

## Time Mastery And Stress Management For Lawyers

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September 25, 2020

### Introduction

This is a very challenging topic. This is something that will be an issue during your entire professional life.

The two topics, stress and time management, are inextricably combined and related. Time management is directly related to stress management and stress management is directly related to time management. Both stress management and time management are related to case management.

-Example: Sunday night you wake up in a cold sweat. Your Appellate Brief is due at the Court of Appeals on Tuesday. You have a jury trial on Monday. You have an Answer to a Petition due Wednesday and a two-day deposition in Las Vegas on Thursday. You are **STRESSED** because you did not manage your **TIME** as it relates to your **CASES**.

There are also ethical rules and malpractice issues that come up with time management and stress management. You can get disbarred or sued for malpractice if you don't manage your time or cases correctly. This causes even more stress.

-See Rules of Professional Conduct 4.1-3 "A lawyer shall act with reasonable diligence and promptness in representing a client."

-4-3.2 "A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client."

The law business involves selling time.

- A. This makes time management very important. Abraham Lincoln said "A lawyer's time is his stock in trade."
- B. All of us have 168 hours every week, no more and no less (24 hours per day x 7 days per week).

-Of those 168 hours you can "budget" time for work, time for eating, time for sleeping.

-How you use your time is very important.

-Every time you say "yes" to something that is going to take your time, you are saying "no" to something else because time is a finite resource.

Expectations:

Lawyers are supposed to work hard. They are type “A” personalities and are perfectionists. As a matter of fact, lawyers admire the “gunners” who are the most successful amongst them. “That Billy Bob is a real hard worker – he is always there, he’s there on Christmas, he’s there on weekends, he’s there on New Years Eve, he’s there on his kid’s birthday, he’s there on his birthday, he’s there on every holiday. What a man!”

Law is not a sprint, it is a marathon. Pace yourself. You are expected to work hard, but burnout can lead to divorces, drug and alcohol abuse, sleep disorders, malpractice and disbarment.

### TIPS FOR TIME AND STRESS MANAGEMENT

1. Implement a case management system.

- Every case you get is a ticking time bomb because of the Statute of Limitations, trial dates, malpractice concerns, deadlines for contracts, wills, etc. Some are ticking slowly (answer is due in 29 days), some are ticking very fast (jury trial tomorrow, brief due tomorrow, reply to counterclaim due tomorrow).

- In the “olden days,” case management was done manually with file cards or other manual system.

-With modern computers with case management software, it is easier.

-Example: In our office, every case is calendared ahead to a future date with a code or a short statement telling you what you need to do on that date. For instance, if you are supposed to go to court on May 21, 2011, there will be a code in the computer the day before, which is May 20, 2011, which will appear on your list to go to court on 5/21/11.

- If there is a Statute of Limitations that expires on June 21, an “artificial deadline” may be entered as a code on April 10, 2011 telling you to prepare a petition to file on or before June 21, 2011. Each code appears on the list on a corresponding day reminding you what to do on that case. That way, when you come to work, the list is printed and you know each deadline or other important dates on every file in the office.

- GIGO – be careful about Garbage In, Garbage Out. Be very careful on writing these deadlines correctly or they are meaningless.

2. Have a good calendar system for your pleading deadlines, discovery deadlines, court dates and other critical dates.

- Most attorneys historically kept a paper calendar. My malpractice carrier require at least two calendar systems. We use 3 calendar systems: a paper calendar, a computer docket program, and the list referred to above. The key is to have one person other than yourself check your work. Every time a court date comes into the office, I use a docket stamp to

stamp it, send it to my secretary, and she puts it in the computer as an independent check on my paper calendar and my other computer system to make sure I have the right date and the right time.

-For instance, the court date may be June 25 at 9 a.m., but I put it down for June 22 at 1 p.m., which is a Saturday. If you have someone check your work, you will be less likely to miss a court date.

3. Don't over-book your schedule.

- I have never met a lawyer who did not over-book. It's like a person going to a buffet and liking it so much that he buys two! Lawyers have a hard time turning down work because they think if they turn down a case, that is the last case they will ever get. They have no concept that at some point in time, their time is "all sold out."

- Because lawyers chronically over-book clients, cases, files, trials, appeals, they have no "cushion time" during the day. Try to leave 2 hours per day of completely unscheduled time as "cushion time" to avoid over-booking. There will always be emergencies that will take time – schedule for it!

- Pareto principal. The relationship between the input and output of a client is rarely ever balanced.

