

The Pursuit of Happiness in the Practice of Law

Four pathways to the pursuit of happiness: exercise/physical health, mental health, mindfulness, and balance.

I. PHYSICAL HEALTH

- o Introduction: A lawyer's life can be hectic and can demand long hours, making it way too easy to say, "I don't have time today." According to Kelly Baez, a fitness and wellness psychologist, choices a decision to embrace your inner athlete can have a larger impact than might be anticipated. "We always hear about the benefits of fitness being weight loss and physical health, but there's a mental aspect," says Baez. "Whether that's reducing anxiety or increasing productivity, fitness is key."
- o Benefits:
 - § Taking out frustration and less stress;
 - § Better sleep and more energy and stamina/productivity;
 - § Helps control chronic health conditions like high blood pressure and obesity;
 - § Make new friends outside of the practice;
 - § Develop more self-esteem and look good/confident in that business suit;
 - § Team sports promote comradery and good group skills;
- o Strategies:
 - § Bring a healthy lunch from home. It's hard to have the will power to eat healthy at lunch, by bringing a lunch or meal planning it helps control portion size and nutrition.
 - § Drink water at work rather than coffee or soft drinks.
 - § On average, it takes more than 2 months before a new behavior becomes automatic — 66 days to be exact. *The European Journal of Social Psychology* (July 16, 2009). So stick with your activity and make it into a good habit.
 - § Schedule specific times for work outs and keep them. Incentivize the work out (i.e. reward going to workouts, like splurge meals or after work drinks; penalize missing workouts by self-imposed fines).
 - § Set realistic goals and keep track of your progress (fit bit/apple watch). Triathlon Coach Richard Van Sickle, himself a former practicing attorney, offers this advice: "I hear a lot of excuses for not exercising, but the most common excuse has to be a lack of time. People seem to think they need 15 hours a week to get in shape, but that's just not true. Thirty minutes a day of physical activity can make a huge impact. Starting out, it doesn't even have to be 30 consecutive minutes. 10 minutes, 3x a day can work. Small changes, repeated frequently can improve our health. Things we've all heard before like taking the stairs instead of the elevator, don't take the closest parking spot, ride your bike to return that DVD, walk. If you're already walking try to pick up the pace for 2 minutes, 5 minutes, 10 minutes – you don't have to run just walk quickly."

- § Have an accountability buddy.
- § Have a “Commit to be Fit” month at your firm, where you have healthy lunches and meetings promoting physical wellness and nutrition.

o Examples:

- § Downtown YMCA; Anytime Fitness
- § OrangeTheory;
- § Personal Trainer;
- § Tennis/Golf;

o Sources:

- § www.americanbar.org/publications/gp_solo/2016/november-december/law_and_life_blending_fitness_routine_a_lawyers_schedule.html
- § www.americanbar.org/groups/lawyer_assistance/resources/lawyer_wellness.html

II. MENTAL HEALTH

o What's the issue:

- § Largest mental health concerns for lawyers: depression, anxiety, & stress
 - Stress is a “reaction to a stimulus that disturbs the body’s equilibrium”
 - Anxiety is “the subjectively unpleasant feeling of dread over anticipated events”

o Why?

- § “How Lawyers Can Avoid Burnout and Debilitating Anxiety” by Leslie A. Gordon, July 2015 ABA Journal
 - A 1990 Johns Hopkins University study examined more than 100 occupations for anxiety-related issues and found that lawyers suffer from depression at a rate 3.6 times that of the other professions studied.
 - A National Institute for Occupational Safety and Health study—based on data from 1984-1998—concluded that white male lawyers are more likely to turn to suicide than nonlawyer professionals.
 - A 2014 survey of Yale Law School students, found that 70 percent of them have struggled with mental health issues during their time at law school.
 - Two character traits—perfectionism and pessimism—are prevalent among lawyers and may make them prone to anxiety
 - **“Paid worriers, lawyers are expected to predict the future, to anticipate threats and guard against anything that could arise. So they learn to see problems everywhere, even when they don't exist.” - Tyger Latham, a Washington, D.C.-based psychologist who treats many lawyers and law students – problem is when this moves beyond work and becomes the way that lawyers approach life**
 - Thinking like a lawyer is a legal skill, not a life skill

