

Message From the Chair

By Ramit Mizrahi



Ramit Mizrahi is the founder of Mizrahi Law, APC in Pasadena, where she represents employees exclusively. She focuses on discrimination, harassment, retaliation, and wrongful termination cases. She can be reached at ramit@mizrahilaw.com.

This is my fifth (penultimate) column—my last opportunity to speak to you before saying my goodbyes as Section Chair in my September column. One of the themes that has been woven through my columns is how we as employment and labor lawyers can make our practices better and more rewarding.

I posed a question to my colleagues online: what are you interested in hearing about? The same answer came up over and over: this a stressful and tough business, and I should address how to avoid burnout and the necessity of taking care of ourselves.¹

Many of us can describe our workloads as “punishing.” For example, a colleague who represents international corporations (with clients on the east coast and in Europe) shared with me that rarely does she make it through an entire night of sleep without checking and responding to emails. Attorneys suffer staggering levels of depression, anxiety, and burnout. Our 2016 Section-wide survey found that while 85% of us are satisfied with our careers, a stunning 60% report suffering anxiety or depression in a typical month, and 30% feel that our stress levels are unhealthy.² Certain contributing factors are inherent to our practice, such as the demands on our time and the adversarial nature of litigation.

There is no “one size fits all” approach to reducing attorney depression, anxiety, and burnout. But

there are many things that we can do to take care of ourselves, and that can help.

Here, I share advice and insights from respected friends and colleagues—many successful lawyers who grappled with their own burnout and emerged on the other side happy and healthy.³

Take time for yourself. “We have to give ourselves permission to take care of ourselves. We are so conditioned to think that we must be productive every minute.” “Make self-care as routine as brushing teeth and bathing, because it’s that important.”

Exercise. “I calendar my workouts. They are as important as my court appearances, except I can’t phone them in with CourtCall!” “Work out every day. I leave the office and go to the gym every night and work out both days on the weekend. If you can’t do that, make time to work out, do yoga, meditate, etc. at home.” “You may feel like you don’t have enough time for exercise or other self-care, but it’s all a question of priorities. If you schedule exercise just like you schedule conference calls, you will get it done! I know the times of my yoga classes and I block out those times on my work schedule. I will also say, as a side note, that I have gotten a number of referrals through my self-care activities! Which is not why I do it, but it’s an added bonus.” “Get a workout in, even if that is just a 15-minute walk.” “Do yoga.”

Sleep. “Get enough sleep.” “Sleep is critical to self-care and most of us don’t get enough uninterrupted

sleep.” “Try for a consistent bedtime.” “Keep a regular sleep pattern.” “If you need an alarm in the morning, you’re not getting enough sleep. Go to bed earlier!”

Get outdoors. “Walks outside help a lot.” “Get fresh air. Reconnecting with nature, even if just for a few minutes, does wonders for the heart and mind.” “Stick your feet in the soil or at least get a few minutes outside every day.” “I make it a point to walk outside every day, whether before going to the office, during lunch, or before/after dinner. Could be anywhere from 5-35 minutes, but it really clears my mind and gives me space to be by myself.”

Maintain a mindfulness practice. “I make time for a quiet morning practice of some kind, whether yoga, meditation, prayer, or a gratitude journal.” “Take a mindfulness meditation class and practice the meditation you’ve learned regularly.” “Prayer/meditation.” “Try the Calm app.” “Make space for quiet, unstructured alone time.”

Eat well. “Eat healthy.” “Don’t overdo caffeine.” “I eat healthy food, and reduce caffeine when under pressure. I found drinking lots of water or a decaf tea is better than adding more caffeine to the anxiety.”

Spend time in person with friends/loved ones. “Make time to connect *in real life* with friends.” “Make plans with friends and/or kids and/or spouse.” “Don’t put friendships on the back burner—they’re restorative. The easiest way to fit it in: Friday night take out/drinks with some friends with kids. Everyone feeds their own and kids entertain

each other while parents have a drink. Rotate houses. Don't have friends nearby? Make friends nearby just so you can do this."

