

# Self-Care vs. Car Wrecks: A Compassion Fatigue Story

BY ANONYMOUS

I am smart. I really enjoy using my smarts to solve problems: logic problems, crossword puzzles, strangers needing directions, my clients' problems, my friends' problems, and my family's problems. But, fixing problems has a sinister side, just like any addiction, and one can develop compassion fatigue.



The best way to explain “compassion fatigue” comes from my therapist. During a session,

as I was throwing off my defensive statements to her regarding “not caring” or “it’s not my problem,” she openly scoffed that I enjoyed fixing other’s problems the same way alcoholics drink beer. She observed that I would never be the person who just didn’t care. She is so right. I like helping people. I like being smart and solving problems. I discovered, however, that the bad side of caring too much and about the wrong things can lead to not caring at all about most everything.

My story starts sometime in 2014. On my way to work, I started (at least once a week) contemplating driving my car off a seven-to-eight foot cliff overlooking the railroads. At the time, my family law practice was thriving, and I doubt anyone could have known the feelings and thoughts that I was having. The thoughts increased in frequency, but each time I had these thoughts, I always convinced myself not to do it because I couldn’t guarantee that I wouldn’t kill myself or inflict life-long trauma, which would just cause more problems. I didn’t want to die. I just wanted a break from my life. However, each day I invested a little more time in trying to plan how I could do it and manage to get a short stint in the hospital

and a much-needed break.

I tried so many things to stop the thoughts and get over being so tired all the time. I tried vacations. I went to the beach, the mountains, Florida, and New York City. But I’d be exhausted before I left on the trip and even more exhausted upon my return, faced with catching up on the backlog. Not only didn’t they fix my problem, vacations seemed to exacerbate it.

Diet and exercise helped somewhat. I was running a 5K a month and participating in Crossfit and Spartan races. I was the most physically fit that I have ever been in my life during this same time. No processed foods for me. This was wonderful compared to my

chubby, middle-school days where I hated the PE and would eat an entire pan of Rice Krispy treats in a single sitting. Unfortunately, except for the hour or so that I was participating in the exercise or event, it really didn’t change any of my thoughts or my mentally exhausted state.

Sleep was minimal during this time. I routinely woke up at 3 AM and couldn’t go back to sleep because of thoughts racing through my head. I stayed up late at night rehearsing my statements for trial, arguments that would usually never even be spoken. I considered going to the doctor, but I had heard strange things about sleep meds like Ambien. I didn’t want to murder someone in

my sleep or go parading around my neighborhood in the nude, so I stayed on course with my preferred plan—contemplating my car wreck/hospital stay.

This went on for about a year, until I had had enough. I decided I would address my problem, even though I had no idea what my problem actually was at that time. Unaware of how much I was subverting my needs to everyone else's, my life presented the perfect opportunity for me to finally focus on myself. My 11-year-old was going on a school trip for almost a week with no access to a cell phone or me. You see, I didn't want to upset her or inconvenience her, because I was responsible for driving her to school, helping her with homework, and generally making sure her life was good. Plus, her not having a cell phone meant that if she had any problems, then she couldn't call me to fix the problem. In addition, I didn't have court that week either. My clients didn't have pressing problems to fix! So, I dropped her off at school and watched her get on the bus. Now I could finally focus on me and this problem, whatever it was. I was sure a trip to the doctor would somehow fix it all.

My regular doctor couldn't see me. I started to get frazzled and after casting about for ways to avoid doing so, I finally relented and told my husband that I needed to go to the ER. At the ER all went smoothly until the doctor asked me the standard question, "Are you suicidal?" Even though I knew the question was coming, I hadn't rehearsed or even thought about what I'd say. However, the most profound words came to me regarding my current state of mind and problem. I blurted out, "I don't think so, but I don't know what I am going to do if I have to hear another f\*\*\*ing person's problems." With that statement I meant "person" to include every single living thing on this earth: family, friends, clients, political activist groups, donation seekers, Leonardo DiCaprio, random strangers asking for directions...EVERYONE! He responded with, "So possibly homicidal or suicidal," and laughed kindly.

I got through that day and was given a prescription for the normal stuff doctors hand out for depression and anxiety. I scheduled some follow-up doctor appointments. It was a lackluster resolution. None of the medications worked for me; they only exacerbated my problems over the following week. I discovered I don't synthesize those medications well, so they were not going to be

an option for me, which was thoroughly disappointing. Not to mention, my kid was back and court appearances were looming. This problem seemed to now be out of hand. I couldn't just return to the way things were before, but did not know what to do differently.

It was at my first follow-up appointment with my doctor that my "problem" started getting defined. My doctor said that I didn't have a support system. Eureka! I KNEW IT! I finally had confirmation that I was surrounded by hapless, greedy, needy people that constantly took and took and took from me. So it turns out they were all jerks after all! Then he went on to say, "You have no support system because you don't tell anybody what is going on and instead just try and handle it all on your own."

Wait.

What?

But there it was. I was the jerk. I thought I was so smart. That I was above it all. That I did not need community. You did. But not me. I was different and special. The realization was gut wrenching.

I was told I could resolve my issues by "just sharing." Ah, ok. Maybe "just sharing" is easy for you. Not me.

