



DELIVERING STRATEGIC SOLUTIONS ACCA'S 2000 ANNUAL MEETING

Pursuing Happiness In The Practice of Law

by
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Pursuing Happiness In The Practice Of Law

Too many lawyers are unhappy with their careers. In a national survey published in by the ABA Young Lawyers Section, more than 70% of attorneys reported that they had to endure intolerable daily pressures and tensions. A study in the state of Washington demonstrated that as many as one third of all lawyers suffer from symptoms of depression or substance abuse. Another study published by researchers at Johns Hopkins University demonstrated that compared to 28 other occupational groups, lawyers were the most likely to exhibit depression.

Some observers have argued that the serious personal difficulties many lawyers experience greatly contribute to much incompetent and unethical representation of clients. Indeed, preliminary data in several jurisdictions suggest that malpractice and ethical disciplinary actions against attorneys are highly correlated with emotional distress and substance abuse. Thus, the current state of unhappiness in the profession not only damages lawyers and their families, but the entire legal system.

What Is The Problem?

Most lawyers blame a number of general factors for interfering with their quality of life, including: work overload, time pressures, competition, poor relationships with colleagues, and inadequate support. In addition, an obvious factor that makes the practice of law stressful is the adversarial nature of our legal system. It encourages conflict, aggression, hostility, and suspiciousness. In turn, this raises performance anxiety, encourages workaholism, and damages relationships. Indeed, empirical findings confirm that lawyers tend to perceive the world in dog-eat-dog terms; given our legal system, this is not viewed by them as cynical, just realistic.

Another stressor that affects lawyers is the weight of taking on the problems of other people, within a context that requires very detail oriented rational analysis and where mistakes can be very costly. This becomes even more difficult when clients are unpleasant or unreasonable. Finally, many lawyers also are conflicted about their roles in society. Their duty to zealously

promote their clients' special interests not only creates much hostility towards them in the general public, but also reduces their own sense of self-esteem.

What To Do

There are only three things you can do in response to an unhappy life: surrender, flee or fight. By surrender, I mean that you always have the choice of passively enduring current circumstances and doing nothing about them. Some people even make a virtue of it by confusing endurance with courage. Maybe there is an element of courage involved in enduring an unhappy life, but the main emotion driving such behavior usually is fear, namely fear of failure and fear of rejection.

Unlike surrender, "flight" does create change. While there are many unhealthy versions of flight, such as when a lawyer becomes a substance abuser, other forms can be perfectly healthy. For example, working fewer hours, taking a sabbatical, and even getting another job are all healthy ways of removing ourselves from stressful activities to experience more "fun" in life. When it is your habitual strategy for solving problems, however, flight is inadequate. Its effects are only temporary, as in the case of a vacation, or very costly, as in the case of a career change.

The other option you have is to "fight." What I mean is that you can "confront" the negative aspects of life and correct them. Although this is the most difficult of options, it offers lasting solutions to your life's problems. For this reason, I will focus on it almost exclusively.

Improve Your Work Environment

One way to confront the unhappiness that the practice of law causes you is to improve your work environment. At first, lawyers often regard this suggestion as naive and idealistic. This is unfortunate because what is truly unrealistic is the expectation that all of the changes lawyers need to make are personal ones, and that they can significantly improve their quality of life without making any modifications in the system or at least in their immediate working environments. Nothing could be more naive than that!

The obvious place to start is one's own law firm or department. A number of formal recommendations on how employment policies could be improved have been issued and are available through a variety of bar organizations. Generally, such recommendations include alternative work schedules, lower billable hour requirements, improved communication with associates and clients, greater training opportunities, and more mentoring. If models are needed, there are an increasing number of success stories being published describing law firms that have implemented such recommendations. The smaller your law firm or organization is, the easier it should be for you and your associates to reach an understanding regarding these issues.

What do you do if your firm or department is not amenable to change? Leave! I know that this is easier said than done. However, I have counseled many lawyers who tried and tried to adapt themselves to dysfunctional cultures and invariably have failed. Once they found a more suitable environment, then they were much more able to work on the additional personal changes they had to make to achieve happiness.

Another strategy is for the legal community as a whole to work for systemic reforms that will improve the lives of lawyers without damaging the rights of litigants. We all know what they are. For example, streamlining such procedures as interrogatories, depositions, motions and pleadings need to be considered as a way to decrease the worst types of stress producing games that our current system encourages.

I urge you to try getting involved in reforming the system or at least your work setting. You may derive a great deal of satisfaction from the results you achieve and meet many like minded people along the way. In addition, it will help bolster the internal, personal changes you also will need to make.

Improve Your Psyche

Another way to improve your quality of life is to learn certain psychological skills that will enhance the way you interact with your work environment. This is so because human experiences are composed of the following four elements:

Stimulus -> Thought -> Emotion -> Behavior

Note that only one element of any experience, the external stimulus, occurs in the realm of objective reality. The rest of it occurs from within, where subjective interpretation exerts control. For this reason, a variety of internal reactions to the same external events are possible.

For example, let us say that a judge criticizes you in open court, in front of colleagues, clients and the jury. If you are a "problem-oriented thinker" your internal dialogue might be: "I look bad! I didn't prepare adequately! I'm going to lose! This judge is mistreating me!" As sure as night follows day, such thoughts trigger several negative emotions, including embarrassment, fear, guilt and anger. In turn, the emotions trigger the final bodily behaviors.

