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### Lawyer Resilience Alabama Lawyer Assistance Program

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# Lawyer Resilience<sup>©</sup>

*By Prof. Pamela Bucy Pierson*

About once a week,  
I travel in a time machine.

I see someone age 10, 15, 20 years. Since 1987, I have taught approximately 6,000 law students at the University of Alabama School of Law. Everywhere I go—law offices, bar meetings, gas stations—I see former students. Most of them I met in Criminal Law on their first day of law school. Many I have not seen since they graduated from law school. It is always wonderful to catch up. It is also interesting to see how differently they age. Some have not aged at all while others look much older than their years.

What makes the difference? At first I thought it must be how well (or poorly) they had taken care of themselves since I saw them last: do they exercise, have they put on a few pounds? This does not seem to be the key factor. A number of

my former students who appear to be in good shape physically have not aged well at all, and some who do not appear to have missed many meals or to have spent much time in a gym have aged quite well. In a similar vein, I assumed that genetics was at issue, but I know a number of the parents of my former students and familial history does not seem to be the key. For a while, I thought the difference must be whether someone had suffered personal tragedies, but again I saw that this did not appear to be the differentiating factor. Some of my former students who have experienced extremely difficult personal situations have aged the best. I also thought that the difference must lie in the kind of practice someone was in, but this does not seem to be the key factor. Some of my former students who are in what most of us would view as high-stress, unpleasant practices have aged the best, while others who are in prestigious or seemingly enjoyable jobs have aged the worst.

Finally, I realized what made the difference. It was how my former students told me about what they were doing. To a person, those who were excited when they told me about their job, the case they had just finished, the clients they were working with or the bar program they were working on had aged well. Those who were down, dejected and weary when they told me about their job, talked about how soon they could retire or how they are looking for another job had aged poorly.

That enjoyment of one's work would be the decisive factor in who ages well and who does not makes sense given who comes to law school and what their expectations are. With few exceptions, every student I meet on the first day of law school is eager and excited to be in law school, full of energy and, even if nervous, abundantly confident that he or she is embarking on a meaningful path in life. This is a realistic expectation. By virtue of what we do, lawyers make a difference in others' lives. It can drain the life out of any of us when this expectation is not met.

After seeing too many of my former students beat down, worn out and used up by their practice of law, I wondered if it would be possible to capture the wisdom of experienced lawyers about career decisions and pass it along to others. One way we have tried to do this at the law school is by developing a video library of interviews with lawyers who share their advice—honest, wise and often humorous, about how to practice law in a way that is personally and professionally fulfilling.<sup>1</sup> Over the past four years, I have also collected data through a research project on “stress hardiness” in the practice of law. With the help from the Alabama State Bar, I have gathered information from lawyers and law students in a brief, online, anonymous survey. This study, IRB # 16-OR-280: “Stress Hardiness in Law Students and Lawyers,” is one of the first to examine the topic of stress hardiness in lawyers. With 530 respondents, it is also one of the largest. In this article, I share some of the findings from this survey and advice from our video interview library.<sup>2</sup> Resilience is the ability to bounce back from disappointments and setbacks. More than intelligence, wealth or health, resilience tracks success and happiness in life. One aspect of resilience is managing stress. Lawyers cannot be resilient without good stress management skills because there is stress in the practice of law. As one lawyer said:

“Being a lawyer is very stressful. This is true for any profession where you care about what you are doing, when other people rely on your being right and excellent in everything you do. It is a lot of pressure to want to perform well.”

## Opportunity to Pick Your Poison

The type of stress one will encounter in the practice of law varies, at least somewhat, depending on the type of practice. Since knowledge is power, knowing that the kind of practice one chooses will bring predictable types of stress is a helpful first step in managing stress. Lawyers who like structure and predictability should probably choose a different type of practice than lawyers who thrive in loose, quickly-evolving and unpredictable situations. The lawyers we surveyed described different kinds of stress they encounter. Lawyers in elected positions, for example, reported that dealing with the press was one of the most stressful parts of their job: “Everything you do or say is reported in the media.” Lawyers in management positions said that dealing with personnel issues was one of the most stressful parts of their job:

“The worst part of my job is having to dismiss someone, explain to a partner why the firm has to reduce their compensation or tell a new lawyer, a nice, nice person, that it is not working out.”

Civil defense lawyers almost uniformly identified “selling time for a living” as the most stressful part of their job. As one lawyer described:

“I’m required and most lawyers in most defense firms are required to keep up with each 1/10<sup>th</sup> of each hour. Every six minutes of every one hour of every day I work I have to report it and describe what I do for that 1/10<sup>th</sup> hour. It is the worst part of my job.”

Lawyers who deal directly with clients in difficult situations, such as plaintiff’s lawyers, criminal defense or domestic lawyers, identified the “human factor” as the most stressful part of their job:

“The worst part of what I do is seeing the very difficult personal situations our clients often have, whether it is in a criminal case or a domestic case or some other type of case. People often have very difficult situations and it is trying to deal with those situations, but that is part of what I do.”