Here is where my anxiety started amping up. In order to be effective, my sharing had to be regardless of how others responded to what I was sharing. And I needed to share it all, especially the toes-curling-in-my-shoes stuff. I discovered that I was really a people-pleasing, low-self-esteem fraud. I faked life well. I pretended to have it all together, but I was constantly speaking unkindly to myself. I created unrealistic expectations for myself and was way too consumed by others' perception of my life. Or what I imagined their perception to be. In sharing, I started really discovering what was going on in my head and my life and why I was always so tired. I was exhausted because I was battling this inner jerk. As I shared this with my support people, I realized that I could change the script going through my head. Noteworthy, my support system was and still is a work in progress. Some people didn't make the cut and I limited their role in my life. I am working on me and I need truly supportive friends and allies to help with that project.

The lone soldier approach doesn't work. Neither does working by yourself on problems that you aren't properly trained to fix. Reluctantly, my next step was an appointment

for therapy with a psychologist. I hated the thought of talking to a therapist, but it didn't matter, because I needed to talk to one. Just as many people with legal problems need an attorney but hate coming to and paying for one, I knew going to a therapist was the best thing to do. I was sure a therapist would want to talk it out and want me to say that I was depressed, and anxiety-ridden, and admit that attorneys just have sucky lives. Well, she didn't. She told me about "Compassion Fatigue." It's like burnout, but it is from dealing with other peoples' problems. For example, like where you solve people's problems for a living but also put yourself in a position to have everyone come to you with their problems because you really like solving others' problems, and they don't know to stop because you haven't told them to stop and now you're ill because of it. She explained that in her profession, compassion fatigue is common and they have workshops, conferences, and retreats to deal with compassion fatigue/vicarious trauma.

The first thing that she taught me was that I need to put myself first. If I am exhausted, I am of no use to my clients, my family, or anyone. She spoke about the teapot needing to be full in order to pour tea out for others. I left therapy with homework. My homework was to do three things over the weekend that would bring me joy. She could have asked me to murder someone and it would have been easier. I seriously couldn't come up with anything. I gave up golf years ago because I didn't have four to five hours to be detached from the world. This rationale is why I gave up most things that I enjoyed: I was too busy solving others' problems or being there for others to be there for myself. I completed her homework, but not until stressing about it all weekend. I ended up with a nice bath, Rice Krispy treats, and moving furniture around in my house. I stumbled on to the big secret to joy that weekend—it comes from the simplest of things. I am happy to say I can easily come up with three things to do everyday to bring myself joy.

Next, I learned how to prevent compassion fatigue with self-care. Honestly, I had no idea what that meant other than taking a bath and getting my eyebrows done. Being an attorney really put me in a good place to help myself here. I started doing research and reading about self-care. After a few years of managing this, I can say that my self-care seems to be

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in the processes designed to help safeguard entrusted funds is good for clients because it ensures that their funds remain protected. Additionally, a collateral benefit to the client of an efficient trust account manager is increased time and energy to focus on the substance of the representation.

### 3. Peace of Mind – Good for Lawyers

There are risks associated with maintaining one or more trust accounts, and those risks can be a source of anxiety for lawyers. Those risks include employee embezzlement and fraud. History has shown that trusted staff upon whom lawyers rely to help manage and maintain entrusted funds may instead help themselves to money in the trust account. In many instances, this embezzlement could have been detected if the lawyer had regularly performed three-way reconciliation of the trust account and quarterly random transaction reviews in accordance with the applicable rules. The same is true regarding discovery of fraud. Increasingly, lawyers' trust accounts have been targeted by external actors perpetrating fraud. In some cases, the fraud is promptly discovered when a rightful recipient of a large sum of money does not

receive payment because a scammer was successful in getting the lawyer to disburse the funds to the thief and not the true owner. However, in other cases, the fraud is more passive and ongoing in the form of spoofed trust account checks for small amounts that can go undetected unless the lawyer regularly performs the prescribed reconciliations and reviews. Another source of anxiety for lawyers is the random audit. Anyone who has ever been the subject of a random audit knows the angst that typically accompanies the news that you will be audited. While nothing can entirely alleviate this stress, confidence in knowing that the trust account is properly maintained and holds the funds you are required to keep in trust for your clients can certainly help minimize any anxiety. I have a friend who is fond of saying, "If your house is clean, you don't mind company." This is true of reconciliation and review as pertains to a random audit—when routinely performed, three-way reconciliation and quarterly random transaction review make the prospect of a random audit less of a concern. As lawyers, peace of mind can be that elusive holy grail. Performing three-way reconcilia-

tion and quarterly random transaction reviews can support peace of mind, at least as it relates to trust account management, thereby moving lawyers one step closer to that seemingly impossible aim. I can think of many reasons why peace of mind is a good thing for lawyers, but I cannot conceive of even one reason why it is not.

