Effective Stress Management Techniques for Lawyers

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Chapter 1: The state of the profession

IT IS difficult to ignore what now seems to be the regular stream of surveys, articles and reports which claim that lawyers are amongst the most stressed of occupations. The economic downturn has not helped matters, with either lawyers themselves facing redundancy or their partners or spouses losing their jobs leaving lawyers with the pressure of being a sole breadwinner. Neither has the ongoing debate in the UK about alternative business structures and the profession’s seemingly uncertain future helped the state of mind of many lawyers whose stress is exacerbated by fundamental questions about their long term business or career prospects.

In October last year the Law Society Gazette in the UK commented on a survey which found that lawyers are the “least happy professionals in the UK”.¹ The results of the survey found that only 52 per cent of lawyers said they were content. In the US numerous polls have been carried out which seem to indicate not only that lawyers are dissatisfied but that the level of discontent is rising.

Leaving the law

Many reports have focused on the rates at which lawyers are leaving the profession. In 2007 the Times reported that according to a survey carried out at that time “Almost a quarter of lawyers want to leave the profession because of stress and long hours”, assistant solicitors were even more unhappy in their jobs with over one third of assistants wanting to leave and 20 per cent of managing partners wished they were doing something else.² The financial rewards available to lawyers apparently do nothing to alleviate the discontentment. According to the article “there is widespread dissatisfaction with the work-life balance in law, despite record levels of pay.”³

The phenomenon of lawyer dissatisfaction was first discussed openly in the US by Deborah Aaron in her well known book Running from the Law⁴ and this was followed by further empirical research during the 1990s on lawyers suffering
the effects of stress. Aaron attributed migration from the legal profession partly to stress: “To career counsellors, the culprits are the stress and burnout that stem from the pressures of competition, unpleasant professional interactions, and the never-ending deadlines, rules and penalties that are so much a part of practising the law.” So it is not a new subject area and in the US at least, there has been discussion for some time about how many lawyers are intensely dissatisfied and highly stressed but find it difficult to make any significant changes.

Side effects
In cases where lawyers are choosing to remain in the profession, their stress is leading to unhealthy behaviours. Alcohol and drug abuse is still steadily increasing. In 2008 the Times reported that “A culture of long hours and stress are driving increasing numbers of lawyers to drink and drugs... alcohol abuse is ‘endemic’ and use of hard drugs such as cocaine is becoming more prevalent, particularly in big City law firms.” It reported a survey exposing evidence of ‘cocaine clubs’ in the basements of law firms and an increase in even trainees with alcohol problems.

In January 2010 it was reported that LawCare, the charitable organisation set up in the UK to deal with calls from distressed solicitors, saw a “surge” in calls from solicitors reporting mainly stress and its side effects. In 2009 the report said “of the 549 cases dealt with, 410 related to stress, 47 to clinical depression, 32 to alcoholism, three to illegal drugs and 57 to eating disorders, panic attacks, obsessive compulsive disorder and other issues. More than 2,500 additional telephone calls were made or taken in relation to these cases – a quarter more than the previous year.” According to one article in the US “Estimates of the frequency of substance abuse problems, including alcoholism, among lawyers range from three to thirty three times that of the general population.”

The ultimate cost
The importance of stress as an issue cannot be understated. It is a fact that in recent years we have seen numerous reports of lawyers reaching burnout and nervous exhaustion and even in extreme cases taking their own lives, all of this in circumstances pointing to stress; caused by or exacerbated by work. It is saddening to read with tragic regularity reports of lawyers whose health
suffers to the point of needing professional intervention or admission to rehab, or of stress ultimately leading to suicide. When stress is something which, with time and effort can be successfully addressed, this dreadful loss of talent is something the profession should take much more seriously.

In another article in the *Times* Edward Fennell commented against the backdrop of a reported suicide of a young lawyer from a City firm. He wrote: “In the autumn of last year I was contacted by the mother of an associate at one of the magic circle firms... The mother was desperately worried by the mental and physical state of her daughter, an Oxbridge graduate, who was working remorseless hours throughout the week and seemed never to have a proper weekend off. The impact was visible in the extra weight she had gained owing to her unhealthy lifestyle of easy-to-cook junk food and no exercise. Much more serious though, was the young lawyer’s stressed mental state. A nervous breakdown — or something worse — was beckoning.”

