

Catastrophizing

Catastrophizing, often seen as pessimism in everyday life, is indispensable in legal practice. It's a form of strategic foresight that protects clients. Lawyers should lean into this character flaw but also keep it in check – try to stop worrying before going to bed.

BY DEANNE M. KOLL

While avoiding some filing deadlines, I was reading a LinkedIn post directed to lawyers. The post was geared toward private practice attorneys and when I realized it was attempting to get us to attend a seminar on how to stop “catastrophizing,” I paused. What the heck does that mean? Is this a mental health condition that I have not yet convinced myself I have? I googled it. I learned that, generally, catastrophizing is a behavior in which you worry yourself into a tizzy that something, someone, or a situation is way worse than the reality is and your worst-case scenario is highly unlikely to come true. (That’s Deanne’s dumbed-down version, at least.)

Huh, interesting, I thought. I probably do that two times every day. *What if I didn’t consider every possible scenario for disclosures of my expert witnesses? Oh my gosh, I forgot that one teeny question in my deposition of the party-opponent! Or, I can’t believe that I called that prospective client by the wrong name at the happy hour last night – my career is over!* I’ve lost hours and hours of sleep over my worry about work issues that, of course, never end up making a hill of beans’ worth of difference in my client’s case or my life. And yet, I continue to “catastrophize” things daily.

The LinkedIn post suggested that this seminar would teach me how to stop catastrophizing. What would I do if I stopped doing that? The sleep I’d get! The time I’d have! But, I realized that this is not something that’s “fixable” in me. It’s who I am. (Sometimes, when I’ve worried myself into a tizzy, my husband says, “De, you’re spiraling.” And usually I am.) But frankly, it’s probably why I’m a not-half-bad lawyer. I worry – all the time. It makes my work product better, and I’m always one

step ahead of the other side. I think it’s akin to legendary basketball coach Pat Summit’s famous quotation: “Here’s how I’m going to beat you. I’m going to outwork you. That’s it.” In my circumstances: “Here’s how I will beat you; I will out-worry you.” I suppose in some self-help-book world, I’m taking my negative and making it into a positive.

From the first day of law school, students are taught to spot every conceivable issue in a hypothetical situation – a mental habit that

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borders on catastrophizing. This skill, often seen as pessimism in everyday life, is indispensable in legal practice. Catastrophizing, in this context, is not a flaw – it’s a form of strategic foresight that protects clients. So, it’s advisable for us both to lean into this character flaw and also keep it in check. My only bit of advice is that next time you find yourself catastrophizing about a case, a meeting, or an awkward text you sent last night, remember this: Don’t let your imagination turn a small hiccup into a legal hurricane. You’ll sleep better at night. **WL**



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