

# Lawyers: Are We A Profession In Distress?

by Rick B. Allen

*"If you keep on doing what you are doing  
You will keep getting what you are getting.  
If you don't like what you are getting  
Change what you are doing."  
-Anonymous*

## Introduction

Few of us who have been practicing law for any length of time would not argue that we are members of an extremely stressful profession. Unfortunately acknowledging this basic truth does not mean that as individuals we recognize the effect of this stress in our lives and the necessity and responsibility of each of us to learn and incorporate stress management skills in our own lives.

The following bleak statistics are most revealing.

1 While it is generally accepted that 10 percent of the adults in the United States chronically abuse alcohol, this percentage does not seem to apply to lawyers. In fact, the percentage is much higher for attorneys. A Washington study found that "18 percent of lawyers who practiced two to 20 years had developed problem drinking, [and the number increases to] 25 percent [among] lawyers who practice 20 years or more."<sup>1</sup>

2 In 1991, Johns Hopkins University in Baltimore interviewed 12,000 workers about depression. Lawyers ranked No. 1 on the list of occupations that were most depressed. While three percent

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to nine percent of the population at any given time may experience depression, a quality-of-life survey conducted by the North Carolina Bar Association in 1991 reported that almost 26 percent of the bar's members exhibited symptoms of clinical depression. Almost 12 percent of them said they contemplated suicide at least once each month.<sup>2</sup>

3 Reports from Lawyers' Assistance Programs across the country indicate that suicide among lawyers is all too common. Male lawyers in the United States are two times more likely to commit suicide.<sup>3</sup>

4 Career dissatisfaction is at an all-time high. A record number of attorneys are seeking alternative careers. In recent surveys only half of those responding would choose to be attorneys if they had to do it over again—and would not advise their children to enter the profession.<sup>4</sup>

## Why is the Practice of Law So Stressful?

*"Don't be afraid to ask dumb questions  
They are more easily handled  
Than dumb mistakes."  
-Anonymous*

Some of the stressors in the practice of law are generic and apply to a number of occupations besides law, while others are indigenous to law. There are also personality traits and demographic characteristics that make some lawyers more susceptible to stress. However, there are many common complaints contributing to the distress of lawyers.<sup>5</sup>

Lawyers complain that time pressures, work overload, and inadequate time for themselves and their families often contribute to their stress. As numbers of lawyers grow, pressure from competition increases. Greater competition is brought about by slower economic growth in the general economy, corporate downsizing, and tort reform. Political intrigue and backbiting, disrespect and incivility from superiors and adversaries, poor clerical and paralegal assistance, and unfair promotion procedures are also cited as

attributing to lawyer stress. Concern is expressed by lawyers that they experience conflict and ambiguity about their roles in society. They sometimes feel conflicted between their roles as officers of the court and as advocates for their clients. The weight that comes with being responsible for solving other people's problems within a context where mistakes are very costly can often be a heavy burden.<sup>6</sup>

Individual traits that must be considered in addition to the external stressors must be considered as well. Perfectionism is a common personality trait among lawyers. Perfectionism leads to a way of life that demands control. This is precipitated by a philosophy of life that "I must do the job perfectly or I will fail. Details are most important." Since it is humanly impossible to have everything come off as planned 100% of the time, perfectionists are regularly disappointed. Lawyers are analytical "thinkers." As a result many lawyers do not fully appreciate the positive role that emotions can play in the thought process. "Thus, they lack the ability to deal with their own emotions in the healthiest of ways, and tend to be insensitive to the feelings of others." The adversarial legal system arouses feelings of hostility, cynicism, aggression, fear and low self-esteem. If a lawyer cannot handle these emotions effectively, then he/she is more likely to feel distressed. Emphasis on materialistic values is partly to blame for the additional stress being experienced by lawyers. A number of legal scholars feel that there was much less stress in the law practice when it was viewed more as a profession and less of a business. It is their view that when lawyers were not so focused on economic self-interest, and devoted to the rule of law and to such principles as integrity, commitment, and good will, they felt more in control of their lives, and had a greater sense of contributing to society. As a result they were more highly respected by others.<sup>7</sup>

## **Live in the Problem and Die (Or Live in the Solution and Become Happy, Joyous and Free!)**

*"Things do not change, we do."*  
-Henry David Thoreau

Stress is inevitable in the practice of law and in life. We must acknowledge that some

stress is positive and motivates us to face the day and find solutions to the issues that confront each of us daily. However, the stress that leads to distress in our lives is a negative force that results from our reaction mentally, emotionally and physically to the stressors with which we are confronted.

