

SAN DIEGO LAWYER®

2023 SDCBA PRESIDENT

**MELISSA
JOHNSON**



FEATURING:

**Girl, Undetected:
The Dark Side of Remote
Bar Examinations**

**Launching a
Litigation Practice**

**Stress, Suicide, and
Coping Strategies**



STRESS, SUICIDE, AND COPING STRATEGIES

By Mike Lubofsky, JD, MA

The Basic Nature of the Challenge Faced by Attorneys

As lawyers we have been heavily conditioned through education, training, and experience to strive for the reduction or elimination of uncertainty, primarily through the employment of intellect and analytical thought. The highly conceptual nature of law practice also can lead to deeply dualistic thinking in terms of reflexively construing situations as right/wrong, good/bad, win/lose, etc. Additionally, the significant time and energy expended in comparing and contrasting situations and anticipating potential threats may strengthen our instinctual negativity bias and lead to heightened reactivity in situations lacking certainty of outcome.

As individuals who deal with the "conceptual world" in so much of our professional lives, it may become a challenge to lessen our gravitation toward intellectual concepts in our lives beyond the professional realm. This challenge may eventually manifest in mounting anxiety and depression as attorneys become habitually conditioned to analyze and dissect every experience and interaction; in the process, we come to spend less and less time experientially connected to life as it unfolds.

Early Roots of Relational Challenges

The internalized emphasis on intellectual and analytical thinking evident in attorneys often takes root at a point in life preceding law school and entry into formal law practice. To begin, it is likely that those who have become attorneys realized significant positive reinforcement for their intellectual abilities early in life. Absent adult perspective in earlier developmental years, we may have come to heavily rely on our intellect and problem-solving abilities to get our needs met. Assuming that our families of origin were relatively well-functioning, heavy reliance on our cognitive skills as children may not have become unduly problematic. If, however, we were faced with significant emotional challenges earlier in our development, we may have experienced challenges navigating these situations that were not amenable to our primary coping strategy of intellectual problem-solving.

Heightened Challenges Through High School, College, and Law School

High school and college may have presented heightened competition to maintain our internalized self-concept built

upon intellectual prowess. We then put more time and effort into intellectual pursuits and academic success, which, if successful, opens a path to law school.

By the time they enter law school, many attorneys have developed such a deeply analytical way of relating to their experience that more pronounced interpersonal and emotional problems may begin to manifest. But the relatively sheltered law school experience allows law students to avoid more serious problems associated with a growing inability to experientially connect with their life experience, tolerate uncertainty, and experience emotional discomfort.

Upon completing law school, passing the bar, and entering formal legal practice, interpersonal relationships and work-related frustrations often begin to present heightening challenges that many attorneys simply are not prepared to confront. The attorney may initially expend significant time and energy in trying to get their external experience to conform to their conceptual notion of what might ultimately lead to "happiness" or a reduction in suffering. But such efforts are often met by others as attempts to control, or at least display a noticeable level of difficulty around the exhibition of true empathy and effective listening.

The nature of law practice, perhaps more so than any other profession, involves time-based mandates that specific objectives be achieved. Attorneys face potential adverse consequences by courts and clients if certain time-bound objectives are not met. Spending so much of their working time under such time-based mandates can produce a situation in which attorneys experience consistently high levels of arousal of their central nervous system, which may well manifest in a consistent flood of stress hormones to allow them to meet the perceived threat of adverse consequences if deadlines are not met.

Left unchecked, attorneys can become physiologically habituated to a certain level of adrenaline and stress hormones. This habituation can lead to recurring feelings of agitation even when objective "threat" recedes, and attorneys are involved with more mundane, less exigent activities in everyday life or interpersonal relationships; situations that call for a higher degree of patience to accurately connect and empathize with others.

Realizing the Need for Change

What becomes necessary at this point is mitigation of the negative consequences of a pervasive mindset that is very much fear-based and outcome-oriented, and cultivation of psychological flexibility to become more able to relate to different situations in a more nuanced, flexible way. It becomes necessary to begin developing coping strategies that facilitate the ability to let go of outcomes and allow things to organically unfold in the absence of objective urgency.