-20% of your efforts usually produce about 80% of your results. So the 20% of the time that you spend on your best clients produce 80% of your income. On the other hand, 80% of your problems will come from 20% of your clients.

- If you fire 20% of your clients, you may end up saving 80% of your headaches. If you cannot stand the client any more, fire him.

4. Make an audit of your time.

- For one week, write down all of the time that you spend on each task. You will become more aware of what you do, and how much time you spend on each client.

5. Have a goal.

-Do you want to make more money per year? Do you want to have more time to spend with your family or on hobbies? Do you really want to have the stress of having to work 18 hours on a Sunday to complete a brief that is due on Monday?

6. Make a list every day of the things that you have to do that day, put the items in priority, and stick to that list.

- Do the most important and hardest things first; do the least important and easiest things last (the case management system above will help you with the list, but you will have to put the priorities on the list).

7. Don't procrastinate.

- The biggest cause of stress occurs when there is a short deadline on a case you are not prepared for. Do you really want to be up until 3 a.m. writing your verdict director and verdict forms for a jury trial?

- Write that appellate brief within the first 30 days so it will not keep you up at night.

8. Tackle big tasks one small step at a time.

Question: "How do you eat an elephant?"

Answer: "One bite at a time."

- We are faced with very big tasks at times e.g. a very complex litigation case with 10,000 pages of documents; a closing on real estate in 14 states with 99 pieces of property with clients that hate each other.

-Try to break the "elephant" up in "small bites". If you have 1,000 different things that you need to do on a case, start a list with small easily accomplishable items, like:

- 1) pull file
- 2) read client engagement letter
- 3) review and list the documents
- 4) 999 - other small steps

all the way to the final step which is: attend closing and finalize deal.

9. Handling interruptions.

- I have struggled with this for years.

- It's like writing "War and Peace" at the McDonald's drive-through window.

- Today we have more interruptions than we had several years ago. We have:

- 1) Office phone, cell phone
- 2) Secretaries, co-workers, clients, Judges
- 3) E-mails, texts
- 4) Faxes
- 5) television/videos/U-Tube on computer
- 6) Snail mail, etc.

-When people call you or send you an e-mail, they want something – it’s like an order at the McDonald’s window.

A. Phone

-Can’t be on call 24/7, can’t avoid talking on the phone ever, problems with Judges and relatives calling.

B. E-Mails

-Try to manage e-mail or it will drive you crazy. Some e-mail systems have an audible alert when an e-mail comes in – when that goes off it is like adrenaline going through your brain stem – turn it off. Check e-mails every hour or two hours.

C. Office Mates

-Everybody has a “Chatty-Kathy” that wants to come by and talk about their favorite sports team or their round of golf. This is very difficult – you must learn to say “no”.

D. Develop a triage system for everything incoming. Triage was used in the military to divide soldiers injured in battle between minor injuries, people who are dead regardless of treatment they receive, and people that are treatable. Scan your desk and find the most urgent item that you can work on at that time.

10. Time Thieves

-The internet with fun sites such as Facebook, Craigslist, , etc., can drain time – say “STOP” and get back to work.

-Pro bono work, salesmen ,charities, bar association work, politics, church, etc. It is ok to do some pro bono work, but you cannot do 8 hours/day of pro bono work and make a living. You can spend all day giving your time away.

11. Set boundaries between work and personal time.

-When you leave work, you need to be off work. Your cell phone can keep you in contact 24/7.

-Parties & social functions: When you go to parties, everyone there can essentially get a \$50 bill if they convince you to answer a simple legal question.

12. Take time off

A. I recommend taking at least one day off every week.

-Example: Daughter asking me to take the afternoon off to spend time with her.

-How much do you really make if you spend 4 extra hours at the office? Once you take the office overhead out, your partners share, and federal and state taxes, it is not always worth it to work more.

B. Vacations.

-To me they are problematic. You have to work 100% harder the weeks before the vacation, and 100% harder the week after vacation, and (I shouldn't say this) with "short notice rules" where a lawyer can call you up for hearing at any time, it is nearly impossible to have a vacation.

-But the official line should be – take vacations, get away from the office with your family to recharge your batteries.

13. Exercise to reduce the stress and increase productivity.

-You are 20% more productive if you exercise at least 3 times a week.

-Many of you are going to say this is stupid because you do not have time to exercise. If you gain an extra day's work (20% of 5 days per week is 1 full day gained) from exercising 3 days a week, you don't have time not to exercise.