Make time for hobbies and/or fun. "Watch a show that makes you laugh." "I crochet. I crochet a lot." "I make time for weekly choir rehearsals."

Avoid alcohol and non-prescription drugs, especially if they make you feel worse. "Alcohol causes/contributes to depression and anxiety. Drugs alter the delicate chemical balances in our brains. We think they will make us feel better but, in fact, they exacerbate the stress, anxiety, and depression that are consequences of the work lawyers do."

Say "No" to demands on your time. "Pull back from outside activities that aren't providing the benefits you want given the time investment. Ask if the goals you set for yourself in the past are the ones you still want and are worth what it costs." "Women in particular are often asked to 'volunteer' for tasks and projects that take up their time and for which they receive little credit. Say no."

Outsource and do less. "Hire a housekeeper." "Get outside help on the personal tasks that take up the little free time you may have." "Let the house get messy. Let the kids eat cereal for dinner once in a while."

Work only with people you like/enjoy/respect. "Work for and with good people."⁴ "Case selection is key!"

Have perspective and beware of negative self-talk. "The great majority of things that people worry about in cases don't really matter. Take the long view." "Use affirming language when speaking to yourself."

Take real breaks from work: "Take a day or 2 or 3 and do *nothing* work-related. No billing—no emails—no drafting—nothing." "I take at least a one-week vacation every quarter." "I do not work on vacation. I take long

weekends as needed to decompress. I only rarely check email in evenings and I read before bed to clear my head. Even if just for a short while, to ensure that I'm getting proper sleep and that I'm clearing my head of work stress before I fall asleep."

Have something to look forward to. "I try to always have a vacation blocked off, even if months in advance and something to look forward to with the break."

Don't be afraid to seek help. "Get treatment for your mental health condition. Some depression/anxiety is not situational so it can't be avoided. That means being able to go to a doctor's appointment for medication management regularly and possible therapy. Decrease the stigma on treatment as well." "If things get too difficult, don't resist anxiety medication."

Let me end with a message to partners, shareholders, firm owners, leaders, and those who manage other attorneys:

Please consider doing these three things, to the extent that you can: (1) encourage your associates to engage in self-care (let them know that it's okay to go home, or go exercise, or go to that much-needed appointment, and that "face time" isn't necessary) and make sure that they're not so overloaded that self-care becomes impossible; (2) watch out for warning signs of burnout, depression, and anxiety, and be supportive; and (3) lead by example—model good behaviors and take care of yourselves, too!

ENDNOTES

1. The recommendation to share some of the craziest/funniest potential employment law client calls was tempting, but probably wouldn't be appreciated by the attorneys reading the columns who took on those cases!

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2. Bryan Schwartz, *California Labor and Employment Law Section Survey: We Are Only Mostly Satisfied*, 30 CAL. LAB. & EMP. L. REV. 5 (Nov. 2016).
3. I promised to share the advice anonymously. For those who shared their insights and are reading their own words here, thank you. I trimmed some comments and made minor edits to language to adapt to this format. I also added in a few of my own suggestions.
4. There is no doubt that, particularly for newer attorneys, who they work for can make a world of difference in their experiences. Are they working for someone kind and considerate who is a good mentor? Or someone who is abusive and doesn't respect their time or personal needs? A colleague shared the following: "Punishing work schedules are one thing—but the bad behavior of many lawyers to one another is just as bad. . . . Many of the best trial attorneys are awful people to their employees and other lawyers (not to mention their families). We laud these people only to find out later they are stealing from clients, harassing employees, or being downright abusive to everyone. You want to make law better—start having candid discussions about what it is to be a good lawyer. If you scream at opposing counsel for no reason, cheat your employees, or act unethically, you are not a good lawyer despite how much money you may make. In short, you shouldn't be able to be a good lawyer without being a good person." ⁴²