



LIFE IS TOO SHORT

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Read the headline above and you know you've heard this old trite saying before. Chances are you've said it yourself many times. But how often does it take hold of you, and reverberate down to your very core? That's what happened to me yesterday. I was awakened by a call from my doctor's receptionist. I have been going to this doctor for over 25 years. So as you can imagine, we have a trusting and close relationship. We're the same age – his birthday predates mine by a few months; something I delighted in kidding him about each year.

The call was to inform me that he had suddenly died. Yes, you read correctly. I still can't believe it. My age. Good physical condition and health – certainly much better than mine. While on vacation in Cancun he went swimming. He came out of the ocean, plopped down in the sand saying he didn't feel well, and in less than three minutes he was gone – having suffered a heart attack. There happened to be an emergency room medical doctor on the beach, but efforts to revive my doctor failed.

Medical practice was his second career. He was formerly an accountant. And as such, he was meticulous in the manner in which his practice was managed from a business perspective. He left behind a detailed set of instructions for his spouse to follow in the event of his death or sudden disability. It was fully detailed with step-by-step instructions on what to do, and all the proper paperwork had been completed to enable her to keep his practice running. Without losing a single beat, she contacted one of several other doctors mentioned in his emergency documentation. The receptionist informed me that my next appointment would be kept, and future appointments would be kept, as his wife would keep his practice running. In all likelihood, she will eventually sell his practice. But thanks to his foresight and good planning, she will have something of value to sell.

What thought have you given to protecting your clients and practice should the unthinkable occur? What planning have you put into place? What documentation have you created to assist family, partners, associates, and/or employees to carry on if you are temporarily incapacitated or if you die?

Doylestown, PA solo practitioner Marty Ghen wrote an excellent article entitled “*When I Die . . .*” which appeared in the Winter, 2002 issue of the American Bar Association GP Link Newsletter. He identified the typical problems that will be faced post mortem [email lawpractice@pabar.org for a PDA copy of the article]:

1. Pending matters must be reviewed immediately for deadlines or statutes. Opposing counsel and the court administrative agencies must be notified. The client also needs to be immediately notified.
2. Clients with pending matters have to be referred for proper handling, with equitable arrangements made for fee sharing for work already performed.
3. Client property or funds, including items like Wills, should be returned, transferred, or properly disposed of.
4. Where permissible, arrangements should be made for the sale of the practice.
5. Detailed instructions must be left for family members and staff to do all of the above.

Pittsburgh, PA solo practitioner Virginia Cook created and has frequently presented the CLE seminar entitled “*Practicing Law Dead or Alive.*” When she presents the seminar she has attendees complete a form entitled “Sample Letter Regarding The Basics Of Running Your Practice.” [Email me for this and other materials from the seminar.] In this well-constructed form you are prompted to fill in all the essential information necessary, and to execute all the required forms, for someone else to carry on your practice if you are disabled or deceased. So you don’t have to reinvent this wheel by trying to figure out what information you must organize and leave behind. You just have to complete the forms.

Thus far we’ve dealt with the practical aspects of preparing for the scariest of circumstances which we hope will never occur to ourselves or those we care about. But this article is really about something entirely different. It’s about the fact that most of us in the legal industry are “Type A” personalities who spend too much time focusing on work and too little time focusing on the more pleasant aspects of life.

We’ve all laughed at the joke about the improbable tombstone inscription, “He didn’t spend enough time at the office.” And of course there’s the golden oldie about the lawyer who is struck by lightning on the golf course. St. Peter greets him at the Pearly Gates with a special welcome for someone several hundred years old.



Puzzled, the attorney questions where St. Peter got the misinformation. St. Peter responds that the calculation was based on the attorney's timesheets.

The reality is that we sacrifice entirely too much time that deserves to be spent on family, friends, and relaxation. And it seems that the level of sacrifice has been increasing steadily.

Here I sit at the PBA Solo & Small Firm Practice Retreat, in a session entitled "Inner Balance – Strategies and Skills for Lawyer Well-Being" by Dr. Nora C. Porter, listening (e.g. multi-tasking) as I write this article. And suddenly it has become clear to me what I want to convey in this article, and how. It's not about creating the documentation necessary for others to carry on your practice successfully should you become disabled or deceased, although I strongly suggest you do so. Rather, it is about rearranging or reordering some of the priorities in your life. It's about taking some time to regularly reduce your negative stress levels, in order to make your work day, and your life, more enjoyable.

Your daily professional life is filled with stress. The kind of stress which activates your "fight or flight" response. And even though I routinely joke that I give stress instead of getting it, I suffer from the same continual stress levels as you do. And as I watch the "symptoms" of stress being added to the whiteboard by Dr. Porter, I realize I could easily qualify as the poster child for stress.