- Mental health disorders can profoundly affect attorneys' daily functioning. Irritability, obsessive thoughts, feelings of inadequacy, difficulty concentrating, a sense of worry and impending danger, sleep disturbances, heart palpitations, sweating, fatigue and muscle tension. Some attorneys withdraw from peers, friends and family or engage in "maladaptive coping behaviors," such as self-medicating with alcohol and other substances, or "strange compensatory behavior" among lawyers eager to gain a sense of control over their lives, including "hair pulling, hand washing, food disorders and gym anorexia,"
- Healthy coping mechanisms are available: meditation & mindfulness, eating healthfully & mindfully, sleep, exercise
- No strategy should be touted as a cure-all
- Lawyers need to be willing to let go of the belief, endemic to the profession, that expressing vulnerability is weakness

§ “Out of the Darkness: Overcoming Depressions among Lawyers” by Andrea Ciobanu, Stephen M. Terrell, March/April 2015 ABA GP Solo

- One study in 1990 by Johns Hopkins University found that lawyers as a group are nearly four times more likely to suffer from depression than the average person.
- As many as one in four lawyers suffer from psychological distress, including anxiety, social alienation, isolation, and depression.
- The conflict-driven nature of the profession also plays a role, as does traditional legal training, which **conditions lawyers to be emotionally withdrawn, a trait that can help them professionally but hurt them personally.**
- Psychologist Martin Seligman notes that the legal profession is unique in that it is the only profession where pessimists—those who see problems as the norm and not the exception—out-perform optimists. According to Seligman, the legal profession calls for caution, skepticism, and anticipation that things will go wrong. “Unfortunately, what makes for a good lawyer may make for an unhappy human being” (quoted in “The Dirty Secret in the Lives of Lawyers” by Stephen M. Terrell, Res Gestae, June 2006). As such, **we must be on the lookout to protect ourselves and our colleagues from the adverse consequences of such tendencies.**
- The seven most common warning signs of depression consist of the following:
 - Loss of interest in most all activities
 - Loss of pleasure or enjoyment in what were enjoyable activities
 - Indecisiveness
 - Fatigue
 - Difficulty sleeping or sleeping too much
 - Significant weight gain or loss without dieting
 - Feelings of worthlessness

o What do we do about it?

§ **Self-care is critical to managing mental illness & promoting good mental health** – physical activity, time for hobbies, practicing mindfulness & gratitude, sleep, diet
 § Tips for improving mental health:

- Practice gratitude
- Say “no” – don’t overcommit

- Stop comparison game
- Give back – volunteer
- Get enough sleep
- Practice mindfulness
- Use positive affirmations
- Diet – fruits & veggies, Omega-3 fatty acids,
- Take vacation time
- Clear your mind – coloring, meditation, etc
- **Enjoy lunch away from your computer, talk with a loved one, listen to your favorite song, enjoy time in nature, treat yourself kindly, go to the doctor for a physical, drink more water**

o Articles

§ “Professional Duty of Self-Care” by Buddy Stockwell, Feb/Mar 2018 LSBA Journal

- The question is not whether you are simply okay, but whether you are also happy.
- The starting point for every person is an honest self-assessment.
- Nationwide trend toward lawyer wellness initiatives, new ABA Task Force Report stressed importance of self-care
- CA professional rule on competency added part requiring reasonable mental, emotional & physical health

§ “Taking Care” by Jeena Cho

- Self-Care is any activity or behavior you do to take care of your mental, emotional and physical well-being

§ “Get a Life! Advice for Living an Honorable and Reasonably Happy Life as an Attorney”

- Determine what is worth fighting about, and concede everything else;
- Choose your friends, employers, clients, carefully
- Find work you enjoy, then enjoy your work
- Make Time for Life and for Love
- Give Back

§ “Diet and Depression” by Monique Tello, MD, MPH, February 22, 2018, Harvard Health Blog

- Diet is such an important component of mental health that it has inspired an entire field of medicine called nutritional psychiatry - what we eat matters for every aspect of our health, but especially our mental health
- “A dietary pattern characterized by a high intake of fruit, vegetables, whole grain, fish, olive oil, low-fat dairy and antioxidants and low intakes of animal foods was apparently associated with a decreased risk of depression. A dietary pattern characterized by a high consumption of red and/or processed meat, refined grains, sweets, high-fat dairy products, butter, potatoes and high-fat gravy, and a low intake of fruits and vegetables is associated with an increased risk of depression.”

