



Lawyer Stress

By Robert B. Thornhill

The practice of law is an essential and time-honored profession!

Business, government and individuals depend on competent legal representation. Without the indispensable role that lawyers play, our social and governmental structures would crumble. Some of our most disciplined minds have dedicated themselves to upholding the rule of law, and to providing the very best care possible to their clients. However, this challenging work is frequently very stressful. If this inherent stress is not dealt with in a healthy way it can lead to devastating consequences.

The causes and manifestations of lawyer stress are numerous and often overwhelming. In this article I will describe many of the causes

of lawyer stress, the kinds of negative outcomes that can result if left unaddressed and effective ways to achieve and maintain improved mental, emotional and physical health.

The *Rules of Professional Conduct* make it clear that a lawyer must be fit. Most attorneys correctly understand that this means fitness of legal expertise. However, for those lawyers who truly desire to practice law at their optimum level, fitness also means acquiring and maintaining the physical, psychological and emotional health necessary to meet the demands and responsibilities to their clients and to the profession.

The daily work of lawyers provides a multitude of situations that can trigger anxiety and stress.

Among these are fear about appearing before a certain judge, worry about meeting a potential client, feeling insecure about negotiating a big deal, anxiety over delivering an important presentation or conducting a voir dire examination and on and on. It is true that stress/anxiety causes a physiological release of stress hormones in our brains that help our cognitive resources respond quickly to real or perceived threats. However, there is a cost. There is a body of research that shows that in this state people may become “mindful of their own needs such that they tend to be relatively unmindful of principles that guide ethical or moral reasoning, thus leading them to behave unethically.” According to Dan Defoe, in his article, “Lawyer Anxiety, Self-Protective Behavior, Ethical Sinkholes, and Professional Responsibility,” the connection between anxiety and work can result in significant negative consequences in the areas of personal well-being, health and ethics and professional responsibility. He went on to list the following important connections that are supported by scientific literature:

- Negative emotional experiences at work have an association with decreased performance, increased job-related tensions and lower commitment;
- In the presence of job-related tension and stress, employees are more likely to engage in negative coping skills;
- Anxiety has been shown to lead to worse outcomes in negotiations;
- Anxiety has been shown to negatively impact performing

tasks that require the use of creativity;

- Higher levels of the stress hormone cortisol are correlated with anxiety;
- Anxiety has been linked to diabetes and hypertension; and
- Anxiety triggers a feeling of threat, which in turn may increase unethical behavior.¹

Chronic or unrelenting stress can be an underlying cause of numerous physical health risks. If the mind perceives a threat, the body will remain aroused. The adrenal glands secrete corticoids (adrenaline or epinephrine, and norepinephrine). Over time the continual release of these “fight or flight” chemicals can have devastating effects on some of the most important functions that keep the body healthy. These functions include responses of the immune and inflammatory systems, growth, tissue repair, digestion and reproduction. There is also a direct link to metabolism, blood pressure, muscle tension, heart rate and breathing rate. Almost every system in the body can be significantly altered by unrelenting stress.²

An excellent example of the results of unrelenting stress can be found in a series of courageous and enlightening posts on “The Faculty Lounge” by Charlotte School of Law Professor Brian Clark. Bravely acknowledging that he suffers from major depressive disorder and generalized anxiety disorder, he provided his own personal and compelling commentary regarding the difficulties and challenges of practicing law. He states in part, “Practicing law is hard. The law part is not hard (that was the fun part for me), but the business side

of law is a bear. Finding clients, billing time and collecting money are just a few aspects of the business of law of which I was not a big fan. Keeping tasks and deadlines in dozens (or hundreds) of cases straight and everything done well and on time is a constant challenge. The fear of letting one of these balls drop is terrifying, especially for the Type-A perfectionist who is always terrified of making a mistake or doing a less-than-perfect job. Forget work-life balance. Forget vacations. Every day out of the office is another day you are behind.” He continues, “Plus, as a lawyer (and especially as a litigator), no matter how good a job you do sometimes you lose. That inevitable loss is made worse by the emotion that the lawyer often takes on from his or her client. Clients only call, of course, when they have problems. Those problems can range from the mild (for example, a traffic ticket) to the profound (like a capital murder charge). Whatever the problem, the client is counting on the lawyer to fix it. Every lawyer I know takes that responsibility very seriously. As much as you try to not get emotionally invested in your client’s case or problem, you often do. When that happens, losing hurts. Letting your client down hurts. This pain leads to reliving the case and thinking about all the things you could have done better. This then leads to increased vigilance in the next case. While this is not necessarily a bad thing, for some lawyers this leads to a constant fear of making mistakes, then a constant spike of stress hormones that, eventually, wear the lawyer down. The impact of this constant bombardment of

stress hormones can be a trigger to a change in brain chemistry that, in time, leads to major depression.”³

