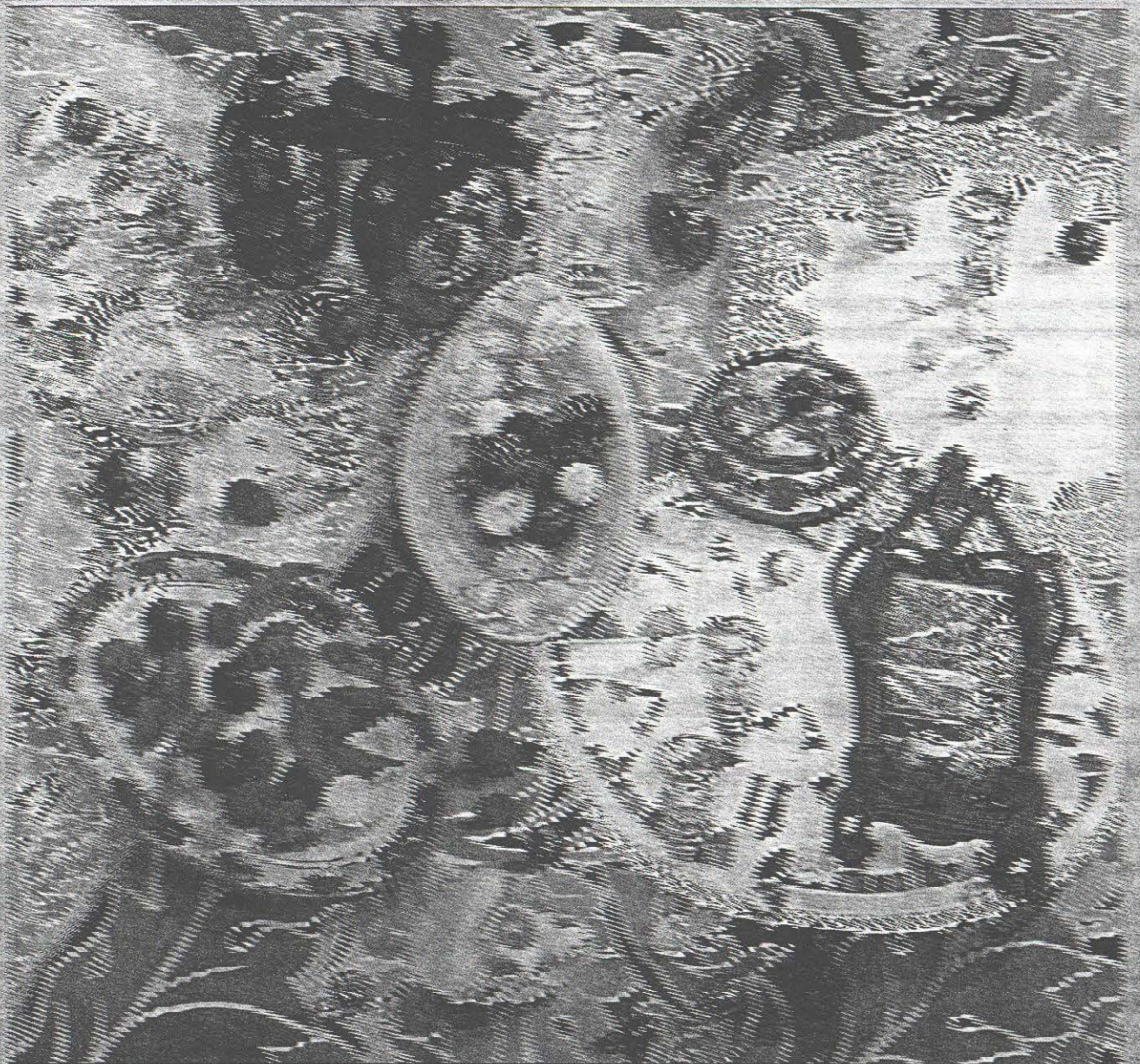


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Real Lawyers Don't Give In To Stress

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Health professionals and psychology-types warn us about stress. They say it causes us to get ulcers and heart attacks. They claim it contributes to our high rates of divorce and suicide. They say it leads us to drink too much. Their recommendation? Reduce our stress. But they don't understand—real lawyers don't reduce stress.

Real lawyers can't reduce stress

These alarmists say we suffer from work overload: too many cases at the same time without a sense of completion; and playing too many roles (some of which we do without training), such as businessperson, counselor, marketer, office and personnel manager. They say we should delegate more work, we should say "no" to more cases or refer them during busy times to a trusted colleague, we should space

our trials, take more time off, and hire business-marketing consultants. Cut back, they say.

But we know we can't. You don't delegate work when no one else can do it as well as you can—well not the important work, anyway. You don't say "no" to a case because it just might be the one that brings in a huge fee or opens the door to important referrals—accept them all. You don't refer out cases because you don't want to share the fee or risk losing clients' future business. You can't afford to waste time or money on business consultants, even those who claim they can save you both. And you certainly can't take more time off—you've commitments to honor and bills to pay. The workload can't be cut back.

Those health worries say we suffer from inordinate job pressure. They say that deadlines piled one on top of the other, with severe penalties for non-compliance, are very stressful. They say that intense performance pressure with so much riding on how we do (often on every little word and movement) is so demanding of our concentration, energy, and resourcefulness that it evokes a terrible toll (Marx). Again, they say to slow down and to take this on ourselves less frequently. They say we should relax a number of times each day and meditate on positive images and affirmations, such as, "I am a competent, confident, and successful attorney." They say we should not take the outcome of the case so seriously. Crucial to our health, they say.

