Stress Management for Lawyers

Mark R. Siwik, JD
Vorkell Group, Inc.
Cleveland, Ohio
Risk International
Richfield, Ohio
THE INTERRELATIONSHIP BETWEEN LAWYERS—DISTRESS, LEGAL ETHICS, AND PROFESSIONALISM

A. Legal ethics throughout the United States prohibit a lawyer from representing a client if the lawyer’s mental or physical state is materially impaired. Legal ethics have also long required lawyers to possess the mental and emotional stability necessary to withstand the stresses of their crucial roles in our society and to advance the highest possible standards of competence and care.

B. The majority of substantive, administrative, and client relations errors that represent most malpractice claims and ethical complaints, as well as various other types of unprofessional conduct by lawyers, are a function of mental health or substance abuse problems, which, in turn, are caused by mismanaged stress levels. Put simply, material impairment is either the root cause or a related cause to many instances of ethical lapses, malpractice claims, or incivility.

C. So, why should we be concerned about stress and award CLE ethics credits for a stress management seminar? Because stress often causes job dissatisfaction, burnout, depression, and substance abuse, which, in turn, causes ethical violations, malpractice, and various types of unprofessional behaviors. It hurts lawyers and their families, diminishes their ability to serve clients, and reduces the respect that people have for our entire system of justice.

D. ABA Formal Opinion 03-429 (June 11, 2003) imposes an ethical obligation on law firms to assist lawyers who are mentally impaired. Impaired lawyers are often incapable of seeing the risk they present to their clients or the firm.

E. Statistics—the vast majority of lawyers in all settings report that pressure and tension on the job is considerable. Lawyers report very high rates of depression and substance abuse.
HOW DOES STRESS CAUSE DEPRESSION, ANXIETY, AND SUBSTANCE ABUSE?

A. Some stress is adaptive. Too much stress causes distress, and it is dysfunctional.

B. Depression and anxiety. By definition, a depressed person experiences recurring negative thoughts that trigger negative emotions like sadness and guilt. An anxious person experiences chronic negative thoughts that cause negative emotions, such as fear. Depression and anxiety are often at least partly caused by an inability to manage stress effectively. Thus, effective stress management helps prevent these mental health ailments.

C. Alcohol and substance abuse. Many people abuse alcohol or other substances, such as cocaine, as a way to manage their moods and dull their negative emotions. It is one way to manage stress, but it is obviously a dysfunctional way to do it. Thus, effective stress management techniques are also a way to prevent alcohol and substance abuse.

WHY IS LAW SO STRESSFUL?

A. Environmental pressures—these include:
   1. Time pressures and work overload;
   2. Competition and financial pressures;
   3. Difficult people;
   4. Adversary system;
   5. Legal role conflicts;
6. Areas of practice; and
7. Isolation.

B. Individual characteristics—these include:

1. Personal traits, such as perfectionism and lack of emotional awareness;
2. Workaholic values; and
3. Demographic characteristics, such as age, gender, and race.
LAWYER STRESS QUESTIONNAIRE
SELF-TEST CHECK LIST

DIRECTIONS: This questionnaire will help give you a rough measure of the level of your occupational stress and the causes of that stress. Using a 7-point scale, record the extent to which you agree with the following statements, in the spaces provided on the left:

1------------------2------------------3------------------4------------------5------------------6------------------7

Strongly Disagree Disagree Somewhat Mixed Somewhat Agree Strongly Agree

_____ 1. My job requires me to do too many things in too little time.
_____ 2. I do not have enough time to spend with my family.
_____ 3. I do not have enough time to spend with friends or to pursue recreational/social activities.
_____ 4. I tend to be perfectionistic, critical, and demanding.
_____ 5. My work bores me.
_____ 6. I do not feel proud of my work.
_____ 7. I often do not feel competent to do my work.
_____ 8. I do not get enough support from my colleagues at work.
_____ 9. My job places too many conflicting role demands and expectations on me.
_____ 10. I feel overly responsible for the welfare of others in my work.
_____ 11. Too often, my job requires me to deal with difficult clients.
_____ 12. I often have to deal with rude and uncooperative lawyers on the other side.
_____ 13. I am often under financial pressures at work.
_____ 14. I often worry about where the next client is going to come from.
_____ 15. I often worry about losing my job, clients, or practice.
_____ 16. My gender/age/race is a source of stress right now.
_____ 17. I find that I often feel angry and argumentative.
_____ 18. I find that I often feel guilty about something that I have done or should have done.
_____ 19. I find that I am often fearful about something.
_____ 20. I would say that I often feel depressed and demoralized.
_____ 21. I would say that I am often filled with anxiety.
_____ 22. The thought of quitting law crosses my mind at least once a month.
_____ 23. The thought of committing suicide crosses my mind at least once a month.
_____ 24. I often rely on alcohol or a drug to help me manage my mood.
_____ 25. The physical environment in which I work is not pleasant.