In a landmark study published in the *Journal of Addiction Medicine* in February 2016 entitled, “The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys,” researchers found “rates of hazardous, harmful, and potentially dependent drinking and high rates of depression and anxiety symptoms.”⁴ Further review and discussion of this important study found that 15 bar associations (Alabama was one of these) participated, and almost 15,000 lawyers from 19 states completed an anonymous survey addressing alcohol use, drug use and symptoms of depression, anxiety, stress and other mental health concerns. Of these, approximately 11,300 completed a 10-question instrument known as the Alcohol Use Disorders Identification Test (AUDIT-10), which screens for levels of problematic alcohol use. Of these respondents, 21 to 36 percent revealed a score consistent with an alcohol use disorder. The study also revealed that 28 percent reported concerns with mild or high levels of depression with males at a higher rate than females, and 19 percent reported mild or high levels of anxiety, with females at a higher rate than males. Overall, 23 percent indicated mild or high levels of stress.⁵

In the words of Patrick Krill, lead author of the recent study, “The law has always been a magnet for hard-working, self-reliant and competitive people who often prioritize success and accomplishment far above personal health or wellbeing. On top of that, stress, unhappiness and imbalance

abound, while unhealthy coping skills such as excessive drinking are the cultural norm—malignant, learned behaviors passed down through the profession with the frequency of a dominant gene.” He adds, “If you value your reputation, hide any struggles you might have, or, better yet, pretend they don’t exist. These are the messages that many attorneys hear—both formally and informally—beginning on the first day of law school and continuing throughout their careers. It is a pure and indigenous dysfunction humming along through vast corridors of the profession, often unrestrained, and culturally enabled.”⁶

The character traits of perfectionism and pessimism are common among attorneys, and are arguably necessary and even inevitable traits that are acquired in law school and then honed and perfected in practice. However, these traits also make attorneys far more likely to suffer from unnecessary stress and anxiety. According to Gale Victor, who worked as a consumer debt attorney for 25 years before becoming a social worker, “Perfectionism helps lawyers succeed in practice because the profession is excessively detail-oriented. In the Johns Hopkins study, optimism outperformed pessimism—except in the legal profession, because lawyers are hired to always look out for what can go wrong.” Perfectionism often leads to a feeling that nothing is good enough. This can result in an overdeveloped sense of control. When things don’t go as planned, many lawyers will blame themselves. They become “paid worriers,” according to Tyger Latham, a

Washington, DC psychologist who treats many lawyers and law students, “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. And they start to perceive threats as if they are life-or-death matters. That’s the very definition of anxiety.”⁷

In an anonymous article in the *North Carolina State Bar Journal* from the summer of 2014, the author bravely describes his descent into the “hole” of depression. He states that at the root of it all was his “trying to do it all—perfectly. Trying to be all things to all people at all times. Superstar lawyer.

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Superstar citizen. Superstar husband. Superstar father.” He goes on to acknowledge that this is not possible, and that the feeling of guilt came to dominate his life.⁸

Solo practitioners and firm partners are challenged with finding an adequate way to balance the practice of law with the running of a business. Law firm “culture” often leads attorneys with addictive personalities to engage in behaviors that result in addiction. Perfectionism, that common trait found among attorneys, can lead to the need to appear invulnerable and invincible. Pessimism, another common trait, can result in a view of the world and the people in it from an extremely negative perspective.⁹

So, what is stress? Stress is a normal physical response to real or perceived events that make you feel threatened, or upset your balance in some way.

Stress response is your body’s way of protecting you. When working properly, it helps you stay focused, energetic and alert. It helps you rise to meet challenges.

In emergency situations stress can save your life, *but* beyond this useful point, stress stops being helpful and starts to cause major damage to your health, mood, productivity, relationships and quality of life.

It is important to note that some stress is inevitable in all of life, and particularly in the legal field, and the experience of anxiety is quite common. Feeling brief periods of stress or anxiety are not necessarily bad things. Much depends on how we view the situations or thoughts that are related to our experience of stress or anxiety, and the level of willingness we

have to address these uncomfortable feelings and utilize healthy coping skills. There is no “panacea” for dealing with stress and anxiety; there is not a “one-size-fits-all” cure. There are, however, a number of effective approaches and practices that can have a significant and positive impact if we are willing to educate ourselves and take action.