There you have it. The case is closed, my argument is finished. I hope I have persuaded you, even if you dread the tasks, that regular three-way reconciliation of the general trust account and quarterly random transaction review of all trust and fiduciary accounts are good things worthy of the routine commitment of your time and attention. Such a commitment is our ethical duty, and regular completion of these acts can increase proficiency and efficiency in the execution of these tasks. Also, regular (at least quarterly) three-way reconciliation of the general trust account and quarterly random transaction review of all trust and fiduciary accounts can help foster lawyer peace of mind. Promotion of lawyer peace of mind is good for you, good for the public, good for the profession, and good for your clients. ■

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## LAP (cont.)

balancing the joys of a 12- year old with the obligations of a 40+ year old. Sleep is first and foremost. I discovered that if I want good sleep, then I need a schedule for sleep, much like my morning schedule to get ready for my waking hours. No matter how good of a parent, attorney, caregiver, or friend that I can be, if I have eight to ten hours of sleep then I can be 500 times better. Second, I deserve just as much love and kindness as everyone else. I buy myself flowers. I skip work on Friday afternoons to watch *Star Wars* and Marvel movies. I really try to connect with the things that I enjoy. I have found that meditation and mindfulness greatly help me connect to finding those things that bring me joy and understanding the things that impede my joy. Lastly, practicing meditation and mindfulness helps me let go of a lot of useless thoughts and worry.

My new self-care regimen also meant a big change at work. I needed to set up and maintain good boundaries with clients. I don't give my cell phone number to clients

anymore. I don't email with my clients on the weekend, and they know upfront to never expect a response from me on the weekend. My clients need to be more invested in their case than I am, and they also need to have good self-care. I have advised lots of clients to seek therapy because I recognize their mental health issues or poor self-care. It makes so much sense because poor self-care can lead to numerous marital issues, thereby leading them to my office. Being more present to my needs has put me in a good place to give my clients really good advice for their lives and inevitably their cases.

I still really enjoy fixing other's problems, but I really enjoy working on my own, too. For years I have heard the remarks about attorneys fixing others' problems and neglecting their own. While that may be true, I also believe that attorneys have a very good skill set for solving problems, even when those problems are their own. As I look back I have enjoyed my learning experience and am so grateful for where I am today. I still want to solve others' problems, especially in the form of sharing my experience to help peers who

may be suffering from compassion fatigue. I am now a LAP volunteer and have shared this story at CLE events. It has been cathartic for me. So many lawyers have told me they relate to my story. It is not so hard sharing now. Not hard at all.

If you think my story sounds even remotely close to what you are going through, please look at the LAP website under "compassion fatigue" for some wonderful info and advice and call LAP. Hindsight being 20/20, if I had looked at that website earlier, then I could have prevented about a year of my suffering and started on the road to recovery sooner. ■

*The North Carolina Lawyer Assistance Program is a confidential program of assistance for all North Carolina lawyers, judges, and law students, which helps address problems of stress, depression, alcoholism, addiction, or other problems that may impair a lawyer's ability to practice. If you would like more information, go to [nclap.org](http://nclap.org) or call: Cathy Killian (western areas of the state) at 704-910-2310, or Nicole Ellington (for eastern areas of the state) at 919-719-9267.*

# Weather Patterns

BY ROBYNN MORAITES

Why do some lawyers find it easier to kill themselves than to admit they are unhappy and need to make a change?

This may seem like an overly dramatic opening to an article about lawyer mental health, but it reflects the urgency I feel about bringing to light the importance of an underlying psychological/spiritual malady that affects all of us—our fundamental human condition and the illusions that go with it.

The human condition I'm speaking about is not limited to legal practitioners, but rather affects everyone. The problem for those of us in the legal profession is that we have bought into some of these illusions to a greater extent than others. The lawyers who choose suicide rather than face the truth of their lives are our profession's "canaries in the coal mine," the first to warn of us what lies ahead if we continue to deprive ourselves of the oxygen of mental equanimity and emotional stability.

If you've ever seen me speak at a CLE, you know that I am a big fan of continuums. I often refer to a slide containing a big red line with arrows on each side of a continuum and observe that most of the mental health problems encountered by lawyers are not the either/or propositions that lawyers are so adept at creating. Rather than a simple choice between I'm OK/I'm not OK, I am anxious/I am not anxious, etc. we are all on a continuum somewhere between the "top of our game" and "disabled." We move along this continuum based on various circumstances: life situations, organizational factors, the facts of a particular case or client matter, how passionate we feel about our practice area, whether our practice area has any emotional perks or inherent rewards, heredity/genes, and countless other factors that may feel or actually be beyond our control.

I bring up the continuum because, while it would be easy and reassuring to separate our life situation from that of lawyers who

die by suicide, these lawyers actually reside on the far end of the same continuum on which we all sit and on which we all travel. The continuum of which I speak is less a measure of mental health than an indicator of how much we have bought into the illusion of our false self, our ego's power and its mistaken chase for something outside of ourselves that we think will finally make us happy, satisfied, and whole.

At my CLE presentations, you have heard me talk about the ego and the false self. I spend a considerable amount of time discussing the ways in which the legal profession reveres and reinforces the ego and false self, and why it is so detrimental to our mental health and overall quality of life. I also highlight specific ways we can begin to disidentify with the ego and false self and begin to create a trustworthy and objective inner observer.

In his book about meditation and contemplative practice, *Into the Silent Land*, Martin Laird provides a remarkably good metaphor for the human condition. Rather than botch his beautiful writing by way of paraphrase, let me quote him directly as he richly discusses the "riveting of our attention, the constant chatter of the cocktail party going on in our heads." It is a long quote, but I include it because it can free us from so many of the false ideas that can rob of us our happiness, and in extreme cases, even our lives.