Emotional regulation is what ultimately provides us with this necessary flexibility. When we lose the ability to consciously regulate our relationship to external events, and external experience consistently precipitates high levels of nervous system arousal, we become less able to consider alternatives. We want to fight or flee. Only when we become more able to calm our central nervous system through conscious attention that de-escalates our level of arousal can we effectively stay with uncertainty without the need to flee or defend. It is in this de-escalation that we become more able to tolerate uncertainty and consider a more broad range of alternatives; we become responsive instead of reactive.

Entrenchment in the conceptual world, taken to a logical extreme, can and will precipitate suffering to a degree that can lead to a deep sense of hopelessness. It is this depth of hopelessness that may eventually lead an attorney to consider end of life as the sole escape hatch. One may begin to consider suicide as the sole option because the attorney has lost connection with life beyond the conceptual realm. The attorney, limited to intellectual problem-solving, has likely devoted significant bandwidth to try and "figure out" a solution to their unhappiness. The attorney has come to internalize the thought-driven belief that they are a separate and isolated fragment in the world at large. Trying to address this existential crisis through intellectual means simply leads to repetitive thought loops that deepen the sense of helplessness and hopelessness.

The Remedy: Cultivating the Ability to Tolerate Uncertainty and Discomfort

What becomes necessary when an attorney's level of despondency reaches a level of suicidal ideation is an

instillation of hope that things can improve — that there is a possibility of real connection, inner peace and contentment. As alluded to earlier, however, this remedy lies beyond the faculties of intellect and analytical thinking.

Meditation practice has demonstrated a high degree of scientific efficacy in recent years in, among other things, reducing the incidence and severity of depression, and producing underlying changes to brain function that are empirically linked to a heightened state of well-being. On a cognitive level, meditation practice over time helps us more deeply appreciate the true nature of our thoughts as impermanent and fleeting. In creating space, or "awareness" between being and thinking, we become more able to "respond" rather than habitually react to a wide range of situations. In addition, the only place that we can ultimately find true experiential grounding and inner peace is in the present moment. The inability of so many attorneys and legal professionals to let go of their conceptual ideas goes a long way toward explaining the high degree of anxiety, depression, and substance misuse within the legal profession.

In meditation, we create time and space to simply observe the arising and cessation of experiential phenomena. During a meditation sitting, we simply try to "notice" these phenomena that may take the form of sound, somatic feelings, or arising thoughts. In coming to witness our thoughts more simply, we come to more deeply appreciate how the thoughts simply arise and pass away and go on their own accord without us taking any sort of affirmative action. We become more aware of habitual ways of relating to our thoughts that have been problematic over time. This awareness creates space to meaningfully connect to the unfolding of present-moment experience. This felt connection lies beyond the conceptual realm. When internalized, this connection begins to deconstruct the attorney's notion that they are a separate, isolated fragment in the universe embodied in an identifiable self. We begin to feel a new sense of connection and belonging that heals our existential dread.



Mike Lubofsky (therapyforlawyers.com) is a licensed psychotherapist and attorney at Lubofsky PC based in Oakland, California, and specializes in providing psychotherapy to attorneys.

If you are experiencing depression or suicidal ideation, please reach out for help. Additionally, if you are interested in meditation, the SDCBA's Mindful Meditation Series offers a half-hour guided meditation session every second Wednesday of the month, free to members.

American Foundation for Suicide Prevention

24/7 support for people in distress or needing suicide prevention and crisis resources.

800-273-TALK (8255) or text TALK to 741741 • <https://afsp.org/>

National Alliance on Mental Illness (NAMI) San Diego

Resource helpline, support groups, educational meetings, newsletters, a lending library, and several classes on mental illness.

800-523-5933 or 619-543-1434 • <https://namisandiego.org/>

The Trevor Project

24/7 crisis intervention and suicide prevention services for LGBTQ people under 25.

866-488-7386 • <https://www.thetrevorproject.org/>