The first is therapy. A trained and experienced therapist can help lawyers take an objective and realistic look at the many distorted and negative perceptions and thoughts that often create and drive those feelings of anxiety and stress. Cognitive therapy is an easy-to-use approach for this. Many who utilize these simple techniques quickly realize a significant improvement in mood and outlook! A basic premise of cognitive therapy is that it is never people or events that upset us, but our thinking about those people or events. Dr. Aaron T. Beck, in the introduction of his book, *Cognitive Therapy and the Emotional Disorders*, states, “The philosophical underpinnings of this approach go back thousands of years, certainly to the time of the Stoics who considered man’s conceptions (or misconceptions) of events rather than the events themselves as the key to his emotional upsets.” This very practical approach provides for an understanding and treatment of stress and anxiety that is directly related to one’s thoughts and perceptions of everyday experiences.¹⁰ Another excellent book that is chock-full of practical and easy to use cognitive therapy techniques is *Feeling Good, the New Mood Therapy* by

Dr. David Burns. There should be no shame or hesitation to seek counseling if an attorney feels ill-equipped to handle stressors in his or her life. Expressing our thoughts and feelings, especially feelings of anxiety and stress, to someone who is trained and knows how to listen and provide objective and positive feedback can be enormously therapeutic.

Another highly valuable therapeutic approach that it is being utilized around the country is mindfulness therapy. Proponents of mindfulness therapy note that research has repeatedly shown that the brain’s emotional circuits are connected to its thinking circuits.¹¹ Research has also been able to demonstrate that resilient people have strong connections between the left prefrontal cortex (PFC: the region of the brain that is responsible for logical thought and judgment) and the amygdalae (the ancient region of the brain where feelings of anxiety and fear are produced). Volitional activity in the cognitive regions (PFC) can send inhibitory signals to the amygdalae basically telling these negative emotions to quiet down. The negative emotions generated by the amygdalae dissipate and we are no longer “wallowing” in negativity. Therapeutic exercises that strengthen the left PFC so that it sends stronger and longer-lasting inhibitory signals to the amygdalae increase emotional resilience. Practicing mindfulness therapy is one of the best methods for increasing emotional resilience.¹²

We all have a tendency to think about other things, regardless of what we are doing, but this tendency is often counterproductive

(particularly when we are ruminating over negative thoughts and perceptions that are completely unrelated to our current circumstance), and actually inhibits our capacity to enjoy life. Mindfulness therapy helps us to be in the moment, increases productivity and opens up endless opportunities to enjoy life even in the midst of challenges.

Utilizing cognitive therapy techniques and practicing mindfulness can lead to an understanding and awareness of the powerful relationship between our thought life and our moods. Those who are willing to incorporate these simple (but not easy) tools into their daily lives will definitely increase their “emotional intelligence.” Being able to recognize when our thinking is distorted and negative, and having the means to challenge those cognitive distortions, can enable us to revolutionize our internal dialogue. We will no longer be the victims of self-induced and needless misery! It will also become much easier to recognize when others, especially those we love, are “down” or angry or upset, and to understand that they need some time instead of a futile attempt to “get to the bottom of it.” When they are at that more peaceful place, and we are truly willing to listen without judgment, relationships will improve at home and at work.

There are many practical methods of stress management that can be readily utilized. A good starting point would be to identify the sources of stress in your life by keeping a stress journal, and then track how you are currently coping with stress. This will be valuable in identifying those coping


strategies that have been effective, and those that you need to eliminate. Goal-setting and time management can be very powerful techniques to combat procrastination and increase efficiency. Other immediate techniques include deep breathing, progressive relaxation and meditation. There are a multitude of self-help books and guides to learn how to incorporate these very useful methods of stress management.

Lifestyle changes that can have a significant positive impact on physical and emotional health include regular exercise, eating a healthy diet, reducing caffeine and sugar, avoiding alcohol and drugs and getting enough sleep. Of equal, or perhaps greater, importance is ensuring that we have set aside adequate time for fun and relaxation.

Regular exercise has been shown to prolong life and to reduce the risk of diseases such as heart disease, hypertension, diabetes and cancer. It has also been proven to be very effective in reducing stress and improving our mood. In fact, exercise has a significant and positive impact on the brain’s neurotransmitters such as dopamine, serotonin and endorphins, the brain chemicals that are directly involved in the physiological creation of our moods.

Eating a healthy diet can have a profound impact on physical and emotional health. Learning to eat in moderation, instead of “binge” eating or using food as a way of dealing temporarily with stress, can yield very positive results. Most of us are familiar with the experience of over-indulging when we feel stressed. Sadly, what

almost always happens immediately afterward is that we are not only feeling “stuffed,” we are also filled with remorse for having eaten far more than we should have and for eating foods that we know are not healthy. For those who develop a habit of over-indulging when feeling stress, this can lead to obesity and an increased risk of a multitude of health problems including diabetes, gastrointestinal problems, cancer and many others. “Stress-eating” also paradoxically leads to increased negative moods and low self-esteem. Eating has a powerful effect on our physical health and our moods. A healthy diet, eaten in



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moderation and consisting of vegetables, lean (and non-fried) meats, fruits and whole grains will dramatically improve our physical and emotional health.

