



The day-to-day stresses & challenges of being a lawyer

A sole practitioner and single mom is locked in a room in her house. Her young autistic son, outside the room, has put a chair up against the door to prevent it from opening. There is a lot of yelling and screaming. She calls 911 and the police arrive. One of the constables happens to be her client – adding to her embarrassment. He talks to her through the window from outside and, eventually, the dust settles. But like any other day, she still has to go to work.

This lawyer shared her story with *LAWPRO Magazine*. She is not alone, as can be seen from the comments other lawyers shared with us. Being a professional in the midst of personal and professional storms is challenging. And as you will see from the articles in this issue of *LAWPRO Magazine*, sharing and acknowledging our problems is key to managing them.

Conflicting home and work priorities

Each practice area requires unique sacrifices. Real estate lawyers say goodbye to summers as long sunset walks on the beach give way to nights in the office to ensure closing dates are met. Litigators and family lawyers lose days if not months preparing for and conducting hearings. Business lawyers work on multi-day 24 hour clocks to close deals with tight deadlines. Running a law practice can seem like running a marathon with regular uphill intervals.

Small firm real estate lawyer Cesia Green finds that the practice can be “overwhelming in the summer when it’s busy. Both lawyers and

staff are working long hours just when friends and family are free to spend time with you. Relationships suffer. You must look after all aspects of the practice no matter the season of life.”

Young associates may struggle with juggling the competing demands on their time. Deborah Glatter, Cassels Brock’s director of professional development says, “Young associates deal with a combination of stressors. They are at the bottom of the food chain and have to get the work done under strict time pressures. The work can come at unpredictable times and sometimes conflicts with previously scheduled family events. They end up disappointing their spouses, family, and friends. If you’re isolated from your community, this can snowball into isolation and depression.”

Similarly, a Bay Street partner “must hire and fire, manage budgets, and make decisions that will affect hundreds of lawyers and staff,” says Glatter. “In doing so, the partner may have to wrestle with other partners and deal with a lot of different personalities. And it doesn’t stop at the office. A partner goes home having to potentially take care of ailing, elderly parents.”

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Family life can play havoc on rest time, demanding your time and energy just as you return home and anticipate rest. Glatter says, “Let’s say you just finished an intense transaction, a 3 day marathon, on very little sleep. Keen to get home, you return to a crying baby and an exhausted spouse. Your spouse hands you the baby and says, ‘your turn’. You’re dinged on both ends.”

Running a business and a law practice at the same time

Sole practitioners and firm partners juggle the business side of law almost as much as the practice itself. “I have to make sure the firm is alive and well on a day-to-day basis,” says sole practitioner Michelle Allinotte. “This includes human resources, budgeting, marketing, and networking. I am looking after everything from cleaning charges and rent to being a coach for everybody. I delegate what I can, but this is my business.”

Being responsible for the client list means time must be taken outside of the practice to stay viable. “I have to make a living completely

based on my ability to find realtors, mortgage brokers, financial planners, and professionals willing to refer clients to me. These are all personal relationships,” says Green. “There are days when you have a networking event and the last thing you want to do is go. But then you wonder where the next client is coming from. This is your livelihood.”

Damaging behaviours can lead to addiction

Firm culture can unwittingly enable addictive personalities to engage in damaging behaviours. Clients may celebrate wins extravagantly and expect lawyers to participate. Networking lunches can balloon into drinking affairs. Building relationships can take its toll. The “profession has a lot of drinking opportunities. That becomes a problem for the person who is susceptible to it,” says Homewood Health psychologist for the Member Assistance Program (MAP), Doron Gold. “Lawyers that cope by engaging in damaging behaviours can become addicted to alcohol, gambling, or drugs, among other things.”

When technology doesn’t help

Technology has increased the pace of practice. While increasing efficiency, the constant flow of new products and applications can create just as much anxiety. The key is to use technology – don’t let it use you.

Here are a few examples of how technology has complicated legal practice, and what you can do to cope:

- **Unlimited accessibility: limit email and cell phone use.** Thanks to emails and cell phones you are now more accessible than ever. During working hours, productivity may suffer because emails constantly interrupt workflow. Clients expect you to stop everything and reply or call back on-demand. Take control of how and when you check your email and cell phone. Turn off automatic notification when emails come in. Turn off the phone or put it on silent during working hours. Clearly state in your cell phone mailbox that you only respond immediately to urgent matters. When you go on vacation, put your phone away and don’t access the internet. If you must, limit your access to once a day.
- **Information overload: organize and execute.** Every lawyer is familiar with the barrage of emails that come in through the day. Only some are urgent tasks. Use this tip from Stephen R. Covey’s *The 7 Habits of Highly Effective People*: Break up your task list into four kinds of tasks: (1) urgent and important, (2) urgent and not important, (3) not urgent and important, and (4) not urgent and not important. Use practice management software to keep track of the daily task list, or keep a running list on a notepad. Organize your tasks into manageable

chunks and execute the ones with highest urgency and importance first.