## Stress-hardiness

Considerable research exists on “stress-hardy” individuals. These are individuals who are under the same stress as everyone else, but do not suffer the same physical and psychological manifestations of stress. Psychologists identify five characteristics of stress-hardy individuals: (1) a sense of control, (2) positive coping habits, (3) a sense of purpose, (4) “commitment to oneself” and (5) cognitive flexibility. Our IRB research has focused on how stress-hardy lawyers implement these characteristics in their day-to-day professional lives. What we found is briefly discussed below.

## A Sense of Control

Stress-hardy individuals maintain a sense of control. Control may be “situational,” where we maintain control over our situation, or “cognitive” control, where we maintain control over how we feel about our situation. Say, for example, I do not have control over the statutory deadline for the brief I have to file, but I do have control over how I schedule my work load so I can prepare the brief. If my work plan blows up with unexpected events, I still have control over how I feel about that blowup. If I am resilient and stress-hardy, I remain calm and figure out a new plan. If I am not stress-hardy, I panic and write a poor brief, or miss the deadline, or both. Situational control is rare in life; cognitive control is always possible. A number of lawyers differentiated between situational control and cognitive control and spoke of the importance of maintaining cognitive control. As one lawyer said:

“I never want to be the person at the airport who gets mad at the person behind the counter because the plane is not on time. I try to never get upset about anything over which I have no control.”

Several lawyers talked about how a law career can provide opportunities to maintain control over one’s professional life:

“To me the best part of the practice is that you are in control of your own destiny. Sure, there are market forces and client forces that are beyond your control, but you get to decide what you want to do. If there is a particular type of case you want to do, learn about it, go market yourself, find the clients where that work is generated. You can adapt to become good at things you enjoy.”

A number of lawyers described habits they use to maintain control, such as preparation:

“Preparation is a great tool to minimize stress. I have no control over the outcome in a case. The only control I have is over my preparation.”

Taking charge of their careers:

“You need to be in control of your career. It took me longer than it should have to begin that process. I was just a boat floating on the water. Then I took the oars and rowed where I wanted. I figured out what kind of law I liked, I learned about it and I actively pursued clients in that area.”

Figuring out how to generate clients:

“Assume you will always have to be bringing business in. Assume that everyone you run into could be a client. Always be marketing yourself. When I moved to town, I sent letters to 25 community groups offering to be a speaker on wills and estates. At one event, at the public library, 150 people showed up. Those talks jump-started my practice.”

## Positive Coping Strategies

Positive coping skills, not maladaptive coping skills, are essential to managing stress well. Lawyers we surveyed identified a number of tried-and-true coping strategies that help them manage stress, including exercise, social connectedness, faith/religion and maintaining perspective. Psychologists routinely note that the habit of gratitude is one of the best strategies for managing stress. A number of respondents in our survey listed habits of gratitude as the way they keep perspective:

“I think about how many great opportunities I have been given, that I don’t need to worry about having everything go perfectly. I just need to work hard, do my best and let things go as they will.”

“I remind myself how lucky I am to have a really great family.”

There were generational differences in the coping strategies reported in our survey. The older lawyers (average age 44), while listing exercise as one of their stress-coping mechanisms, also noted of the difficulty of finding time to exercise. As one lawyer said, “At one time I went to the gym. I hope to get back to that point soon.” Additionally, the social structure of lawyers’ support system changed with age. Whereas

only nine percent and 15 percent, respectively, of first-year and upper-level law students were married, 75 percent and 72 percent, respectively, of lawyers average age 34 and 44 were married. Whereas no law students were divorced, 10 percent of the lawyers were divorced. The older our survey respondents were, the greater reliance they reported on alcohol and drugs to manage stress. Only 1.3 percent of first-year law students and three percent of upper-level law students reported relying on alcohol or drugs as a stress-coping strategy, compared to 19 percent of lawyers.

## Sense of Purpose

A sense of purpose is one of the characteristics of stress-hardy individuals. This is not surprising. It is easier to tolerate burdens, hurdles and difficulties if we experience them when striving for something that is important and meaningful to us. Lawyers in our survey reported many ways they derive meaning and purpose from their practice: working with colleagues, helping the justice system work better, intellectual challenge. By far, the most commonly reported sense of purpose was “helping someone.” As one lawyer said:

“I have always found meaning in the fact that most people come to my office on their darkest day, and I am usually in a position to make things better for them.”

“Helping clients” was the most commonly-listed source of purpose in practice regardless of whether lawyers represented individuals or companies. For example:

“I am a compliance officer and in-house counsel. I help unravel problems. I help people avoid making the same or new mistakes.”

“I educate employees. I protect the company.”

A number of lawyers spoke of finding meaning in their pro bono work:

“Doing pro bono work always ends up being meaningful to me.”