Finally, it is of paramount importance to ensure that we get enough sleep. During sleep, the brain rests busy neurons and forms new pathways so that we're ready to face the world in the morning. The immune system produces infection-fighting anti-bodies and cells. If the brain is unable to rest and renew we will have difficulty with concentration and attention, creativity and problem-solving skills will deteriorate and short-term and long-term memory will suffer. Additionally, we will be more prone to "moodiness," more emotional and quicker to anger. It is very important to point out that sleep deprivation has been strongly linked to an increased risk for anxiety and depression.

Getting regular exercise, eating a healthy diet, ensuring that we get enough rest and taking time for relaxation and recreation require a commitment. These are all simple propositions that will pay huge dividends, but we have to be intentional about it. Exercising our willpower along these lines is essential. The resulting gains in physical and emotional health will result in improved outcomes at work and at home, increased self-esteem and a far greater likelihood of handling stressful situations in an appropriate way.

I think it is important here to point out some of the dangers of relying on alcohol or other mood-altering substances as a way of dealing with stress and anxiety. There is nothing wrong with enjoying a drink or a

beer after a hard day's work. However, if you have come to rely on alcohol (or some other legal or illegal mood-altering substance) as a way of coping with your challenges, you have likely crossed a very unhealthy line. Once this pattern is in place we have literally learned to "depend" on alcohol, and this "dependence" becomes our one and only coping skill. This dependence will never solve any of the challenges we may be facing, but it will, in time, produce additional problems and difficulties such as alcoholism, addiction, broken relationships, decreased production and absenteeism at work and legal problems such as DUIs and domestic violence. One of the most tragic consequences of relying on a mood-altering substance to deal with stress is that this reliance effectively and completely blocks our ability to recognize and incorporate healthy coping skills. If this pattern has become operative in your life, or in the life of someone you care about, it is imperative that you contact the Alabama Lawyer Assistance Program so that we can provide assistance.

Finally, there is the matter of faith. For those who have a particular religious affiliation, or who may espouse a more "spiritual" way of life, practicing the tenets of your faith and reaching out to like-minded people can provide tremendous strength and guidance during times of stress. Living a life based on spiritual principles can bring about the genuine courage needed to face the inevitable challenges and difficulties that come our way.

Each one of us is unique and our definition of a "balanced" life will vary. I think it is essential that we

honestly ask ourselves if our work schedule interferes with these essential needs. Many may find that they enjoy working long hours and see little reason to change. However, if you have the courage to acknowledge that your workload is creating chronic stress in your life, I implore you to stop imagining or hoping that things will change or get better on their own and become willing to make some positive changes in your life!

Some Final Thoughts

1. **Self-Esteem**—Does your sense of "self-value" or "self-worth" depend on accomplishment, success or acknowledgement from others? Or, do you understand and accept that even though you will inevitably make some mistakes you are a good person with a healthy, positive regard for yourself?
2. **Anger**—This is a normal human emotion. However, if your anger is chronic, or habitually expressed in a harmful way, it can be very damaging to you and those you interact with. Some tips to avoid harmful or inappropriate anger are: avoid provocative situations, learn to utilize a "timeout," reduce unrealistic expectations, do relaxation exercises and actively work to improve communication skills (assertiveness skills).
3. **Fear**—There are three basic kinds of fear: fears that you can't do anything about, fears that you *can* do something

about and fears that are irrational or overstated. If you are fearful of something, but you know there is something you can do, then feel the fear and do it anyway! If your fear is blocking you from engaging in activities that are important to you, then therapy is highly recommended.

4. **Values**—We must endeavor to live up to our own moral/spiritual/ethical code. No human being can do things on a regular basis that violate their own moral code and simultaneously feel good about who they are.

5. **Responsibility**—There is no “easy” way out of this difficult thing called life. When we seek to avoid the inevitable problems and challenges of life, as is our human tendency, we become sicker and increasingly stressed and anxious.

The noted psychiatrist and author M. Scott Peck stated, “The human tendency to avoid problems and the emotional suffering inherent in them is the primary basis of all mental illness.” The famous psychoanalyst Carl Jung said the same thing with these words, “Neurosis is always the substitute for legitimate suffering.”¹³

There is only one path to acquiring *courage* and *wisdom*. We must face our challenges head on and walk through them on faith. This is sometimes exceedingly difficult and painful, but it is paradoxically the easiest way to live.

Stress is a normal part of living. What is important is to acknowledge it and learn to cope with it in ways that will provide for genuine

growth and the acquisition of courage and wisdom, so that ultimately we can be of maximum service to God and the people he puts in our path.

If you or a colleague are struggling with pathological stress or anxiety or coping with it in ineffective or unhealthy ways, we urge you to contact the Alabama Lawyer Assistance Program. Our program is completely confidential. We have a dedicated committee of volunteer attorneys around the state who have had the courage to face their own challenges and who have found effective ways to deal with them. We are here to help! ▲

Endnotes

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