

BACK STORY

AVOIDING STRESS AT WORK PART 2

BY ALBERT G. MARQUIS, ESQ.

In February 2010, I published an article in *Nevada Lawyer* about avoiding stress at work. The emphasis was on avoiding procrastination – on starting projects early in order to avoid a log-jam of work on your desk. Of course, in the complex professional life of a lawyer, many other factors can also create stress.

Unhappy clients are a big source of stress for a great many lawyers. One source of client unhappiness is their inability to communicate directly with their lawyer from time to time. When this problem persists, clients often develop feelings of frustration and anger. Keeping our clients happy ought to be our number one objective. Don't take on so much work that you don't have time to speak to the people you are working for. When clients call, return their calls even if there are problems with the case. The worst thing you can do with a problematic case is cut off communications with your client.

Clients also become frustrated and unhappy due to unfulfilled expectations. Generally speaking, clients have no concept of how long a case might take, the complexities of a lawsuit or the downside of certain issues. If you paint a rosy picture for a new client just to get his business, you will live to regret it. Be realistic. If you anticipate problems, explain those to the clients in terms that they can understand. Tell clients how long a case will take and what sort of complexities they can expect to encounter. Above all, if unexpected problems arise, the client deserves an explanation.

Paradoxically, clients also become unhappy if they get behind in their payments. What is the best defense to an attorney's insistence that his invoice be paid in full? The fallback position for the client is to claim that the attorney did not do what he promised or otherwise made mistakes. Once the client takes this position, he begins looking for factors to support that position. In no time at all, attorney and client are at odds with one another, leading to a great deal of stress both with respect to an unhappy client and nonpayment of the bill.

Another source of stress for practicing attorneys is friction among office attorneys and/or staff. Attorneys generally have Type-A personalities, and they are skilled at standing up for themselves and advocating their position. This is why so many newly formed partnerships dissolve within a year or two. With respect to internal relations, attorneys need to work more on the art of compromise than on the art of advocacy.

It is so easy for a small affront to grow into a battle-to-the-death controversy. Rumors abound within a law office, and it is quite common for an attorney to hear that someone else in the office did or said something that seems offensive. Then, instead of going in and quietly discussing the problem with the other attorney, they remain silent. In effect, they place that grievance in a gunnysack and add other grievances that come along until the point comes when the sack is too heavy to carry any further. Then the entire sack is dumped out all at once in a huge blow up. No *gunny-sacking* is a good rule to have within the office.

When it comes to stress within the office, one of the best and worst technological developments has been e-mail. On the one hand, e-mail has enabled individuals to communicate with others efficiently and effectively. E-mails can be sent to individuals or to groups, and often a matter can be resolved without any direct communication.

But this is also the problem. Because e-mails deprive the recipient of knowledge of the sender's tone of voice or facial expression, it is easy for the recipient to misinterpret what has been said. It is also easy to quickly hit the reply button and fire out a nasty response. Or worse yet, hit "Reply to All" and fire out a nasty response. Within the course of a few minutes, a simple misunderstanding can grow into an all-out offensive. That is why we have a rule within our office that you cannot send an e-mail if you are angry, frustrated or irritated. Instead, go talk to the person directly.

And remember: You are not always right. Sometimes you make mistakes. When you do, you will appreciate someone coming in, shutting the door and engaging you in a quiet, sincere conversation. Generally speaking, almost every interoffice controversy can be resolved this way, which greatly reduces the stress otherwise associated with practicing law. ■



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