But we know we can't. We can't slow down because the demands just keep coming, an unappeasable juggernaut. We don't have time to relax and don't believe it would repay us dividends of increased efficiency. And how can we not feel immense responsibility for the lives or financial well-being of our clients? No, we didn't get them into their situations, but now we are responsible—it is all on our shoulders and there is no one else who can help. The pressure cannot be decreased.

The mental health types say that frustration is a built-in stressor in the

job of a trial attorney. They say that postponements and delays when we are geared up for trial leave us with excess adrenaline. They say that not hearing judges' decisions for weeks after a trial and not getting clear feedback on why they were rendered cause frustration and anxiety and prevent us from learning clear lessons from the trials. They say this is all made worse by lack of control. How to help? They say to anticipate delays and to plan ahead of time how to handle them (the idea being that prediction is almost as reassuring as control, so the frustration is diminished). They say to exercise to work out the adrenaline. They say not to take the delays as having anything to do with us personally. They say that occasionally having a trusted colleague watch us at trial and give us feedback will help us learn and develop our skills. They say we should remind ourselves that our being an attorney and in this frustrating situation is a choice (so we are not helpless) and that there are good reasons we continue to make that choice and definite benefits we derive from it. Accept what we cannot change and change what we can, they say.

But we know we can't. Anticipating delays can only be done if it doesn't blunt our fighting edge—we dare not let any negative thinking enter in. We can't exercise because we don't have time or energy. We can't control how we think and whether or not we feel personally helpless about delays. Having colleagues watch us sounds expensive and threatening—unless it is the right person and we take turns. We may have made a career choice once upon a time, but now it seems to be a track and we the locomotive—no options. Frustration can't be lessened.

They who would help us with our stress tell us that our profession gives us a jaded view of life: that we see too much of the dark side of people, that we get lied to and cheated by the very people we try to help, that the adversarial nature of our work makes us constantly "against" someone, and that even judges can be contrary or arbitrary and our fellow attorneys unscrupulous or actually savage

(Reavley; Kanner). They say that the price we pay for this exposure is "battle fatigue" (Keen) and alienation. They say we should focus on something Will Rogers would have liked about the person we're dealing with. They suggest that we find constructive outlets for our aggressive energy so that it doesn't hurt those we love (including ourselves). They say that if we are at war, we should find allies—both in the profession and outside it. They advise us to be sure to counterbalance the negative with large doses of positives in our lives—love and fun and personal satisfaction—and with experiences of harmony and cooperation. Learn to see the world differently, they say.

But we know we can't. If we stop seeing battles, we may let down our guard and become inefficient at best and vulnerable at worst. The warrior is always armed and vigilant—and life remains negative.

Real lawyers don't want to decrease stress

Never say "can't" to a real trial attorney. Most of the impossibilities listed above could be done with some (a lot of) effort and sometimes some sacrifice. Perhaps the real issue is that often the stressors are challenges and we refuse to give in to them. Stress equals challenge and stress management equals admitting defeat. The real lawyer can handle anything and everything. To say we can't or just don't want to stay as stressed as we are is to show weakness and be less than a real lawyer.

Real lawyers really care and are dedicated to the profession and to the client. Sometimes they wake up in the middle of the night, frustrated even in their sleep that they can't do more for a particular client, that they can't make the system bring more justice. They may care so much that the rest of their life takes a backseat and the workaholic attorneys' families or personal lives atrophy and die. This is unfortunate, but a consequence of the choices we make. Different choices would require a different perspective in which the job were not the focus of our existence.

Real lawyers need to keep their jobs

as their first priorities because this intensity and effort are necessary to really succeed. Half-effort yields half-results. Many trial attorneys do not hit their full stride until their 50's, so they must always keep pushing towards that goal. Most trial attorneys feel that a lot of their success rides or falls on their last case, so they may never let down. In our society, success is crucial to the self-esteem of "real men." Without success, both professional and financial, American male attorneys feel worthless. Furthermore, with the pressure to be as good as or better than men, women attorneys' need to succeed is often even stronger. Says Keen, "The danger of economics is not that it turns women into men but that it destroys the fullness of both manhood and womanhood (p. 65)." But Keen does not appreciate that for us success is everything.

Not wanting to give in to a challenge and needing job success for our self-esteem are two crucial motives for maintaining current levels of job stress. A third is the need to remain current. A real lawyer is not only up on the recent laws and decisions, but also on the current technology. The good news is that we can keep abreast of a phenomenal amount of information, produce great quantities of it ourselves, transmit it around the world instantaneously, and never be out of reach of our office. The bad news is that the technology seems to demand more production and that with car phones and pagers there is no escape from what Gluckman calls the "constant office." More stress.

Occasionally a real lawyer won't care enough. He/she may have been pushed into practicing law when another profession would have suited better, or perhaps some legal specialty other than trial law should have been selected. This tragic situation results in what Keen calls "rustout", or simply going through the motions with a lack of passion (and of satisfaction). It is hard to differentiate the "rustout" attorney from the "burnout" who cared too much or did too much or was too disillusioned with the results. So what is the fine line between too much and

too little involvement, and how important should success be to our self-esteem? If we feel better about ourselves as family persons, as individuals, as supporters of important causes, will we still feel good about ourselves as attorneys? Will we still be real lawyers?

Real lawyers can control their own lives

- Job demands shouldn't be able to overload, pressure, or frustrate us, nor to taint our view of the world.
- Unwillingness to back down from a challenge shouldn't compel us to take on every stressor that comes our way.
- Success should not be so crucial to our self-esteem that we feel worthless and lost without steady fixes.
- The electronic wonders that serve us should not become our masters.

Real lawyers examine their professional lives and decide how to live them in a way that will work for them. Then they do it. □

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