

Fire Proofing Ourselves against Burning Out from our Clients¹

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In the recent release of the film *Jungle Book*, Kaa the snake, finding Mowgli alone in the jungle, slithers up to him, assuring him he will be safe in her embrace. She hypnotises him telling him stories while silently wrapping her coils around him as she prepares to eat him.

For many of us in the legal profession, mental health issues creep up on us while we tell ourselves stories we are okay. We assure ourselves it is because of the current work load or because of the complex case we are dealing with and once it is completed, we will be fine. Except, like Mowgli we fail to see what is really happening to our mental health. We fail to see we are losing perspective; our sense of enjoyment is being squeezed out of us by the pressure we are under and our humour is becoming cynical and caustic.

The majority of lawyers begin to practise law with high hopes and great determination, a belief in their ability to "wield the sword" of justice and bring clarity, direction and good outcomes for their clients. (Of course, for many, it is also a profession they choose for its prestige and potential income generation.) Practitioners with a few years' experience have generally learnt the wisdom that often our ability and desire to do good is not necessarily sufficient. Clients rarely come with neatly packaged legal problems. They present with the complexities and complications of their lives; their idiosyncratic views of justice, their anger fed by insecurities and their expectation not only will we agree with their view of justice but we should achieve it for them so all the wrongs in their lives can be finally put right.

As much as we may like to think law gives us the ability to stand above or at least apart from the grubby reality of human emotions, the fact is law is conducted in the midst of relationships with other players. Relationships between lawyers and regulators; lawyers

and witnesses; lawyers and the judiciary, lawyers and other professionals, and importantly lawyers and clients. The law is as much, perhaps more, about engaging with other people as it is about applying theories and facts.²

As a result of this relational nature we are not immune from the stress of dealing with people's situations particularly when we are practising in highly conflictual areas such as family and criminal law. This stress can come from a number of sources, for example constantly dealing with difficult clients; continually dealing with complex problems for which there is often no or little resolution and managing people who are in a highly emotional state as well as the pressure of meeting billable targets that have no relationship to the complexities of our clients situation. The accumulation of this stress places us at risk of burnout.

Burnout develops as an inadequate response to these chronic interpersonal stressors and is characterised by an overwhelming exhaustion or feeling that we have no emotional resources left to give anyone; a sense of detachment from our job and a combination of feeling overloaded and having limited support in our role.³

Basically we do not want to hear any more problems from our clients and we no longer have a sense of satisfaction or accomplishment in our work.

There are a number of reasons why lawyers can be pre-disposed to burn out.

There is a failure to fully understand the relational nature of law. This is particularly evident in law schools where students are taught to read cases, to cite authorities and solve problems. Law students enter the legal profession devoid of many skills that are taught in other professions, such as medicine and psychology where there is an acknowledgment of the importance of the client relationship.

There is no attention given to teaching

communication skills or reflective practices that will provide students with the skill to maintain professional boundaries and use emotional intelligence effectively. Teaching law students' skills in these areas is as equally important as teaching them skills in applying the law to problems.

Another aspect that predisposes lawyers to burnout is the negative bias of law. John Briton the former Queensland Legal Services Commissioner said "thinking as a lawyer is fundamentally negative. It is critical, pessimistic and depersonalising and it is damaging because it is usually conveyed and understood as a new and superior way of thinking rather than an important but strictly limited legal tool."⁴

He uses the term pessimistic in the sense of risk averse, seeing potential problems and preparing for the worst outcome. While these are important skills for a lawyer to have, when our mindset has been trained to look for problems and we are dealing with clients who have multiple and complex problems the risk is we can lose perspective and our outlook on our life becomes pessimistic. When we start to see our lives through the prism of problems or potential problems we are at risk of unhappiness and depression.⁵

The culture of the practice of law also predisposes lawyers to burnout, particularly given the work overload, role ambiguity and limited support that many lawyers experience. To thrive as individuals, we need to feel we are competent in what we do, that we have some autonomy over our work and that we have constructive relationships with our fellow colleagues.⁶

Within the early years of their legal practice many lawyers have little voice or control over their work, it is critiqued and changed so there is little sense of competence and often they feel quite isolated and alone from colleagues.⁷

Left untreated, burnout can easily

become entrenched and ultimately lead to depression. The costs to the legal profession and to the lives of lawyers and their families have been well documented.⁸

Given the risk factors how do we fire proof ourselves against burning out?

Mowgli is saved from Kaa by the bear Baloo who is passing by and becomes Mowgli's friend. Friendships and a sense of connectedness are vital to our mental health.⁹ Our friendships help guard against the feeling of isolation and being alone that develops when we are burning out and/or depressed.

Men in particular often find it difficult to develop and maintain close friendships. Men tend to have 'mates' with whom they drink and banter, but friends with whom they are honest and whose advice they trust are few. Men can be afraid of appearing weak or needy and the perception of men as having all the answers to life's problems means they are not prepared to invest the time and energy to develop close, trusting friendships. Men often look to their wives or partners to provide emotional support and when these relationships falter and break they are left without supportive friendships. The outcome is a greater sense of isolation and aloneness that leaves men vulnerable to burning out and feeling disengaged and alienated from their lives. Men and women alike need friends whom we trust and who by their presence and interest in our lives assist us to re-engage with life again.

As well as the importance of relationships we need to manage our expectations of ourselves and what we can reasonably achieve for clients. It is easy to develop superman/superwoman lawyer complexes, to set ourselves unrealistic goals of what we can do.

As I have indicated, law is problem orientated. Within psychology and related fields there are different orientations that can provide assistance to lawyers in dealing with difficult clients. Two of these orientations are strength based theories and resilience which are based on the premise all people have some level of resilience and have strengths they utilise in their daily life. This applies equally to your client whom you think is living the most chaotic and disorganised life and appears not to have any constructive strengths or skills.

Learning to communicate with clients from a different orientation such as strength based theory is important for two reasons. Firstly, it allows you the legal practitioner to concentrate on your skills of solving legal problems.



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Secondly, it allows you to maintain your boundaries and not be overwhelmed by the complexities of the clients' lives. Once you have dealt with your clients' legal problems, their lives will continue as they had before you helped them. As a lawyer you may think your clients' skills or strengths are not effective in managing their lives. However you owe it to your clients to allow them the dignity to live their lives in the manner they choose, even if you have concerns or disagree with their choice.

Investing in relationships, managing our expectations of ourselves and what we can achieve for our clients help us guard against burning out.

Given that burnout is characterised by a lack of satisfaction in our work, it is also important to revert to and reflect on those intrinsic goals that led us to law in the first place.¹⁰

Before the long hours and the grind of six-minute billing and stress blurred our vision and sapped our energy what was the motivation that led us to law school? The desire to assist people, to embrace intellectual challenges, to improve aspects of society, to demonstrate excellence? It is about reflecting, re-discovering and re-committing ourselves to the intrinsic goals that led us to a legal career will assist us in recovering a sense of satisfaction in our work.

We are all at risk of burning out and we have all worked with or met people who are burnt out. The important thing is not to allow ourselves to be hypnotised into thinking we are all right but to develop reflective practices that will enable us to stay engaged in the important work we were called to do.

NOTES

1. In this article I am concentrating on the lawyer's relationship with her/his clients and how this relationship can contribute to a lawyer experiencing burn out.
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4. Briton, J. (2009). Lawyers, Emotional Distress and Regulation. *Bar Association of Queensland Annual Conference*, (p. 4). Queensland.
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