Threats to animals and humans have historically been resolved by one of three options, (1) surrender, (2) flight or (3) fight. If surrender merely means acceptance of your present situation and it is something that you cannot do anything about, then it is positive and appropriate. However, if surrender is acceptance of a situation in a passive-depressive manner and we can take some action to relieve the stressor then it is negative and inappropriate. Flight is nothing more than removing ourselves from the stress-producing source. Flight may be positive and appropriate. Reducing the hours we work, quitting a job, taking a vacation or time for ourselves, and changing the emphasis of a practice are ways of removing ourselves from the stressful activities externally. Such actions may rejuvenate and renew us in a way that will allow us to confront stress in the future. Flight that is merely running away without plans or thoughts as to the consequences is certainly not in our best interests and merely compounds the stress. The third choice to reduce stress [fight] is to confront the source and attempt to alter it. One can do this externally by improving our work environment. Or, we may choose to do this internally by taking actions that change our body or mind in some way. "Nutrition and exercise are physical ways to reduce your stress internally. Controlling your thoughts and emotions is the psychological way to reduce your stress internally". Most of us seem naturally to take the second option [flight]. The easier-softer way is to avoid the problem real or imagined than to confront it. While this may appear to be the most appropriate remedy in the near term it is not necessarily the best solution in the long run. "Although confronting problems head on is the most difficult option, it does lead to more permanent solutions".<sup>8</sup>

## **How to Manage (Stress That Is!)**

*"The essence of all growth is a willingness to change for the better and then an unremitting willingness to shoulder*

*whatever responsibility this entails."*  
-Bill Wilson

"Numerous books and articles have been written on how to manage stress. A summary of 10 of the most common ways to reduce stress and supply balance to life are listed below. Don't try all 10 at the same time. Pick one and practice it until it becomes a habit. It takes a real commitment and continual practice so that a new learned adaptation becomes part of a behavioral pattern. After one item has been thoroughly incorporated into your life, pick another one and work on it until it also becomes a part of your life".<sup>9</sup>

**1** *Watch your diet.* We all know the importance of diet and maintaining appropriate weight.

**2** *Exercise.* Increased stress levels due to the "fight or flight syndrome" are best dissipated through physical activity. A recent survey of more than 1,000 CEO's showed that approximately 90 percent were careful about their diet, and 64 percent exercised regularly. The CEOs' highest degree of satisfaction was obtained not from their salary or work but from family, spouse and children.

**3** *Learn time management.* A recent study done on 50 Boise lawyers selected at random showed that almost half believed that the greatest source of stress was time pressures and their need to learn time management. Procrastination is a problem that seems to affect many attorneys. It appears to be built into the legal system. We have motions for continuances, and delay may be a part of any attorney's strategy. Cases can drag on for years. Overcoming procrastination involves prioritizing and learning to manage one's time.

**4** *Learn relaxation and breathing skills.* Learning how to breathe deeply can be a simple exercise bringing immediate results. Relaxation techniques, such as yoga, transcendental meditation, the Benson relaxation response (constant repetition of a word, such as one, relax, etc.) and other forms of relaxation have been proven to be highly beneficial. A recent study involved individuals with 90 percent blockage in their heart vessels. After several months of using only relaxation tech-

niques, the heart blockage was reduced by 50 percent. The relaxation response is the direct opposite of the stress response. Not only does it reduce stress and improve health, but it increases clarity of thought and raises energy levels.

**5** *Learn to play and have fun.* We have heard the old adage of all work and no play makes Jack or Jill dull. If we spend many hours a day in work, there should be some time set aside for playing and having fun. Personally, I have always found it difficult to set aside play and fun time. The last couple of years I have enrolled in an art/pottery or some other class at a community college. This requires me to be there at a certain time, and my fun time becomes part of my schedule.