Of course, we have to recognize that there is both positive and negative stress. Stress is a life energy force in the body. Stress is a key ingredient in optimal performance. Positive stress— eustress— is actually essential and beneficial. It galvanizes your energy; enhances your thinking; puts you on top of your game. Words like creativity, zeal, passion, excitement, or motivation come to mind when we think about positive stress. But while it's true that some stress is actually positive, it is also true that continued negative stress becomes distress, which is harmful. The effects of too much distress can and often does affect us in a variety of ways including physically, emotionally, intellectually, behaviorally, and spiritually.

Distress can make us physically ill. Up on the board in the seminar we're looking at physical illnesses which relate to stress. Just to name a few:

Asthma

Immune system disorders

Migraines including blurred vision caused by eye migraines

Elevated blood pressure



Digestive disorders like colitis, ulcers and irritable bowel syndrome

Fibromyalgia

Fatigue

I can't deny it. The shock caused by the sudden death of my doctor caused my immune system to "tank" abruptly. I suffered almost immediate loss of my voice, which has never happened before, plus all sorts of other nasty flu-like symptoms.

Distress can make us stupid. When we are subjected to a continued level of negative stress we are distracted and less able to think clearly, recognize solutions, and properly evaluate problems.

Distress often wreaks havoc with our emotions. We become angry, depressed, and/or frustrated. It's hard to remain calm in dealing with even routine situations when we have the proverbial "burr under our saddle." We become emotionally unavailable to others as we wrestle to deal with our own emotional overload.

Distress makes us behave badly toward others. We are more short-tempered. We may not react logically or even reasonably. We can become sarcastic. The phrase "mean as a junkyard dog" comes to mind. We may yell or cry. We often criticize unmercifully. We often take out our frustrations inappropriately on innocent bystanders or those we love. Anyone who has seen a senior partner eviscerate a young associate, or a hapless staff member torn asunder unnecessarily in a public area of the firm, has witnessed the result of distress at work in someone who has no proper coping mechanisms. In my long career in the legal industry I have been subjected first-hand to this behavior countless times. So I know it's true that stress "flows downhill."

Distress can also cause us to lose our spirituality. We can become uncentered and alienated from our surroundings. We can lose sight of the very beliefs which sustain and nourish us. We can feel at odds with the universe instead of a part of it.

We need coping mechanisms to help us continually restore our balance when the teeter-totter of stress changes balance from positive to negative. Without it, the distress will start to impact us and those around us in one of the many negative ways discussed.



At the seminar Dr. Porter provided us with biodots. They operate by changing color to reflect our stress levels. I glanced at those around me. Our dots are all black. Not a good sign. She led the group through a simple visualization exercise which, thanks to the biodots, visibly reduced stress levels within minutes. My biodot turned a nice green translucent color. Dr. Porter then shared with us many fundamental ways to restore balance:

1. **Exercise.** In major or very short increments, is at the top of the list for techniques to reduce stress and restore balance. Yoga, walking, golf, racquetball, swimming, even simple chair exercises at the desk will all have a beneficial effect.
2. **Breaks.** Listening to music, doing a crossword or Sudoku puzzle, exchanging jokes at the water cooler, listening to music on a short but frequent basis helps to restore calm.
3. **Laughter.** Find / create opportunities to be lighthearted. Exercise your sense of humor.
4. **Vacations.** If taking a long vacation is too difficult and stressful, take frequent mini vacations. If you have to work too hard at being relaxed, it defeats the purpose.
5. **Attitude Adjustment.** Become proactive instead of reactive. Analyze the situation. Use breathing relaxation technique to reduce the emotional response so you can think more clearly.
6. **Prioritize.** Figure out what's really important. "If you keep doing what you're doing, you'll keep getting what you've been getting."
7. **Take control.** Start living your life by the choices you make, rather than by crisis and default. Remember the 80/20 Rule: 20% of your clients will give you 80% of your headaches.
8. **Reflect.** Think about a recurring problem you've ignored. Determine how much time it consumes daily, weekly, monthly. Imagine what your life would be like without the problem. Ask what is really stopping you from taking care of the problem.



Life is too short. Definitely. But at least let's try to cram as much of the good stuff as possible into the time we have. Don't get in a rut of distress and just accept it must keep repeating. Try some new behaviors to change things for the better. Don't sweat the small stuff. Let it go. Everything can't be "Custer's Last Stand" – it's just too exhausting to live life that way. Say goodbye to people as though you may never see them again. Greet people like it will be the last time. Try to treat people in a manner which will make them speak and think kindly of you when you're no longer around; don't relegate that to "next time." Not only will your quality of life improve, but it's the right thing to do. As I was recently reminded, you just don't know when your turn on Mr. Toad's Wild Ride will come to an end.

[The author fondly and appreciatively dedicates this article in memory Dr. Gary Horwin of Lansdale, Montgomery County, PA.]

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