The...wholeness that flowers in silence, dispels the [previously described painful] illusion of separation [from ourselves, others, life, and the present moment].<sup>1</sup> For when the mind is brought to stillness, and all of our strategies of acquisition [and distraction to avoid feeling anything] have dropped, the deeper truth presents itself.... [We are already whole and are not separated and alone like we mistakenly feel and think we are]. The marvelous world of thoughts, sensation,



emotions, and inspiration, the spectacular world of creation around us, are all patterns of stunning weather on...a mountain. But we are not the weather. We are the mountain. Weather is happening—delightful sunshine, dull sky, or destructive storm—this is undeniable. But if we think we are the weather happening on [the mountain] (and most of us do precisely this with our attention riveted to the video), then the fundamental truth of our [wholeness and] union...remains obscured and our sense of painful alienation heightened. When the mind is brought to stillness we see that we are the mountain and not the changing patterns of weather appearing on the mountain. We are the awareness in which thoughts and feelings (what we take to be ourselves) appear like so much weather on the mountain.

For a lifetime we have taken this weather—our thoughts and feelings—to be ourselves, taking ourselves to be this video to which the attention is riveted. Stillness reveals that we are the silent, vast awareness in which the video is playing. To glimpse this fundamental truth is to be liberated, to be set free....

Wait! Wait! Don't put this article down! I suspect that I just lost or am about to lose



about 99.9% of readers whose knee jerk reaction is, “Well I tried meditating, but I’m no good at it because I’m a thinker, not a mediator. I simply can’t ‘shut down’ my mind.”

Relax. None of us can. Not even Martin Laird. He admits as much in his book. “Getting rid of thoughts” is neither the purpose nor, more importantly, the method of contemplative practice. In fact, for all of us (meaning all people on the planet, including the Dalai Lama), that will never be the outcome. Ridding ourselves of thoughts is impossible because the very nature of the mind is to think. If I tell you, “Do not think of a pink rhinoceros,” what do you immediately think of? See? Laird observes that the more one tries to fight the thoughts the stronger they become, which is why most people give up immediately and conclude that they are hopeless at meditation.

While we cannot silence the mind, we can begin to observe the thinking that never shuts off. This is the true nature of contemplation, whether practiced by a monk or an attorney. These thoughts, feelings, ideas, fears, and afflictive emotions are the weather patterns of our lives. But they are not us. Once we begin to observe these weather patterns (by refocusing our attention on our breath, for example), we will start identifying with them less. And as we start to put some distance between ourselves and our thoughts, we will find that the more we disidentify from whatever happens to be going on in our heads in any given moment, the less we will suffer.

Yes, each of us suffers. As William Shafer observes in *Roaming Free Inside the Cage*, when our ego structure was formed in early childhood, it got cut off from our original source of peace, joy, and energy that is the very nature of the mountain, as we increasingly became identified with the weather patterns. Our ego searches for that missing peace, joy and energy, mistakenly believing that they lie somewhere out there, outside of us. “So [we keep] trying to find alternative sources of peace, joy and energy but [we] cannot, and this is why, no matter how much we learn, how successful we are, or how many friends we have, we continue to suffer. The ego may have helped us survive the pain and traumas of childhood and get on with life’s journey, but it can never carry us home.”

Ironically, the more we strive,<sup>2</sup> often the greater we suffer. We create running commentaries in our heads about all kinds of

things: our underlying suffering, our reactions to it, judgment of ourselves, our inability to fix it [whatever “it” is], our perceptions that other people are really causing the weather patterns... “if only they behaved properly, we would not be fixated on this weather....” You get my point. But while we may be acutely aware of our suffering, we are largely unconscious of this relentless firestorm raging in our heads that is literally feeding and fueling our suffering. It is like computer bots running their scans and algorithms. It happens automatically, unconsciously.

The good news is that we do not have to rewire our inner circuitry, which would be a daunting task. Instead the goal is to become more and more identified with the mountain and less and less identified with the weather patterns appearing upon it. Laird does a remarkable job in just a few pages of normalizing this universal experience of life and explaining the gateways through which we pass with a contemplative practice. As we become more skilled at quietly observing the commentary and returning our focus and attention to breath and a repeated word, we slowly shift from victim to witness. And therein lies our freedom.

So, why does all this matter? Why does it matter for lawyers and our profession in particular? Forget productivity. Forget managing risk. Just for a moment, I beg you, please put these familiar, laudable goals aside. Yes, getting some distance from our frantic, busy, crazy minds will dramatically help us to be more productive, more effective, and less “at-risk” as attorneys, but that is not why I am writing this article. From my vantage point, I see a pattern with much bigger implications.

At the recent national conference of the ABA Commission on Lawyer Assistance Programs, I heard a very young widow tell the story of meeting her husband in law school. She showed us a honeymoon photo from their African photo safari trip. They graduated law school and passed the bar, each of them securing great jobs. He got a job at a law firm where he had been employed in a non-legal administrative position before going to law school. It was his first choice and his dream to work at this firm. Two months into his employment, he mentioned in passing at dinner one night that he was not sure he liked practicing law, that it was not what he expected or thought it would be. Two weeks later he killed himself.<sup>3</sup>

One has to ask, what *exactly* is going on

here? This is not the typical situation we hear about lawyers who’ve been in practice for years, who have become so run down that they have moved beyond compassion fatigue into burnout and severe depression and one night they get blind drunk and kill themselves in a fit of drunken (i.e., uninhibited) despair. This young man did not have a drinking problem. He had no personal or family history of depression. While I never met him, I will go out on a limb and postulate that he was not depressed; rather, he was disillusioned. His “strategy of acquisition” (marriage, becoming a lawyer, dream job at his first-choice firm) which he thought would make him “feel happy” (the “alternative sources of energy, peace and joy” that Shafer noted) did not work.