1 Copyright © 2011 Vorkell Group, Inc. All rights reserved.
SOLUTIONS: AN OVERVIEW OF STRESS MANAGEMENT TECHNIQUES

A. When facing stress, you have three options:
   1. Surrender;
   2. Flee; or
   3. Fight.

B. Although confronting (fight option) problems head on is the most difficult option, it does lead to more permanent solutions. You can do this externally and internally, physically and mentally, by:
   1. Improving your work environment (workload, camaraderie, and civility);
   2. Getting better nutrition and more exercise, relaxation, and sleep;
   3. Getting better control of your own thoughts and emotions; and
   4. Being true to your own values and the values of your profession.

CONTROL YOUR THOUGHTS AND EMOTIONS: THE RATIONAL-EMOTIVE TECHNIQUE

Improving the way you think and feel is a stress management technique that is particularly appropriate for lawyers.

A. The human experience we call stress can be viewed as being composed of the following elements:

   Stimulus → Thought → Emotion → Behavior

B. Simple example:
   1. Stimulus—car is coming toward you.
   2. Thought—“If I do not get out of the way, I am going to get hit!”
   3. Emotion—fear accompanied by faster breathing, perspiration, etc.
C. Think of some typical scenarios in your work and chart them along these four dimensions (to be discussed at seminar).

D. Improve your thinking—through a technique in which you regularly take time to:

1. *Understand* your stress reactions;
2. *Evaluate* the validity of your thoughts and emotions; and
3. *Improve*—revise dysfunctional thoughts/emotions and devise solutions to problems.

E. Become emotionally intelligent.

1. Start by recognizing the three most common harmful emotional clusters:
   a. Guilt—negative appraisal of self in the past;
   b. Anger—negative appraisal of others in the past; and
   c. Fear—negative anticipations of the future.
2. Identify the causes and consequences of emotions.
3. Respond to your own and others’ emotions effectively.
### TABLE OF HUMAN EMOTIONS

#### Primary Emotions

<table>
<thead>
<tr>
<th>Appraisals of:</th>
<th>Negative</th>
<th>Positive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Self in the Past (Self-Evaluative Emotions)</td>
<td>Guilt Cluster</td>
<td>Pride Cluster</td>
</tr>
<tr>
<td>(Guilt, Embarrassment, Low Self-Esteem, Regret, Remorse, Shame, etc.)</td>
<td>(Self-Acceptance, Self-Esteem, Pride, Self-Regard, Self-Respect, etc.)</td>
<td></td>
</tr>
<tr>
<td>Other Living Beings, Things or Events in the Past (Relational Emotions)</td>
<td>Anger Cluster</td>
<td>Affection Cluster</td>
</tr>
<tr>
<td>(Anger, Annoyance, Contempt, Dislike, Disgust, Hate, Irritation, Rage, etc.)</td>
<td>(Affection, Approval, Attraction, Fondness, Friendliness, Lust, Love, etc.)</td>
<td></td>
</tr>
<tr>
<td>The Effects of Future Events on Self or Others (Anticipatory Emotions)</td>
<td>Fear Cluster</td>
<td>Hope Cluster</td>
</tr>
<tr>
<td>(Anxiety, Apprehension, Despair Fear, Hopelessness, Panic, Pessimism, Worry, Terror, etc.)</td>
<td>(Assuredness, Courage, Confidence, Hope, Optimism, Trust, etc.)</td>
<td></td>
</tr>
</tbody>
</table>

#### Compound Emotions

<table>
<thead>
<tr>
<th>Unhappy Cluster</th>
<th>Happy Cluster</th>
</tr>
</thead>
<tbody>
<tr>
<td>Combination of Two or More Primary Emotions</td>
<td>(Depression, Despair, Envy, Gloom, Grief, Jealousy, Sadness Unhappiness, etc.)</td>
</tr>
<tr>
<td>1st Understand</td>
<td>WHAT HAPPENED? IDENTIFY EVENTS, SITUATIONS, OR THOUGHTS THAT STIMULATED STRESS.</td>
</tr>
<tr>
<td>----------------</td>
<td>---------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>2nd Evaluate</td>
<td>ARE YOUR THOUGHTS AND EMOTIONS JUSTIFIED? IF NO, IDENTIFY DISTORTED PERCEPTIONS AND DYSFUNCTIONAL RULES AND CONSIDER ALTERNATIVES. IF YES, ASK SOLUTION/FUTURE ORIENTED QUESTIONS (e.g., “What can I do about this?”).</td>
</tr>
<tr>
<td>3rd Improve</td>
<td></td>
</tr>
</tbody>
</table>
BE TRUE TO YOUR OWN VALUES