14. Alcohol and Drugs

- 50-70% of all of the disciplinary actions for attorneys are directly related to drug and alcohol abuse, according to the American Bar Association. This means that if you avoid alcohol and drugs, the likelihood of you being suspended or disbarred goes way down.

-15-18% of attorneys are chemically dependent. When you go to a hearing with 6 attorneys, the odds are that at least one of the attorneys there is going to be chemically dependent, according to the American Bar Association..

15. Surround yourself with helpful, positive, understanding, supportive people.

-If you have a good secretary who will keep you from missing deadlines and can be there to support you, that is invaluable.

-Have friends.

-Have someone you can bounce ideas off, especially another lawyer. (Sometimes your wife or other person who is close to you is not a person to bounce things off of. If you do not have anyone to talk to, you can call the Missouri Lawyers Assistance Program toll free, free with your membership at 1-800-688-7859.)

-Family support is very important.

16. What comes around, goes around.

-If you treat others fairly and give them a break on deadlines, they will usually reciprocate..

-If an Answer to a Petition is due tomorrow and an attorney calls and says that he cannot get an Answer in for another week due to a death in the family, why not agree to it? The next time it may be you who needs the extra week.

17. Watch out for negative intra-personal feedback.

-Everybody makes mistakes. If you miss a statute of limitations or a court date, this is what could happen:

“I missed the statute of limitations on that \$1,000,000 case! Oh my God! I am going to lose my job! I am going to be disbarred! My wife will leave me! I will be homeless! I will turn to alcohol and drugs and become habitually addicted! I will die in a van down by the river, sick, broke and all alone!”

-This negative feedback takes about 20 seconds. If you do that 8 or 9 times a day, it will wear you out mentally.

18. Learn to delegate.

-You do not have to do everything at the law office yourself. You can have your secretary, your paralegal or others run errands, return calls, do research or have other lawyers as subcontractors available to do research, make court appearances or cover depositions.

Associates are under tremendous stress.

A. Financial

Huge student loan debts.

B. Job security issues

Not an owner-can be fired. Hard to find a job.

C. Philosophical/Legal conflict with partners

Ethical conflicts-

Associates may know law better than partners-they just passed the bar!

19. Organize your desk.

-There is an old saying that most executives spend 30 minutes a day just looking for stuff on their desk. Over a period of 1 year, 30 minutes a day makes A LOT of difference.

20. Organize meetings.

-The first thing to ask about on a meeting is “Do I really need a meeting?”. Most meetings are worthless.

-If you want to shorten the time for a meeting, have a written agenda. To make it very short, make everybody stand up during the meeting. People will get tired and go back to work.

-If you are having a meeting with a subordinate, in order to control the time, don't tell the subordinate to come to your office. You go to his office and when you are done, leave!

21. Don't put out the fire with gasoline.

-to some extent your case load is “self adjusting”.

-If you come to the office over the weekend and work 25 hours and file 10 lawsuits, 10 sets of discovery, schedule 10 depositions, ask for 10 jury trials and file 10 appeals, you can go home gladly on Monday morning and believe that you are all caught up. Unfortunately, a few days or weeks later, you will have 10 answers to your lawsuits, 10 sets of answers to discovery, plus 10 sets of discovery to return, you have to do 10 depositions and you have to do 10 jury trials and 10 appeals – this is like putting gasoline on a fire to put it out.

-You have to have a “circuit breaker” by either settling cases at some point, or stop taking cases or by delegating work on the cases.

22. Don't reinvent the wheel.

Don't believe you have to custom craft every document you produce from “scratch.” Find a form and copy shamelessly. The forms are not copyrighted.

23. Ask someone who knows

If you have a question, don't spend 10 hours researching something that an expert in that area of the law can answer in ten seconds. You can reciprocate in your area of practice.

24. Don't waste time arguing about something you can look up.

If you are arguing about something that can be solved by looking on the internet or in a book—QUIT ARGUING AND LOOK IT UP!

25. Focus on the here and now

Some people (including me) get into an awful “funk” on Sunday afternoon. Worrying about going back in the “cell” (law office) causes so much stress that it can ruin the whole afternoon and night.

26. Get a good night’s sleep!

If you manage your time better, you will sleep better.

If you wake up at 2:00 A.M. wondering “Did I file that Answer?” Did I answer those Request For Admissions?” What do you do?

Can do a sleep study. May be a physical problem. May just be because you are stressed and your brain is trying to solve your legal problems all night. Some attorneys try cases in court all day and try cases in their nightmares all night.

27. Breathe!

28. Look at big picture!

## CONCLUSION

Practicing law can be less stressful and more fulfilling! . You can do this!.