So, then, what’s the point of all of this? Of being lawyers? Of simply being? Can you follow the thinking? In my view, this is not what we think of as a true mental health problem; it is more an existential crisis.

Several years ago I attended one of our lawyer support group meetings. One of the lawyers in the group was getting ready to travel abroad and had misplaced his passport. He had searched high and low and had not yet found it. From what I recall the trip was quickly approaching and there was not time to get another passport. As he reported his predicament, he finished by saying, “I’m freaking out.” He paused, and with some emphasis then said, “Or rather, I am noticing that I’m freaking out.” Everybody laughed, as did he. The difference between his first sentence and his second sentence may seem minuscule. It is actually huge. In fact, the difference is so monumental, it accounts for why this lawyer was able to laugh at the situation. He was, precisely as Laird describes it, moving from victim to witness. (He found the passport, by the way.)

A lawyer approached me after a CLE talk one day and asked, “Will I still get irritated if I meditate?” I was able to honestly answer, “Absolutely.” You will still get irritated. But what will happen is that you will notice you are getting irritated. The initial irritation is what it is. It’s our immediate reaction to the stimulus. But then the running commentary kicks in and we become agitated and more irritated that the person has irritated us. Maybe we feel they have wasted our time or are not performing in some way we expected. The part of us that’s ramping up the story and whipping things up emotionally is the

ego/false self. The part of us that can notice the initial irritation is not that; it is something deeper. By definition, the one observing the irritation cannot be identified with the irritation. Just that little gap of space gives us greater agency of choice about how to respond to a situation.

The reason that people who have some form of contemplative practice seem calmer and less reactive to life is not because they are somehow less affected by life. They still have the same ups and downs, twists and turns, joys and disappointments that we all do because that is the nature of life. And they still have feelings and reactions to these life events. What is different is that they can see them and meet them without going down the rabbit hole of obsessive, over-personalized thinking. They are not ruled by their feelings and reactions because they are not totally identified with them. Through a regular practice of observing the thoughts that never shut off, they are better able to meet these thoughts, feelings, and reactions as the mountain instead of as the cloud that is being swept up by a cyclone system. The word for this state of mind is equanimity.

There are many forms and methods of contemplative practice. Some are religious-based, others are not. The modern-day Christian contemplative prayer method differs from the transcendental meditation movement of the 1960s and 70s only in what word or phrase is repeated with the breath. Many people have found tools like the Enneagram<sup>4</sup> extremely helpful in identifying the subtle (or not-so-subtle) tricks of the ego and then developing a greater awareness and ability to “catch ourselves in the act”—to more quickly see when we are caught in the special fixated thought pattern (i.e., weather pattern) associated with each personality type. This latter example is a form of active contemplation. Mindfulness is another powerful form of contemplative practice that helps us not only to identify when we have moved into unconscious, reactive mode, but also to practice techniques that better equip us to stay in a more conscious, responsive mode. As Laird notes, even the therapeutic techniques used in cognitive behavioral therapy, whereby we work to notice and modify repeated negative thoughts and behavioral patterns, is its own form of beginning contemplative practice—just the noticing. Although cognitive behavioral therapy is more about changing the

weather pattern on the mountain, from say a stormy day to a bright and sunny one, it certainly has its place and can serve as a good starting point for many of us.

Circling back to why this is so important, I believe the profession itself is currently in an existential crisis. The statistics of the toll this is taking on us cannot be denied, nor should it continue to be ignored. When you examine so many of the examples of lawyer suicide in North Carolina, much of the running theme involves lawyers who were too wrapped up in their ego, too wrapped up in their image, too wrapped up in chasing after external things that they thought would make them happy and didn't, too proud or image-oriented or self-sufficient to ask for help, accept help when it was offered, change jobs, change practice areas, take a sabbatical, the list goes on. At the Lawyer Assistance Program, we work with people on the individual level to help first calm the weather patterns. It might be that the next step is to change the weather pattern from stormy to dull clouds to sunny. Eventually, however, for anyone in any form of long-term recovery for any issue, we have to learn to identify more with the mountain if we want sustainable peace of mind, freedom, and joy.

In the fall of 2018, I was scheduled to give a CLE presentation with a colleague who is also a friend. The State Bar car I was driving broke down on the side of the highway. Forty minutes of calls later I had secured a ride and would be arriving within two or three minutes of the scheduled start time. On the phone with my co-presenter, after I rather frantically relayed what had happened, I said, “I’m freaking out.... Or rather, I am noticing that I’m freaking out.” We laughed and he said, “I’m not sure it works that way.” Without hesitation came my reply. “Actually, that’s exactly how it works.”