**6** *Use positive thinking and self-talk.* Your attitude toward stressful situations is critical. If you focus on the positive and good, positive things seem to happen. It is very important to talk to yourself using positive affirmations in order to change behavior and reduce stress. Repeating statements such as, "I am not a procrastinator," etc. will produce the intended result. When you start changing how you think, you can ultimately change how you behave. It is the classic statement. "As a man thinketh, so he is."

**7** *Develop a detached attitude.* Many of us get caught up in the wins and the losses. When the other side prevails in a lawsuit, many times a lawyer will say, "What did I do wrong?" and will become emotionally involved in the outcome. It is important to develop a "let go" attitude. The important thing is to do the best job you can and then let go of the results.

**8** *Use prayer.* This technique brings about the same kind of stress reduction that relaxation techniques do. An excellent book on the subject is entitled, "Beyond the Relaxation Response: the Faith Factor" by Herbert Benson. This technique may not apply to everyone. I am not saying that people need to have any certain form of religious affiliation or belief. For some people a spiritual dimension is an integral part of their lives. Relying on that spiritual source can be of great value in dealing with stress and reducing the threat of burnout. Once again, this is

an individual choice but a proven, effective stress reduction technique.

**9** *Develop a sense of humor.* Humor and laughter are wonderful stress reducers. When you laugh, endorphins and neurotransmitters in the pleasure center of the brain are released, creating the relaxation response. The overall relaxation effect can last for up to 45 minutes after laughing. Many times we are able to look back at difficult and sometimes almost tragic events and see the humor in them. The basic message is lighten up, don't take things so seriously and laugh a lot.

**10** *Talk to someone about your stress.* In all the literature relating to stress reduction, this is the number one way to reduce stress. Having someone to talk to, whether a spouse, friend or mentor, is very important. Many times we try to cope with a situation by handling it ourselves, or we don't want to burden somebody with our problems. There is something magical about taking stress that has been internalized and verbally expressing it outwardly. There is wisdom in the statement, "Get it off your chest." By verbalizing your stress to another, you release it. Try it and you will be amazed at the results.<sup>10</sup>

If you need assistance or desire more information about an appropriate stress management program, please call the NEBRASKA LAWYERS ASSISTANCE PROGRAM-Confidential Toll-Free Hotline 24hrs., 7 days a week, at 475-6527 (NLAP) or 1-888-584-6527 (NLAP)

## Endnotes

<sup>1</sup> G. Andrew H. Benjamin, Elaine J. Darling & Bruce D. Sales, *The Prevalence of Depression, Alcohol, Abuse, and Cocaine Abuse Among United States*, 13 INT'L J.L. & PSHCHIATRY 23, 241 (1990). See also Rick B. Allan, *Alcoholism, Drug Abuse and Lawyers: Are we Ready to Address the Denial*, 31 CREIGHTON LAW REVIEW 265-266 (1997).

<sup>2</sup> Michael J. Sweeney, *The Devastation of Depression: Lawyers are at Greater Risk—It's an Impairment to Take Seriously*, BAR LEADER 11 (March-April 1998).

<sup>3</sup> Don P. Jones & Michael J. Crowley, "I Wish I Would Have Called You Before...." *Depression and Suicide: Make Sure You Don't Utter Those Words*, BAR LEADER 16 (March-April 1998).

<sup>4</sup> Dennis M. Warren, *Justice Frankfurter and the Laws of Stress and Performance*, 8 SOLO AND SMALL FIRM PRACTITIONER 19 (Spring 1997).

<sup>5</sup> Amiram Elwork, Ph.D., *STRESS MANAGEMENT FOR LAWYERS* 18-19 (2nd ed. 1997).

<sup>6</sup> *Id.* at 19-20.

<sup>7</sup> *Id.* at 21-22.

<sup>8</sup> *Id.* at 38-40.

<sup>9</sup> Michael Sweeney, *How to Manage Your Stress*, Oregon State Bar Bulletin 11 (February-March 1993).

<sup>10</sup> *Id.* at 11-13. I wish to acknowledge my debt of gratitude to Michael Sweeney who so graciously granted permission to reprint his introduction to and summary of the 10 most common ways to reduce stress.