A. What are values and what do they have to do with stress? They are beliefs about what is important in life. We feel good when we conform to our values and feel bad (get stressed) when we do not.

B. What are your values and to what extent are you meeting your own expectations?

VALUES QUESTIONNAIRE

WHAT DO YOU VALUE?
WHICH VALUES HAVE YOU LIVED UP TO?

Each category of values below contains descriptors that try to capture its essence. Feel free to change some of the descriptors so that they represent you more accurately or insert additional values. Complete column one first and then column two.

| Finance—e.g., monetary achievement, material security, economic status, wealth, etc. |
| Work—e.g., productivity, competence, strong effort, professional goals, ambition, advancement, etc. |
| Character—e.g., trustworthiness, integrity, honesty, loyalty, responsibility, discipline, courage, etc. |
| Personal Growth—e.g., intellectual and emotional fulfillment, learning, using full abilities, creative freedom, adventure, etc. |
| Relationships—e.g., social interactions, human bonding, group affiliation, friendship, family, love, etc. |
| Society—e.g., social causes, human rights, welfare of others, altruism, justice, fairness, standing up for what is right, etc. |
| Religious Faith—e.g., worshipping God, faithfulness to religious study, prayer, traditions and principles, spirituality, etc. |

| (1) Rate the Importance of Each Value to You on a 10-Point Scale |
| 1 = Not Important |
| 10 = Highly Important |
| (2) Rate the Degree to Which You Are Living Up to Each Value, on a 10-Point Scale |
| 1 = Failing Expectations |
| 10 = Meeting Expectations |

---

3 Copyright © 2011 by Amiram Elwork, PhD. All rights reserved.
C. Stress-producing value choices:

1. Important values unfulfilled;
2. Too many values equally important; and
3. Too much importance attributed to one or two values.

D. Learn, grow, and improve—do not strive to perfect.

Define “true” success for yourself—write a personal mission statement.

GETTING BACK TO ETHICS AND PROFESSIONALISM: PUTTING IT ALL TOGETHER

A. Stress-resistant lawyers are characterized by commitment, responsibility, and goodwill. These same qualities are emphasized in the professionalism guidelines promulgated by the ABA and most jurisdictions. The core values contained in the professionalism guidelines, such as integrity and civility, require lawyers to manage their stress levels by reducing their dysfunctional negative thoughts and emotions (e.g., anger).

B. Time management—changing your thought patterns and heeding your emotions will affect every area of your professional and personal life. Take, for example, time management issues and how they relate to your professionalism.

1. Interruptions, procrastination, and ineffective delegations—consider the thoughts and emotions that cause you to become an ineffective time manager. (To be discussed.)

2. This may sound obvious, but most of us need to be reminded: The cure for too much work is __________________——not time management techniques.

3. Techniques do not make your choices easy. Your choices become easier to make when you have a clear set of _______________ and _______________.

C. Law practice management—most mission statements express the desire to achieve excellence across the following three dimensions: client service, work environment, and financial security. Consider the thoughts and emotions required to produce some of the behaviors that lead to professionalism and success in these areas:

1. Recruitment and retention of good people (to be discussed);
2. Effective supervision and mentoring (to be discussed);
3. Compensation-reward-motivational system (to be discussed);
4. Client satisfaction and marketing (to be discussed);
5. Monitoring profitability (to be discussed); and
6. Adapting to change (to be discussed).
RECOMMENDED BOOKS

STRESS MANAGEMENT AND OTHER SELF-HELP BOOKS FOR LAWYERS


LAW FIRM MANAGEMENT

J. Collins and J. Porras, Built to Last—Successful Habits of Visionary Companies (1994).


PROFESSIONALISM IN THE LEGAL PROFESSION: CRITIQUES AND ETHICAL ISSUES


**CAREER COUNSELING FOR LAWYERS**


**TIME MANAGEMENT**


**GENERAL SELF-IMPROVEMENT**