According to Fennell, this type of account is not unusual and what’s worse, it all appears to be self-fulfilling. Fennell argues that “as ‘insecure high-achievers’ [associates] inject their own enhanced anxiety levels about success into what is already a stressful situation.”

**Women lawyers**

It seems that female solicitors are one group especially affected. In 2009 the *Times* published an article by UK divorce lawyer Vanessa Lloyd Platt in which she wrote: “Having practised as a divorce lawyer for 30 years, I have seen many changes within the legal profession, with increasing pressure put on women and I have suffered from it at times throughout my career – much more than my friends in other professions.”

Lloyd-Platt attributes much of the stress female lawyers face to the difficulty of balancing work and family. She says: “It is little wonder to me that the levels of alcoholism and addiction among lawyers has climbed steadily over the past few years with help lines jammed with distressed lawyers, particularly women. While women in other professions may face similar difficulties, what is unique to the legal profession is the intense costs targets that involve long working hours and competitive strategies.”

Working mothers in the legal profession suffer high stress levels as they try to balance family and the extreme demands of their career. Broader issues
such as whether it is possible to return to work after having children, whether having children will be detrimental to their career; and even the timing of having a family occupy many female lawyers. In April 2010 the Gazette reported on a survey by the Association of Women Solicitors into the effects of part-time working on female solicitors’ careers: “For the vast majority of women lawyers in the City, the sad fact is that part-time work is not really an option – and that means work itself is no longer an option.” 16 Many struggle with the fact that professional advancement and recognition begin to kick in at around the same time as their biological clock meaning that there is often a stark choice to be made between career and children. In addition, the practicalities of working as a lawyer and organising the minutiae of childcare and family life can be a constant source of stress.

Young lawyers
Having beaten intense competition to join the profession, it seems that young lawyers are greeted with pressure and stress from the outset. Commentators on this issue focus in particular on the difference between expectations from candidates seeking to join the profession and what is in fact the reality:

“For so long that gap has been shrouded by fancy brochures and posters promising access to the profession for all, while the reality has been underpinned by risky personal loans, intolerable levels of stress and a punishing search for a potentially non-existent pot of gold at the end of the rainbow. Information on this reality is not reaching those who need it the most: the students considering a career as a solicitor.” 17

Senior lawyers
Stress is certainly not reserved to minority groups. Even male partners are suffering discontent despite the financial rewards at the top of the profession.

“Even partners are not immune...a former partner with the magic circle quit in his late forties, embittered by the way he felt that the past 20-odd years had been stolen by the firm. Sure, he had earned lots of money. But that could not buy back the lost time...” 18

Senior lawyers are finding themselves with the realisation that the career they have fought so hard to sustain is not satisfying their true values and financial benefits are not compensating for this.
“While those entering the profession may be prepared for this – an excessive workload is seen as a rite of passage – many don’t seem to realise that their reward for selling the best years of their lives is simply the privilege of being allowed to sell the rest of their lives in the capacity of partner, which of course negates the only advantage of being a lawyer: the cash. Leaving aside the question of whether money can make you happy, it is pretty obvious it won’t if you have no time to spend it.”

And it seems that senior male lawyers in particular are reporting secondary problems associated to stress such as alcoholism, occurring due to the failure to address stress directly earlier in their career. Anna Buttimore of LawCare told me: “We get a lot of calls from newly qualified women talking about stress. Men on the other hand seem to turn to drink and they end up calling years later to discuss an alcohol problem.”

**Tough expectations**

Even in the context of all of the above, mention stress to most lawyers and they will do one of two things: they will talk about how tough the legal profession is and say ‘if you can’t take the heat get out of the kitchen’ or they will admit that of course they are stressed but what of it?

When so much has been written generally about the concept of stress management, why is it that lawyers are seemingly slow to recognise stress and to deal with its consequences? Despite the overwhelming evidence of stress having infected the profession like a virus, stress still has attached to it a stigma which prevents lawyers recognising and dealing with its symptoms. Lawyers are expected to be robust, tough and emotionless. Admitting to stress simply does not go with the territory. Lawyers in particular find it exceptionally difficult to own up to suffering from stress or depression (surely stress is just part of the territory and you either shut up or ship out?). One city trained lawyer who left the profession to become an entrepreneur told me: “As a trainee in a magic circle firm, you’re paid a huge amount of money but they own you. I remember when my boss boasted that he had come back to work on the afternoon his son was born.”