- **Adapting to new technology: train up.** Like any tool, technology is only useful when you learn how to use it effectively. Whether you are installing a new application, going paperless, or using a new telephone system, learning new technology is stressful. Mastering technology takes time and energy. Train up by taking (often free) online tutorials, attending bar association tech shows, and tuning into app-makers’ blogs. Ensure your staff are trained properly, too.
- **Communication isolation: step out of the office.** You can find yourself isolated if you spend more and more time communicating with others through digital media. Emotions are rarely communicated well by email and telephone. Skype does not replace the human need for face to face contact. Schedule lunches and coffees with colleagues, clients, and mentors. Place yourself into situations that force you to engage with people face to face.
- **Keeping up with the Joneses: stay focused on yourself.** Facebook, LinkedIn, Twitter, and other social networking sites have made it easier than ever to see what your friends and peers are up to. People tend to present themselves in the best possible light. It is tempting to want to keep up with the Joneses even if this causes you stress and embarrassment. The face presented in social media does not necessarily reflect reality. Stay focused on what you need to do. The rest will take care of itself.

To err is human – but tell that to a lawyer

Perfectionism is one of the most common personality traits found in the profession. “There is a fear that a mistake can cost thousands or even millions of dollars, a client’s custody of a child, or a client’s freedom. This is powerful. You don’t want to tell anyone you are less than perfect because you don’t want to look weak,” says Gold. “You fix people, you don’t get fixed. You don’t ask for help. And if you do, you wonder: will you get hired back? Will you be kept on? What will this do to your reputation? You are led to believe you need to display supreme confidence.”

The need to appear invulnerable may be especially troubling for older lawyers. Glatter notes that older lawyers “grew up in an era where nobody discussed wellness and stress. You were expected to soldier on. You might have decades of wear and tear without any real awareness of how it’s affecting you emotionally and physically.”

Bay Street lawyers are often loathe to look vulnerable. Glatter says, “Clients are not interested in whether we are stressed or fearful. They need confidence in us. Partners make calls on significant complex matters. The buck stops with them.”

In the worst chapter of their lives, criminal law clients need their lawyers to be strong, as criminal lawyer Gerald Chan explains. “The gravity of the cases can wear on you. The client’s freedom is at stake. You need to look and act strong to carry the client’s worries and anxieties. You want to be a hero, come in and save the day – it can keep you up at night, worrying about whether you’ve done everything you can.” No matter the practice area, clients expect their lawyers to be a pillar of strength and to be perfect.

Pessimism, collegiality, and difficult clients

Pessimism is another dominant characteristic found in lawyers. Trained to look for problems, lawyers tend to look at the world from a negative perspective. This helps with making legal decisions, as pessimism guards against making mistakes and uncovers hidden motives. But it also means lawyers can be less accepting and less trusting of others. Colleagues and partners can be difficult to deal with. And if lawyers take pessimism home with them, it can hurt their relationships.

Pessimistic lawyers contribute to a lack of collegiality. When facing each other, pessimistic lawyers already in adversarial relationships can distrust each other even more. The distrust comes out in unpleasant emails and letters, unnecessary motions, and failed negotiations. This contributes to the stress and frustration felt throughout the profession.

Difficult clients also make lawyers more pessimistic. Dishonest, angry, or vengeful clients make unreasonable demands. Clients who are unwilling to accept advice risk both their files and their lawyers’ reputation. Exacerbating the problem, lawyers may have

already invested time and money into these files, which leads to a lose-lose situation: losing the client can be just as costly as keeping the client.

Vicarious trauma

Being immersed and invested in the pain a client experiences can cause vicarious trauma. For judges, and for lawyers practising in areas like “child protection or criminal law – although no one is immune no matter the practice – they can see unimaginable abuse,” Gold says. Whether the lawyer sees or hears about broken marriages, torpedoed business deals, abused children, injured body parts, or damaged dead bodies, the trauma can transfer from client to lawyer.

When the lawyer experiences vicarious trauma, “it can change the way you see the world and your sense of normalcy can shift. Suddenly the world is much more dangerous,” says Gold. Most people go through life without seeing what a lawyer sees in one case. It is hard to re-calibrate in such circumstances.

You are not alone

Lawyering is a meaningful profession. We serve our clients and help them navigate treacherous terrain. But we “are not inherently stronger simply by virtue of the occupation. We are human beings,” says Gold. “We are not impervious to pain. We can and should ask for help.”

The Members Assistance Program (MAP) at Homewood Health, which is financially supported by the Law Society of Upper Canada and LAWPRO, provides confidential and professional advice, along with peer counselling services.

Mentors, friends and family can also guide you. Lawyers of all stripes, at any age, can suffer at any time from the stressors that we face from outside and inside the practice of law. As Gold says, “it is normal and ordinary to feel stress, and even trauma, while practising law.”

We can be hard on ourselves but the fact is those around us are likely to be sympathetic. Being open and honest about the pressures you face is helpful in dealing with them. The other articles in this issue of *LAWPRO Magazine* offer you advice on coping strategies for dealing with the stresses of practice. ■



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