

WANT TO SHARPEN YOUR MIND? CUT YOUR STRESS.

BY RYAN SULLIVAN, ESQ.

An Odd Incident in the Nighttime

At 4:30 in the morning, the house was dead quiet. The blue glow from Jamie's¹ laptop was a lone beacon in the black of night as she huddled on the couch in hot chocolate-stained pajamas, attempting to concentrate on her closing argument. Abandoned lumps of half-folded laundry pressed against her side and Dancing Elmo's wide, white eyes stared up at her from his position on the floor beside her feet.

Over the final days leading up to trial, Jamie had re-organized the words on her computer screen a thousand times, wracking her brains for more, more, more. Arguments before the jury began at 8:30 a.m. In a frenzied burst, she clutched her laptop to her chest, shoved the offending pile of laundry to the floor and kicked Dancing Elmo hard in the keister. Elmo sailed through the darkness, crashed into the wall and thumped to the floor, his haunches twitching in a death jig as he warbled a bit of song and then lapsed into an eerie silence. Lowering her computer back into place, Jamie narrowed her eyes at the screen, totally indifferent to poor Elmo's fate.

Stress Basics

It's old news that stress is inherent in the business of law.² And for some attorneys, chronic stress is accompanied by depression, substance abuse and many other delightfully related downers that can conspire to summon the state bar to your legal door. Some signs of stress include: anxiety, sleep problems, decreased immunity, restlessness, angry outbursts, relationship conflicts, stomach upset, fatigue, overeating or undereating. Common ways to reduce stress: eat right, exercise, sleep well, reduce conflict, meditate, listen to music.³

Not all stress is bad; "good" stress can both motivate and challenge us to achieve our goals. Chronic stress is another story. According to Dr. Richard O'Connor, "Chronic stress acts on the body to put us in a constant state of arousal, which restricts our perception and thoughts, interferes with concentration and decision making, and makes us feel afraid."⁴

We can all agree that chronic stress needs to be eliminated. However, a vexing problem relates to action implementation.



We know we're stressed and we know the things we should do to feel better, yet moving our butts off the proverbial La-Z Boy and actually doing it is the hard part. Here's a motivational nugget: a calm mind is a sharp mind. Creativity, intellect, communication – all these good advocacy skills suffer when stress shrinks our brain by limiting our perceptions and thoughts. Want to trump the competition in court? Write a dazzling brief? Negotiate the greatest deal of all time? If you cut your stress levels your mind will shine like the blade of a razor. Jamie's closing argument didn't need wee-hour-of-the-morning, stress-riddled revisions in order to sparkle; her argument needed a well-rested, calmer version of herself.

The Elephant is “Stuck” in the Room

Before beginning the work of actually doing something to reduce stress, one large elephant in the room must be acknowledged. During a panel discussion held at the Touro Law Center, titled “Stress, Burnout, Vicarious Trauma and Other Emotional Realities in the Lawyer/Client Relationship,” Dr. Stanford Portnoy expressed the opinion that, after treating lawyers clinically for the past 32 years, he believes that lawyers, more than any other group, have higher degrees of “stuckness” in addressing stress.⁵ Dr. Portnoy has heard lots of, “Yes, but!” responses from lawyers insisting that there isn't anything they can do to

change their situation and that this is just the way the legal system works. These lawyers are stuck.

While it's true the billable hour won't vanish tomorrow and headaches from incivility and client pressures can't be waved away by a magic wand, there is a powerful, transformative weapon each of us has in our arsenal: our attitudes. The ways we perceive the world and our surroundings are all processed through our individual mental filters and then snuggled into our brains in the form of our attitudes. We may not be able to change certain circumstances but we can change the way we think about them and the way we act in response. The only real control we have in this life is the control we exert over ourselves. Exertion of self-management is key to stress reduction.

Build Your Stress-Busting Skills with the OAR System

Controlling actions, thoughts and attitudes is not always easy. Starting with a simple plan that breaks stress reduction into manageable chunks is a good way to begin. Think of an old-fashioned wooden oar, one you might use to paddle a beat-up aluminum canoe through a small lake. Now use the letters OAR to stand for something new: Ownership, Action, Repetition.

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O for Ownership

The O for Ownership stands for taking a careful look at your current situation to examine how your choices have placed you where you are now. Be careful, owning the problem is very different from blaming yourself. Blame is a negative, unhelpful emotion. Instead of blame, ownership is akin to accountability and leads us to ask, “How have I played a part in this?”

Using the OAR system as an example in Jamie’s case, ownership might mean spending a few moments in analysis of the Elmo Incident. Upon reflection, maybe Jamie would realize she hadn’t prioritized working on her closing argument until it was too late and, instead, had allowed office distractions to gobble up precious work time early in the game, which generated unnecessary stress later. Ownership taken.

A for Action

After taking ownership, swing into action to create change. The first part of taking action is formulating a plan of attack. The second part of taking action is launching the plan. First plan, then launch (just like NASA, minus the astronauts and the rocket science degree).

Create an individualized plan targeting the issue. Tailor your plan to match your needs. Don’t devise plans that sound good but make you cringe inside, such as signing up for a yoga class at 5 a.m. if you hate stretch pants and are not a morning person. Make your plan meaningful to you.

For instance, Jamie could write down a list of things she will do differently as she prepares for her next trial, including calendaring dedicated hours to work on her closing argument with zero distractions (door closed, phones and e-mail alerts off). When the designated times appear on her schedule, Jamie must engage in successful self-management by following through and honoring the plan she made to work on her argument distraction-free.

R for Repetition

People often say that motivation doesn't last. Well, neither does bathing – that's why we recommend it daily.

– Zig Ziglar

Just as we maintain our bodies on a frequent and consistent basis, so must we maintain our minds. Repetition and consistency in practicing stress reduction skills leads to improved results, more confidence and a cycle of positive effort. Sometimes we all slip up, forget to use our skills or make an impulsive decision that goes against the goals we are trying to achieve. Don't dwell on slip-ups. Slap your OAR back in the water and keep paddling your canoe on an even keel.

Stress will always be present in our lives, its strong currents attempting to pull you off course, but using the OAR method you have a means to propel your canoe toward the destination you want to reach. Dancing Elmo dolls worldwide will thank you. ■



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County Public Defender's Office. In addition to criminal defense, Sullivan is interested in issues of attorney stress management and how to be a positive professional.

- 1 Names and identifying details have been changed to protect the innocent and the guilty.
- 2 Dennis M. Warren, *Breathing Lessons: Justice Frankfurter and the Laws of Stress and Performance*, Oregon State Bar Bulletin, Dec. 2002.
- 3 Mayoclinic.com.
- 4 Richard O'Connor, Ph.D., *Undoing Perpetual Stress*, (2005).
- 5 Dr. Sanford Portnoy, Professor Marjorie A. Silver, Professor Jean Koh Peters, *Stress, Burnout, Vicarious Trauma, and Other Emotional Realities in the Lawyer/Client Relationship*, A Panel Discussion, 19 Touro L. Rev. 847 (2004).