As we will see in more detail later on, lawyers often have a ‘Type A’ personality which involves aggressiveness and competitiveness as well as being fervent perfectionists. There is also a presumption that working long hours
and being under pressure is synonymous with success as a lawyer. There is an expectation on lawyers to be mentally robust and to be able to deal with pressure. There is a culture of intolerance surrounding lawyers when it comes to any form of mental strain and there is a perceived link between admitting to stress and professional weakness.

The bottom line is that stress is best dealt with early on – the sooner you see the signs and address them the quicker you can revert to a balanced, happy and productive working life – but the trend is for lawyers to let stress fester until the effects are far more serious. Lawyers will end up working long hours and taking little time to look after their wellbeing in an effort to keep on top of things but this approach is making them more stressed and as a result less productive.

**Stress and performance**

The fact that the situation is not improving suggests that for lawyers we need a different approach. Citing the statistics for stress related illness and giving advice on lifestyle changes is not working. Lawyers are intelligent individuals. They know that a healthy diet and exercise, limiting caffeine and alcohol, working less and relaxing more will help with stress. So why is it not simply a case of putting all of that into practice? The answer must be that it is just not that straightforward.

Lawyers still seem to feel that stress is a battle scar to be proud of. It is important that we realise however that stress is impeding performance and intellectual creativity.

“When humans face stressful circumstances their automatic reaction is to become conservative and use solutions that worked in the past. This is one instinct that worked in prehistoric times when ‘do or die’ was a regular occurrence. There wasn’t time to be creative while fleeing a tiger or some such... Twenty-first century humans instinctively still tend to get conservative when afraid... We tend only to see the limited range of what we think worked in the past and lose our creativity. But it’s a new world now and we have much more time to be creative when we’re up against it.”

Interestingly this statement was in the context of advising lawyers on changing careers, but doesn’t it also apply to creative thinking generally? Speaking again of personal balance, Bibelhausen and Kuduk agree that “Unhealthy levels of stress render us less able to be creative in looking at
options.” Arguably, this inhibiting effect must also apply to the creativity lawyers need in their role as advisers and strategists. It is part of a lawyer’s toolbox to think creatively and it appears that stress has a disabling effect on this.

It was said at the outset of this report that its purpose is to challenge the idea that in order to succeed in law it is necessary to work long hours and to operate under stress. That is not to say that the opposite is necessarily true. Working short hours and not being motivated by some pressure will not lead to professional success. As we’ll see later on in this report it’s about finding a balance between these two extremes at which lawyers can work at their optimum efficiency. This will hopefully show lawyers that acknowledging stress is not ‘wimping out’. It is in fact a case of eradicating all the unhelpful factors – particularly stress and anxiety – which are unhealthy and which are ultimately limiting your potential.

The aim here is to show how individual lawyers can help themselves by addressing their own thoughts and behaviours to combat stress; and moreover to persuade lawyers that as well as their duty to the court, to their clients and to their employers, they first and foremost have a duty to themselves to ensure mental wellbeing. By establishing good mental health, this enables oneself to work more efficiently and to be more alert. The idea of self-management is reinforced by LawCare which has recently launched a ‘wellbeing portal’; a self-help area on the organisation’s website. Chief executive Hilary Tilby told me: “The concept behind its development was to assist in our work by empowering individuals to take control of their lives, by giving them the chance to think about and recognise the issues in their professional and personal lives; and then to develop plans of action for dealing with them.”

On top of this the aim is to prove to law firms and other employers of legal professionals that eradicating stress improves performance, productivity and ultimately profitability.

In summary, contrary to lawyers’ belief that stress and overwork make them more successful, in fact stress is making lawyers less effective. In extreme cases it is causing lawyers to leave the profession or at worst it is causing breakdown or even suicide. We need to replace the underlying belief that stress is inherent with the idea that it is possible to be unstressed and successful. Furthermore, in
order to succeed fully, eradicating stress is essential for individuals and for employers.

References
5. Aaron, ibid, p21.
9. Rayner, ibid.
12. Fennell, ibid.
13. Fennell, ibid.
15. Lloyd Platt, ibid.
18. Fennell, ibid.