Mediation and contemplative practice don’t make us emotionally detached automatons, unaffected by life, nor do they dull our experience of life. Rather these practices provide the trust, curiosity, and vulnerability to contact and experience life more fully and to feel more connected to the present moment. Many report experiencing this as contact with something more real. In so doing, it opens us up to much greater freedom precisely because we are less identified with the weather patterns. In time it begins to dissolve the illusion of separation that we have from our authentic selves, life, and from each

other. And then our lives can truly become our own.

*It is not easy to find happiness in ourselves, and it not possible to find it elsewhere.*

—Agnes Repplier, *The Treasure Chest* ■

*Robynn Moraites is the director of the North Carolina Lawyer Assistance Program.*

*The North Carolina Lawyer Assistance Program is a confidential program of assistance for all North Carolina lawyers, judges, and law students, which helps address problems of stress, depression, alcoholism, addiction, or other problems that may impair a lawyer’s ability to practice. For more information, go to [nclap.org](http://nclap.org) or call: Cathy Killian (Charlotte/areas west) at 704-910-2310, or Nicole Ellington (Raleigh/down east) at 919-719-9267.*

## Endnotes

1. Laird calls it strategies of acquisition and distraction to avoid the painful empty feeling of separation. In recovery circles people talk about grabbing for things on the outside to fill up something that feels missing on the inside. We grab money, scholarly degrees, power, prestige, alcohol, drugs, lovers, spouses, houses, food, cars, job promotions, control, approval, security, the list goes on. To clarify, I’m not talking about attorneys here. I’m talking about what nonattorneys share about in 12-step meetings.
2. I call it “doubling down.”
3. This is a different lawyer than the one who was the subject of another young widow’s article, “Big Law Killed My Husband,” which was widely circulated earlier this year.
4. In its most basic application, the Enneagram is a personality typing system. What the Enneagram reveals, however, is our fixated point of attention—our special flavor of tunnel vision that limits a broader perspective (and causes us a lot of internal strife and pain). As one author notes, “The Enneagram does not put us in a box, it shows us the box we are already in—and the way out.” (Don Riso and Russ Hudson, *The Wisdom of the Enneagram*, Bantam Books, 1999). There are several schools that use the Enneagram for personal development including the Riso-Hudson School, The Enneagram Institute ([enneagraminstitute.com](http://enneagraminstitute.com)), and the Palmer-Daniels School of the Enneagram ([enneagram.com](http://enneagram.com)).

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Lawyers Weekly called me requesting a quick one-to-two sentence quote as to how I would advise a lawyer having difficulty with sleeping. Finding myself unable to succinctly summarize what I know about lawyers and sleep, a few paragraphs later, I realized I had the beginnings of this quarterly column for the Bar Journal. I alerted Laura Mahr, of Conscious Legal Minds, and asked her to coordinate her Pathways to Wellbeing column with this article. So, in this edition of the Journal, we hope to provide some solid resources and tips for getting a good night's sleep.

We all have heard the suggestions about good sleep hygiene: limiting screen time in the hours before bed, going to sleep and waking up at regular times, etc. The Lawyers Weekly article contained some excellent suggestions on this front. Following the mechanics and recommendations of a good sleep hygiene routine certainly is important and helps foster an easier ability to sleep. For most lawyers, however, the issue of inability to sleep usually centers around the inability to turn off one's thinking: whether it be frantic or compulsive thinking about a case, anxiety about possibly overlooking some as-yet-unknown-and-surely-missed aspect of the case, having previously undisclosed facts surface unexpectedly, suppressed anger at the unprofessional behavior of opposing counsel, hashing over procedural maneuvers, etc. The list goes on ad nauseum. Many of us equate this never-ending, frantic cycle of thoughts to a hamster running on a wheel.

Lawyers we work with at LAP often either report an inability to fall asleep or falling asleep easily enough but waking at three o'clock in the morning by the hamster running on the wheel. These occurrences happen far more frequently to far more lawyers than anyone realizes. The first thing we tell lawyers is that they are not the only lawyer experiencing this issue. It's prevalent across the profession. It seems to settle down a bit the more experienced a lawyer becomes in a certain practice area, but experience and even true confidence in one's skills does not necessarily eliminate this problem. Highly successful and seasoned lawyers can have sleep disturbances surface again when they are triggered by particular types of stress.

There are four stages of sleep: non-REM (NREM) sleep (Stages 1, 2 & 3) and REM sleep. Periods of wakefulness occur before and intermittently throughout the various sleep stages or as one shifts sleeping position. The first sleep cycle takes about 90 minutes. After that, they average between 100 to 120 minutes. Typically, an individual will go through four to five sleep cycles a night.

Stage 3 is known as deep NREM sleep, and it is the most restorative stage of sleep ("Deep Sleep"). Brain waves during Deep Sleep are called delta waves due to the slow speed and large amplitude. Of all the sleep stages, Stage 3 is the most restorative and the sleep stage least likely to be affected by external stimuli. It is difficult to awaken someone in Stage 3 sleep. For anyone who has ever been a parent, Stage 3 sleep is much higher in duration for children and adolescents, hence their ability to literally sleep through anything.

Getting enough Deep Sleep reduces one's overall sleep drive and sleep needs. This is why if you take a short nap during the day, you're still able to fall asleep at night. But if you take a nap long enough to fall into Deep Sleep, you have more difficulty falling asleep at night because you reduced your need for sleep. Conversely, not getting enough Deep Sleep creates a sense of fatigue and exhaustion during the day. And if we are consistently waking in stages 1 or 2 and not able to fall back asleep, we are obviously missing the critical restorative stage of Deep Sleep.