§ “What Makes Lawyers Happy?: A Data-Driven Prescription to Redefine Professional Success” by Lawrence S. Krieger & Kennon M. Sheldon, Ph.D., , 83 Geo. Wash. L. Rev. 554 (2015)

- First theory-guided empirical research seeking to identify the correlates and contributors to the well-being and life satisfaction of lawyers
 - Data from several thousand lawyers in four states provides insight about diverse factors from law school, legal career and personal life
- Study focuses on internal and external factors that contribute to lawyers’ happiness
- Lawyers in different practice types and settings demonstrate the applied importance of the contrasting internal and external factors

- **Tier One Factors** (The most important factors affecting the level of lawyers’ happiness at work)
 - Autonomy - independence, control, self-determination
 - Relatedness – connection to others – clients, colleagues, staff
 - Competence – the sense of knowing what you’re doing
 - Internal motivation - enjoyment, interest, or meaning
- **Tier Two Factors**
 - Autonomy with supportive supervision – Mentoring and supervision by more senior attorneys with understanding, respect, and some allowance of choices, as opposed to control
 - Intrinsic values - The presence of personal values of self-improvement, intimacy, and altruism/community), as compared to extrinsic values (for affluence, power, or recognition)
- **Tier Three Factors**
 - Vacation days taken
 - Children
 - Married/long term committed
 - Exercise
 - Alcohol use (quantity)
 - Prayer (affiliated/congregation)
- **Tier Four Factors**
 - Income
 - Law school debt, on graduation
 - Class rank
 - Billable hours (increasing)
- **Tier 5 Factors**
 - Age
 - Other demographics

III. MINDFULNESS

- Mindfulness is a type of meditation in which you focus on being intensely aware.
 - Of senses and feeling in the moment
 - Without interpretation or judgment

- What does it involve?
 - Breathing methods
 - Guided imagery
 - Relaxation of the body and mind
 - Purposeful attention
 - Paying attention to “now”

- What are the benefits?
 - Improving attention
 - Decreasing job burnout
 - Improving sleep
 - Decreasing stress, anxiety and depression
 - Improving health

- How do you practice it?
 - Pay attention
 - Live in the moment
 - Accept yourself
 - Focus on your breathing

- What are some mindfulness exercises?
 - Body scan meditation
 - Sitting meditation
 - Walking meditation

- Is there an app for that?
 - Headspace
 - Smiling mind
 - iMindfulness
 - Mindfulness Daily
 - Calm

IV. **BALANCE**

○ **Attacking the myth of multi-tasking:** Most recent neuroscience research tells us that the brain doesn't really do tasks simultaneously, it just switches back and forth. Each time we move from one task to another, there is a stop/start process that goes on in the brain.

§ **The test:** “I am a great multitasker.” Make two horizontal lines on a paper, and will then write “I am a great multitasker” on the first and 1-20 on the second in a timed race (should take about 20 seconds). Participants will repeat, with two horizontal lines, then will write the same phrases on each line, but must alternate writing one letter and then one number until the task is complete (should take about 40 seconds).

o Since multi-tasking is demonstrably inefficient, it is more efficient, and ultimately more effective, to dedicate focused attention to tasks, balanced deliberately.

o Tips for making—and then consistently using—a time management strategy:

§ Set client boundaries and expectations for each representation.

§ Unplug from time to time.

- Not just from work, social media, and political news coverage as well.

- Bright LED light can slow or halt the production of melatonin, the hormone that signals that it's time for bed. Try reducing your screen brightness, using night shift settings or downloading apps like Flux and Twilight to change the hue and intensity of the light your favorite device is giving off. (Or just turn it off).

§ Travel

§ Take lunch and coffee breaks and change your space

o **Find a practice peer and/or mentor:** Mentorship isn't just for learning how to take better depositions. Discuss balancing your life with your work with attorneys you trust. We all have to figure it out.

o **Serve Your Community:** “Compassion is the key to happiness” – HH the Dalai Lama. Pro bono work, service to the bar, and community service related and unrelated to the practice of law are great ways to keep perspective and give back.

o **Sources:**

§ “Balancing Act – Lawyers, Time and Life” by Roberta Tepper. *Law Practice Today*
www.lawpracticetoday.org/article/balancing-lawyers-time-life/

§ “The Myth of Multitasking” by Nancy K. Napier, Ph.D. *Psychology Today*
www.psychologytoday.com/us/blog/creativity-without-borders/201405/the-myth-multitasking

§ “Stop your Gadgets from Keeping You Awake at Night” by Sarah Mitroff. C|Net.
www.cnet.com/how-to/stop-your-gadgets-from-keeping-you-awake-at-night/

§ *The Book of Joy: Lasting Happiness in a Changing World* by Desmond Tutu and HH Dalai Lama