

The following are excerpts from an article published in 13 Journal of Law and Health 1 (1998-99, no. 1) .

### **Stress is Also an Internal Matter**

The high level of stress lawyers experience is often considered to be an inevitable part of law practice. Law students and lawyers are expected to simply accept this proposition, and are then encouraged to minimize potential health problems, depression, and “burnout” by learning to “manage” their stress. It is more useful to consider that such levels of stress in fact are not inherent to lawyering, and instead that the stress we experience in work and life largely depends on a number of internal factors.

Dr. Hans Selye, who popularized the term *stress*, has defined it essentially as a set of nonspecific responses of the organism to specific demands (stressors) upon it.<sup>1</sup> This definition clarifies that stress is essentially an internal matter -- a biological response of the organism itself.

One of the most important determinants of one’s level of stress is profoundly subjective: one’s ability to think clearly and choose her priorities with wisdom. The concept of choice in this context is crucial. Each of us constantly makes career and lifestyle choices which, taken together, largely determine the level of potential environmental stress to which we will be exposed. Lawyers and law students are known for making choices that produce high levels of stress. As discussed throughout this article, I believe such choices correlate strongly with our collective tendency to depend on external, rather than internal, rewards and recognition.

A third internal component, which is crucial in the consideration of human health and balance, is that the stress response can be greatly moderated by a person’s attitudes, perceptions, and level of need. For the health of a law student or attorney, it would be useful to define stress as one’s response to any *perceived* demand. Since much of our pressure and tension depends on our perception of events and on the expectations we place on ourselves. As discussed in the preceding section, an expectation that is difficult or impossible to fulfill -- including any *need* to control events or other people -- creates constant demands on the individual, and hence a continuing internal stress response. This is obviously damaging to overall life quality as well as health, since one utilizes one’s biological resources in responding to any stressor, whether real or perceived<sup>2</sup>, potentially to the point of exhaustion and even death.<sup>3</sup>

Maslow’s work makes it clear that persons at mature levels of need fulfillment are fundamentally self-sufficient and inner-directed in their life activity, and hence will perceive many fewer needs that *require* environmental solutions. Such people will also not be driven to place themselves in

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<sup>1</sup> HANS SELYE, THE STRESS OF LIFE 64 (McGraw-Hill Book Company, Inc. 1956).

<sup>2</sup> The pounding heart during a fearful dream demonstrates the potential for an intense stress response from an illusory demand. Examples from one’s activity might include the disproportionate anxiety experienced before a dental visit, job interview, or presentation.

<sup>3</sup> HANS SELYE, THE STRESS OF LIFE 65 (McGraw-Hill Book Company, Inc. 1956).

stressful work environments in order to gain the rewards available there. Law students and lawyers who learn to derive their satisfaction from their good motives and responsible professional processes will reliably reduce their level of stress.

### **Caring and Stress**

Given the problem-focused, uncertain nature of the work that many lawyers do, if one cares “too much” about clients and outcomes, he is a candidate for depression, exhaustion, or other forms of “burnout”. It is, of course, natural to want to create positive situations for one’s self and others; it is only when one’s quality of life or sense of worth are seen to *depend* on particular outcomes that this natural tendency becomes problematic. One of the difficult challenges for lawyers, and perhaps most particularly litigators in the criminal and family systems, is to maintain both a consistently caring, respectful attitude and a sense of separation (“detachment”) from the problems of clients and other affected people in the system. If the attorney needs to improve the situation of clients or others in order to feel competent or valuable as a professional, the need to control outcomes, with its concomitant stress, is implied.

The reality is that the attorney is responsible only to act rightly and diligently in the discharge of her professional obligations to the client and the court.<sup>4</sup> How many lawyers live comfortably according to this reality? This brings us back to an often-repeated conclusion of this article: that one set as her professional goal the accomplishment of her reasonable<sup>5</sup> best, while doing what she believes is the right thing, for what she believes is the right reason, and then feel satisfied to have done her part regardless of the vagaries of circumstance or the decisions/opinions of others.<sup>6</sup> In this way one encourages the reliable experience of self-esteem, and begins to model self-actualizers by doing what she can, with creativity and enthusiasm, and then comfortably accepting the realistic limitations on her intended results.<sup>7</sup> The ancient Tao Te

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<sup>4</sup> The comment to Rule 4-3.5 of the Rules Regulating the Florida Bar states, for example, that “the advocates’s function is to present evidence and argument so that the cause may be decided according to law.” FLORIDA RULES OF COURT 1359 (West Group 1998). I would add that the definition of *right* action, unless prescribed by code (or despite such prescription, depending on one’s jurisprudential view), is a personal one. The earlier discussions of the importance of one’s feelings, values, and conscience are particularly pertinent to this consideration. I do not ignore the demanding nature of most clients, nor the economic pressures to prevail. Such considerations “come with the territory”, but will not be the guideposts for a healthy lawyer.

<sup>5</sup> One’s *reasonable* best here is intended to connote strong, responsible effort that does not sacrifice one’s health or personal life balance for more than a brief and necessary period (such as intensive hearing preparation). There will always be more that one can do for the client; experience and maturity should bring with them a sense of the proper balance in a given case.

<sup>6</sup> I encourage practicing lawyers to evaluate their work (or personal) day against these standards, perhaps in a journal, as a way of finishing each day with a sense of self-appreciation, and to help ingrain this habit of thinking. Certainly one must continue to *care* about one’s clients and their outcomes; since lawyers are often seen as cold or uncaring, we might do well to regularly review that dimension of our work as well.

<sup>7</sup> Recall Maslow’s findings that the psychologically healthiest people are dynamic, creative, but less attached to outcomes and other external factors than most people. ABRAHAM H. MASLOW, MOTIVATION AND PERSONALITY 160 (Harper & Row Publishers, 2d ed. 1970). He also found them to seek responsibility, favor efficiency and good workmanship, and produce superior results. ABRAHAM H. MASLOW, THE FARTHER REACHES OF HUMAN NATURE

Ching says it bluntly: “*Do your work, then step back*--the only path to serenity.”<sup>8</sup>

<sup>8</sup> TAO TE CHING Verse 9 (Stephen Mitchell trans., Harper Perennial 1988). Emphasis supplied.