The reason Deep Sleep is restorative is that our bodies are busy doing all kinds of clean up and maintenance physiologically during this stage. During Deep Sleep, human growth hormone is released, restoring cellular tissue and muscles from the stresses of the day. The immune system is also reset and restored during Deep Sleep. Researchers are discovering that during Deep Sleep the brain refreshes itself by flushing out toxins and free radicals that are produced daily. People with autoimmune or neurological disorders that effect one's ability to think clearly attest to the fact that good restorative sleep is essential. Often, symptoms are barely noticeable after a good night's sleep, whereas symptoms flare the morning after a bad night's sleep. We are biochemical creatures and researchers are only now beginning to understand the neurological and cognitive impacts of restorative sleep, mindfulness, and meditation.

As lawyers, our most valuable commodity is our ability to think. We can attach a dozen adverbs to that last sentence. We need to think clearly, quickly, efficiently, correctly, strategically, etc. Deep Sleep is essential for maintaining those crisp thinking skills.

Many lawyers turn to substances for immediate sleep relief. Why? Because substances work in the immediate short term. Different substances, like alcohol, Ambien, Xanax, opiates, even over-the-counter drugs like Tylenol PM or Advil PM, are effective in temporarily turning off thinking and allowing or promoting sleep to varying degrees. Of course, regular use of substances often results in collateral consequences ranging from random, bizarre blackout behavior, or mental and physical sluggishness the following morning, to long-term addiction. Because our brains adapt over time to regular chemical changes (called neuroplasticity), these substances all eventually lose their effectiveness, resulting in lawyers taking higher doses in an attempt to obtain the effect felt in the earlier days of use. And often, we see lawyers using substances like Adderall or cocaine to counteract the sluggish-thinking-after-effects of the substances used to promote sleep. Substances are not a viable, long-term solution.

Because we cycle through the sleep stages, we all encounter times where we are more easily awoken by external stimuli or our own thoughts. So the goal in maintaining a minimally interrupted sleeping state is to minimize or standardize the external stimuli, and/or find a way to distract and calm the thought process.

Some of the suggestions may seem counterintuitive. The strategies employed are as unique as the individuals who employ them. Take what you like and leave the rest.

## TV

One of the most counterintuitive suggestions for those who have trouble falling asleep is to watch TV (on a TV, not on your phone or iPad due to the screen light). The key, however, is to watch something that is engaging enough to keep your mind occupied so that it doesn't drift back to the hamster on the wheel. Yet the show should also be boring enough that it will not hold your interest and keep you awake. For this suggestion to work we are targeting content that you don't really care about. We don't want to be invested in the story line, the characters or plot twists. With the proliferation of streaming services, it is easy to find a television show that you have already watched and are completely familiar with. Some lawyers find shows like Seinfeld, 30 Rock, the Office, Arrested Development and Friends helpful. Other lawyers may become too engaged in the comedy of those shows, even having watched them before, so those might not work. Some lawyers put on documentaries from the history or nature channel that they have seen before, so it is not new information. The key is to know yourself and find



the sweet spot between distracting enough to the mind but boring/uninteresting enough to doze off. With smart TVs these days, often you can set a timer so that the TV will automatically turn off at the time you indicate so that the background noise does not wake you later. For those who don't have a TV in their bedroom...

#### Podcasts

Like TV, this may seem a counterintuitive suggestion. And like TV, the key is to find content that hits that sweet spot between boring and engaged. There is a podcast called Sleep with Me designed specifically to help people fall asleep. The narrator takes a relatively distracting or engaging topic, say an old, well-known episode of Star Trek, and then rambles on about it for an hour, speaking in long, droning, winding sentences that circle back around on each other. An alert listener would be driven mad within a few minutes of listening. But for those seeking sleep, it is a perfect recipe. Many report falling asleep within the first 10 minutes of the podcast.

There are many podcasts that are not designed for this purpose, but may work just as well if the host or guest has a soothing enough tone of voice. We've had lawyers describe very interesting and engaging podcasts that, once the content is familiar, work wonders to help the person fall asleep. It is interesting enough to initially catch their attention, but because they've listened to it so many times, they quickly drift off to sleep. And we have had lawyers take their iPad to bed with them, and if the hamster wakes them at three in the morning, they hit play on that podcast again and fall back to sleep immediately. It is recommended to use the same podcast over and over again.

#### Ambient Noise

For some lawyers even old TV shows or podcasts would be too engaging and would keep them awake, commanding their attention. Some have found the use of a white noise machine helpful. There are apps available that create background noise of waves in the ocean, rain on a tarp, or quietly chirping tree frogs in a rain forest. For some people, this kind of noise would keep them awake and irritate them. But for those who report this strategy works for them, it works very well.

#### Read

Just like the TV and podcast suggestions, it can be helpful to read something that keeps your mind fairly occupied at first but will not ultimately hold your attention. We don't want a page turner here. A reading light by the bed is optimal and easy to click off. Or, if you don't have a reading light, it helps if you have the ceiling bedroom light on a remote control so that as you drift off to sleep (or if you fall asleep and wake up a little later), you can hit the remote control to turn the light off.

