or relative can be an effective stress reducer. Your support system should be people with whom you are comfortable and people you trust to share your failures and your victories. Avoid isolation and being alone with your thoughts unless this alone time is used for replenishing your emotional reserves with such techniques as meditation or relaxation. Be mindful that feelings and thoughts held inward can be a source of physical stress.

### ◆ **Strive for balance in your life**

Work at maintaining balance in your life. Balance creates the greatest sense of well being. Take care that every aspect of your life--home, family, spiritual, professional, emotional, physical,

## Dealing With Stress and The Law Practice

etc--has its proper place in your life. Be open and communicative with family, friends and co-workers about how balance must happen in your life. You are not likely to take a three-day vacation in the middle of a two-week trial no matter how much you might want to for your family. Being focused on the big land deal can be acceptable to family members if they understand and can facilitate your balance.

### ◆ **Be a committed encourager**

Do something for somebody “just because.” Send “thinking of you” notes not because you have to but because you know it will make someone feel good to be thought of. Take on pro-bono cases but not such that they stress you. Be a Big Brother or a Big Sister. Tell somebody they “can do,” simply because you know they can and because you know it will be helpful to them to hear it from you. Do some unselfish act for someone at least once every week. “Be there” for a fellow lawyer or for someone else who needs you--up or down, right or wrong. Care about and take care of yourself and others. Don’t forget to be your own committed encourager! Your self-affirmations should include positive, encouraging and rewarding statements.

### ◆ **Seek creativity and play time**

Identify those things you enjoy, simply for the sake of the activity, such as music, games, movies, dancing or other activities you consider to be recreational and fun. Indulge a hobby which fosters your creative side, such as painting, pottery, writing, sculpting or macramé.

Work at and maintain your sense of humor. Collect and share cartoons, joke books and comic strips. Watch sitcoms or programs that interest you because you enjoy learning or laughing. Laughter really is the best medicine for stress. Don’t take yourself so seriously. Give yourself

## Dealing With Stress and The Law Practice

permission to laugh out loud every chance you get.

Take your vacation. Be careful not to let twelve months go by without some break time from your stressors, including work-related or family-related stressors. Break time can be as simple as a fifteen minute mental escape or an afternoon at the movies, to a full, two-week excursion in Hawaii.

### ◆ **Be Spiritual**

While being spiritual can mean being religious, its meaning is much broader. Being spiritual means that you recognize and adhere to a higher power, a deeper resource or an energy that seems to form the basis for everything in life. Spirituality is your source of inspiration and insight, whether coming from within or from outside yourself. Spirituality is what helps give meaning and perspective to life. The important thing is to pay attention to and make frequent use of that which provides you direction, support, answers, courage, comfort, energy, inspiration, self-worth, peace, hope, optimism, and vision.

### ◆ **Whatever works for you!**

Pay attention to what works uniquely for you and use it. One lawyer says that at the top of the ski slope, surrounded by the true wonders of nature's winter and snow-capped mountains, he enjoys peace and serenity. Now, whenever he needs or wants to ameliorate the stressors of his day, he takes a few deep breaths, closes his eyes, and he's back in the peace of his mountain. For some, a Jacuzzi works wonders and for others, refusing to bring work home. Some engage in star gazing, going to a movie, music and dancing, playing hearts on the computer, a picnic, a walk in the park, a bike ride, playing with a pet, watching a sunset, having a pillow fight, or sipping tea by a fire. Whatever works for you!

## Dealing With Stress and The Law Practice

### **ENDING NOTE**

In addition to being exhilarating and exciting, a law practice can be a tough and stressful experience. You chose this profession and your law practice for reasons that did NOT begin with “In 20 years I want to be worn out, weakened by chronic disease, embittered over unreachd goals and physically drained.” In 20 years you want to be self-fulfilled, at peace, energized and vitalized, having capitalized on every negative or positive life event you have experienced. Your 20-year picture will depend on the choices you make today about life events and how you will handle them. Your fitness to carry out your responsibilities as lawyer depend, in part, on your choice and your commitment to manage and cope with your stressors.

You are responsible for what becomes of you. Responsibility for you does not belong to your husband, wife, mother, son, co-worker, neighbor, pastor, trainer, psychologist, or doctor. Only you can take action and make choices on your behalf. After all, managing and coping with stress, in and of itself, should not be a stressful life event.