“Of all the work I do, some of the most meaningful is my work with the Volunteer Lawyers Program.”

“I handled a pro bono matter for a friend who really needed an assist. He said it was the first time he had smiled in months.”

Sadly, some individuals in our survey reported having no meaning in their work:

“There aren’t many. If you deal with the general public, you deal with ignorant people on a daily basis. Most of my clients don’t care as much about their cases as I have at one point in time. There is nothing meaningful about coaching adults to do what they were supposed to do in the first place.”

“I don’t have one yet.”

“I can’t think of anything.”

Notably, in our survey each individual who reported finding no purpose in their practice of law also reported greater stress.

## Commitment to Oneself

Stress-hardy individuals demonstrate a “commitment to oneself” which includes two things: self-awareness of what causes us to feel stress, and the ability to “soothe” ourselves. Assessing what is causing us stress is essential in handling stress well. As one lawyer said:

“What is really helpful to me and I think to most people when they’re dealing with stress is to figure out what is causing the stress and then address the root cause. In law practice you see a lot of people trying to balance a lot of things. There are only 24 hours in a day so if you routinely bite off more than you can handle that will be stressful. Or, if you are in a practice where you don’t know what you’re doing, that will be stressful. Go find someone who can help you. If you can identify the cause of the stress, you can come up with a plan to work through it as opposed to just floundering.”

Self-awareness may not come naturally to some lawyers since we tend not to be introspective or to get training in self-awareness as part of our professional education. There is a silver lining, however: our training as lawyers. We are trained to deal in objective facts. This can be an asset if we treat ourselves as objectively and analytically as we would a client. As one lawyer said:

“A lawyer must be able to see when the client is acting emotionally and against her own best interests. A lawyer must be the rational thinking in the room—always asking what is in the client’s best interest. This technique can be used by the lawyer on herself when making important decisions.”

The second component of “commitment to oneself” is knowing how to soothe ourselves and doing so when we are under stress. While most of us, by the

time we are adults, know what do to take care of ourselves (get together with friends, exercise, get away from work for a while), doing so can be difficult. We are busy. It is hard to walk out of the office when there is work to be done, to turn off our cell phones in the evening, to resist checking email. No one can implement positive coping strategies when tied to work 24/7, though. Again, our training and “Type A” personalities can be assets if we use the same discipline to take care of ourselves as we do when handling the tough case, the difficult client, the long transaction.

As one lawyer said:

“Practicing law is not a sprint. It’s not who gets there the fastest. I have law school classmates who burned themselves out by working 24/7, too hard, too fast at beginning. The practice of law is more long-term than that. It’s serving your clients, developing relationships, building your cases.”

## Cognitive Flexibility

Stress-hardy individuals are “cognitively flexible,” meaning they are able to “integrate and effectively appraise the threat of new situations.” The ability to pivot when encountering roadblocks may involve a “big” pivot: reassessing our long-term or short-term personal or professional goals, or a “little” pivot: finding a new route to a goal. While adaptability is helpful for anyone in any career path, adaptability is increasingly important today for lawyers because of the dramatic changes taking place in the legal profession. Everything is changing: how legal services are delivered, what constitutes “legal services,” what clients expect, how law firms are structured, how government offices are run. The constant refrain among the lawyers we interviewed was the pace of change: “The practice of law has changed more in the past five years than in the past 30.” As the managing partner of one law firm said:

“The profession is going to continue to change with more lawyers going in-house, more legal services being out-sourced, technology continues to become more sophisticated. The profession is changing very fast and it is going to continue to change faster and faster, which is why I tell my partners we have to stay abreast all of the time of trends because if we don’t stay ahead, then we’re actually falling behind and we will fail ourselves. It is the speed of the change coming that is staggering.”

Lawyers in our surveys offered advice on how to maintain adaptability and flexibility in the evolving legal marketplace. Consistent themes we heard were:

“Learn to remake yourself to fill the needs in the market.”

“Learn what you can offer to the market.”

“Your day, your year, your life as a lawyer can change with one phone call so be adaptive and flexible enough to recognize that and jump on those opportunities when they present themselves.”

“Keep yourself financially nimble so you can make career changes.”

## So, how do we become resilient?

Control what you can and turn loose of what you can’t. Exercise and spend time with family and friends. If you aren’t enjoying what you do, find something else to do. Practice self-awareness and know how to “soothe” yourself. Be prepared for change. As one lawyer said:

“Absolutely nothing may turn out like you want or expect it to and that is okay.” ▲

### Endnotes

1. <http://www.law.ua.edu/resources/BBLcourse>.
2. The data we have gathered from the 105 interviews in the BBL Video Library and from IRB # 16-OR-280 are discussed more fully in *Hamilton, Pepper, Pierson, Root, Stress Hardiness in Law Students and Lawyers*, to be published 2017.

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