#### Early Morning Exercise

One of the most reliable ways to ensure we will be exhausted at the end of the day, and have better focus during the workday, is to work out (hard) in the morning. We're not talking about a leisurely walk around the block or a deep stretch yoga class. We're talking about high intensity interval training. Running. Spin class. Kick boxing. It needs to be something to get your heart rate up and keep it up for 45 minutes to an hour. Some do not want to exercise in the morning but would rather exercise after work. That can work, however, during high intensity interval training where we keep our heart rates up,

certain hormones and endorphins are released they can actually keep us awake. That's why it's recommended to exercise in the morning.

### Body Scan

This is a technique that is often used in meditation. It helps focus the mind and relax the body. When lying in bed turn your attention to the very top of your head. See if you can notice any feeling in your scalp or the weight of your head on your pillow. Move your attention to the front of your head to your forehead. Tense your forehead muscles by raising your eye brows or frowning your brow. Hold that tension for 3 to 5 seconds and then release and relax your forehead completely. Then move down to your cheeks and mouth. Do the same thing. Slowly move down your whole body noticing each muscle group, tensing the muscles of that area for 3 to 5 seconds and then releasing. And slowly begin to move your attention down your whole body. The goal is to hopefully fall asleep before you get to your feet. If you get to your feet, curl your toes, hold for 3 to 5 seconds then release. See if you are relaxed enough to fall asleep at that time.

### Journal

When the hamster is really active, it can be helpful to keep a journal and a pen next to the bed. Whether having trouble falling asleep or waking up at three in the morning, when your mind starts to race with a list of all the things you need to do, or all the things you need to think about and follow up on, or strategies you must employ, or whatever it is... Instead of ruminating on it, pick up the Journal and jot down all your ideas. And then leave them there and let them go. The idea is to take reassurance from the fact that they are recorded and can command your full attention the next workday. Think of the metaphor that you're putting them up on a shelf and can take them down the next day. As with any of the strategies, if journaling wakes you up and activates your thinking too much, this is not a strategy for you.

### ABC's and The Nutcracker

This category suggestion covers a range of exercises. One technique is to create a gratitude list in your mind following the ABCs. Don't just think of words like apples, bananas, carrots... Begin a list of things you're grateful for that start with each letter of the alphabet, beginning at A and going all the way to Z. Most people fall asleep somewhere between H and P. And feeling gratitude is a nice way to fall asleep.

In the same category is to think of something long that you know all the words to and recite it. One lawyer performed in the Nutcracker many times as a child. She knew the entire score. When having trouble falling asleep, she started at the beginning of the ballet and began playing the music, and reciting words and lyrics in her mind until she fell asleep.

### Get Up and Out of Bed

The standard recommendation if one cannot sleep is to go ahead and get up if you have been lying awake for more than 20 minutes. Rest assured, if you have a relatively sleepless night, you will more than likely be pretty exhausted the next day and will fall sleep easily the next evening.

### Smartphone Restriction

This final suggestion probably falls into the category of good sleep hygiene habits. We have found it to be imperative for lawyers. Part of the way we avoid the hamster on the wheel is not throw the hamster on the wheel and start it spinning. Rarely in the law is there a time sensitive emergency. Most of the urgency we create in our own minds with deadlines and expectations of ourselves. But if you step back and look at it objectively, there are very few real late-night emergencies that need to be tended to. Almost everything can wait until tomorrow. Many lawyers admit we have had times where we are feeling relaxed in the evening, we are starting to wind down for bed, and then we make the dreaded mistake of glancing at our phones at 10:30 at night. BAM! We get a shot of adrenaline because there's an aggressive email from opposing counsel or a client feels like they have a life-threatening emergency (but they really don't). Regardless of the message content, the adrenaline kicks in and now we are wide-awake for several hours. Set a curfew. Make yourself a promise and set a boundary. Do not check your phone after say 7:00 or 8:00 at night. Even better, turn it off while it sits in the charger overnight. Our nervous systems are not built to handle the perpetual stress that the profession heaps upon us. We have to make room for restorative Deep Sleep to remain effective as lawyers.

This also may be a way to set a good example for children and teenagers in your family. Set a curfew for all smart phones in the house, collect them in a basket and put them up on top of a dresser in your room. This way everyone is in it together and trying to practice healthy habits as a family.

All of the above suggestions are things that have worked in real life with real lawyers engaged in the day-to-day practice of law. Figure out what works for you. If you have a suggestion that is not on this list that has worked for you, I'd really love to hear what it is so that I can add it to our repertoire of suggestions.

## The Prayer of Oscar Romero

It helps, now and then, to step back and take the long  
view.

We accomplish in our lifetime only a tiny fraction  
of what needs to be done.

Nothing we do is complete,

Which is another way of saying that

Something always lies beyond us.

No statement says all that should be said.

No set of goals and objectives includes everything.

This is what we are about.

We plant the seeds that one day will grow.

We water seeds already planted,

Knowing that they hold future promise.

We lay foundations that will need further development.

We provide yeast that produces effects far beyond our capabilities.

We cannot do everything,

And there is a sense of liberation in realizing that.

This enables us to do something, and to do it very well.

It may be incomplete, but it is a beginning,

A step along the way,

We may never see the end results,

We are prophets of a future that is not  
our own.

- Archbishop Oscar Romero