On the other hand, if you learn to become a "solution-oriented thinker", the same judge may cause you to quickly skip over your initial negative thoughts and initiate another type of internal dialogue: "What is it that the judge wants me to do and how can I do it?" As a result of focusing on solutions rather than problems, positive emotions such as hope are more likely to get triggered and, in turn, your ultimate behaviors will probably be more productive.

What causes some people to concentrate on problems and others on solutions is their personalities. The word "personality" is nothing more than a label for habitual ways of thinking, feeling and acting. Our ability to form habits is helpful in that they alleviate the need for every situation to be analyzed as a new experience. Unfortunately, some mental and emotional habits are maladaptive and make our lives worse rather than better.

Obviously, the thing to do is to unlearn such habits and replace them with more adaptive ones. To do this, first you have to understand your own negative reactions to the work environment. Then, learn to evaluate which of your habitual reactions are maladaptive. Finally, repeatedly replace your maladaptive reactions with beneficial ones until the latter become habitual.

Most of our negative reactions to things are so automatic that they escape full awareness. Improvement starts with slowing such reactions down and the best way to do that is to examine them in your mind. The important thing is to dissect each experience down to its four sets of elements: stimulus, thoughts, emotions, and behaviors.

For example, suppose a young associate upsets you by handing in a brief that does not meet your standards. To fully understand your unhappy reaction, think of the brief as the external stimulus. Then in your second mental column, dissect the thoughts you are having: "This is unacceptable. You are incompetent. To get things done well, I need to do them myself." In your third mental column, become fully aware of the emotions that your thoughts have triggered, such as anger and fear of failure. Finally, make a note of your intended behaviors. Are you planning to express your hostility and wind up rewriting the brief yourself?

Once you flesh out your stress-producing thoughts and emotions and bring them into full consciousness, you need to evaluate their validity and, when warranted, replace them with more adaptive ones. Since people differ drastically in how they perceive similar events, an effective way to evaluate your stress-producing thoughts and emotions is to ask how others might view a similar situation and compare such views against your own. Finally, it is important to shift the focus from problems to solutions by asking such questions as: "What can I do about

this?" Then, imagine the emotions and behaviors that a solution oriented line of reasoning will bring.

For example, consider the same scenario as before, involving a young associate who brings you a less than perfect brief. First evaluate the effectiveness of your usual internal dialogue. Ask yourself the following types of questions: "Is it accurate for me to label my young associate as incompetent?" "Could it be that he/she just needs more training and experience?" "Am I being overly perfectionistic?" "Is it effective for me to take over the work?" "Doesn't that just rob the associate of the opportunity to learn and me of an opportunity to leverage my expertise?"

Then, consider the effects of an alternative internal dialogue. Think of someone who is very good at supervising young associates and ask yourself how that person might react to a similar circumstance. If you really don't know, ask that person and or read an article on delegation techniques.

You will probably learn that good delegators live by the following rule: Anything that can be done by others should be done by others. Effective managers hire the right people but accept the fact that everyone is imperfect and capable of making mistakes. They create an atmosphere in which staff are expected to grow and learn from their mistakes. The effective manager provides moral support, coaches and teaches the staff, but does not do their work. People are entrusted to continuously learn and improve. When staff members realize achievements and advance their status, the effective manager does not feel jealous or fearful, but rejoices in how well it reflects on his or her department.

Having learned all of this, now you are ready to experiment with a different internal dialogue, one that would probably be characteristic of an effective manager. Then, ask yourself what emotions and behaviors are likely to follow such an internal dialogue. Usually, they are much more positive than before.

By practicing this technique often enough, old negative habits begin to dissipate and this new way of reacting to stress producing situations becomes a natural way of life. The technique just described is effective, but difficult to execute. Sometimes, it involves changing life long habits, and that is a laborious and time consuming undertaking. Still, the task is both doable and worthwhile.

Clarify Your Values

The psychological technique I have just outlined is an invaluable procedural tool for solving problems. It does help you uncover alternative substantive answers to your problems, but it does not make your choices necessarily easier. Your choices are easy to make only when your values are clear and consistent.

For example, one of the biggest complaints of most lawyers is that they are overworked and do not have enough time to spend with their families. After you thoroughly examine the problem, you will find as others have that the only real solution for too much work is less work. Usually, this requires some type of sacrifice, such as a reduction in income. To accept this solution, however, you may need to reexamine and restructure your own basic values and priorities.

In reexamining your values, you may want to consider the values of other lawyers who have achieved some measure of happiness. For example, researchers have found that lawyers who are characterized by lower levels of stress and anxiety than their peers tend to value the following: a balanced commitment to work and personal life, control of one's own destiny, flexibility and tolerance of change. It has also been found that lawyers who are characterized by lower levels of hostility, cynicism and aggression live longer and experience fewer physical ailments.

Another value that is likely to affect a lawyer's ability to enjoy law involves his or her own level of perfectionism. Since there is always room for improvement, lawyers with overly

perfectionistic tendencies are particularly susceptible to "workaholism." They often do not know how to relax or have fun, and tend to be critical and demanding.

Lawyers who are satisfied with their work tend to be courageous enough to accept themselves as fallible. They recognize that nothing ever goes exactly according to plan. As a result, they constantly seek feedback on their progress and make adjustments. For them, all failures are nothing more than opportunities for learning. Perhaps their most important commonality is that they tend to continuously improve and never stop growing.

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