

**TEN RULES TO ENSURE  
A MORE STRESS-FREE PRACTICE**

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I have several good friends who have left private law practice in the past several months. Some went to work as government lawyers. Others found obs in industry wholly unrelated to their law training. Each told a remarkably similar story:

"I had too much to do. I wasn't getting paid for it. I was in over my head. I was having trouble at home. I never saw the kids. I took only one week off last year because we couldn't afford to do any more. I had so many things going on I couldn't keep track of it all. It was affecting my health. I wasn't able to save any money. I felt like the whole world was on my case.

"One day I said to myself: 'My God, did I go to college for seven years to live like this?' So I quit."

Now they leave the job at the office when they go home. They have fringe benefits: better medical insurance than they could ever afford in private practice. A pension when they retire. If the work isn't done on time, they can ask for and get help. They get paid every month, and it's always the same amount - not what's left over after the help and the creditors get paid.

And no worries about being sued for malpractice.

My good friends - each a fine, conscientious lawyer - are lost to the private practice. They each lacked the personal and business management skills necessary to survive in today's highly competitive practice of law.

In a way, they were lucky. They got out before it ruined their lives, or - worse yet - killed them. These talented and diligent ex-private practitioners violated many of the 10 basic rules that a competent lawyer must follow in order to live a professional life that is personally satisfying and free to stress. Only by following these rules can we enjoy our work and hope to live long enough to enjoy the results of our labors.

Following the rules below will ensure a more stress-free practice:

### 1. Don't take on more work than you can handle.

Somewhere in our admittedly imperfect professional education, no one taught us to be selective about accepting employment. Maybe it's the fear that the client who sits before us is the last new client we will ever see. Maybe it's because lawyers seem to feel some inherent lack of worth. Too many of us are prone to accept every case that walks in the door - meritorious or flaky.

A lawyer who has too much to do is able to do nothing well. The lawyer suffers great stress - if he or she has any conscience at all - because of the continual struggle to catch up. The lawyer tries to jam too many hours into the day and is never really certain the work is being done correctly.

If you find yourself swamped with more than you can do, either hire someone to help you or start referring the work you don't want to another lawyer who has the time, who has the ability and who needs the work.

### 2. Don't take on work you don't know how to do.

Some of us think that just because we went to law school and passed the bar examination, we know how to practice law. We are licensed to do all. But we generally start out in practice knowing how to do little. After a few years of fumbling around, we develop good skills in certain areas and forget what little we ever learned about others.

A lawyer just getting started in practice will have difficulty with Rule No. 2. One relative rookie of my acquaintance said that if he followed Rule No. 2 faithfully, he would be limited to performing his statutory duties as a notary public.

If you are a new lawyer baffled by what you are asked to do, seek help. Call up another lawyer and ask for advice. Most of us who have been in practice a while remember the frustration of our early days. We are cheerfully willing to pass on a little advice. Many bar associations have lawyer-to-lawyer programs designed to help the newcomer and the confused.

The experienced lawyer should know enough to stay in his or her own area of expertise. If a case in an alien area comes in the door, refer it to someone who knows how to do the work. If you're worried about losing the fee, make arrangements to associate an expert; you'll learn something about this new

area of the law, and you'll be able to keep part of the fee.

Just remember, you wouldn't want your appendix taken out by a doctor who has never done it before. If you are asked to do something you don't know how to do, consider whether you're doing the client a favor or a disservice by taking the case.

3. Don't work for people who won't pay you.

I have a friend in the fuel oil business. He sells fuel oil only to people who pay him cash on delivery. I have other friends who are lawyers who work for people who don't pay cash - and who don't pay, period.

Bill regularly. If you don't get paid, stop working. We have an obligation to do PRO BONO PUBLICO work for the poor and needy. We should have, however, the right to choose who we are going to work for free. If the client doesn't want to pay you an adequate retainer, refer the client to another lawyer who doesn't care about getting paid.

4. Don't work for people you don't like.

A counselor told me once he has had four lawyers in therapy. They can't stand the people they are working for, but they feel they have to continue representing them for ethical or economic reasons.

I like almost every one of my clients. If I didn't, I couldn't be enthusiastic about advancing their causes and solving their problems. I couldn't do good work for them, and the emotional agony of having to deal with the unlikable souls would wear at my health and well-being

5. Hire the best help you can get and pay them accordingly.

A lot of lawyers have high turnover because they hire cheap, or because they fail to treat their paralegals like the trained professionals they are. Inadequate and incompetent help is a millstone around the lawyer's neck.

Screen help carefully when you hire. Check out references carefully. Test for spelling and typing skills. If you don't have the testing capability, there are agencies that will do it for you for a fee.

Whoever you hire, warn the employee it's for a 90-day trial period. If the employee is other than superior, find another one at the end of the 90 days.

Smart lawyers pay at least 20 percent above the going wage. That way your good help won't leave you, and if you are hiring and can't find an employee who meets your standards, you can hire one away from another lawyer who isn't willing to pay a good wage. If you pay starvation wages, you'll wind up with either a incompetent who can't

get a better job or a restless employee looking elsewhere.

If you have a good year, spread some of the money around. It has always seemed to me basically unfair for a lawyer to take a salary of \$50-100,000 or more a year and refuse to pay a paralegal more than \$1,000 a month.

And, if you have good help, give them instructions and let them get the job done. Treat them as responsible people and as part of a team. Talk over office problems on a regular basis. And don't just talk; listen, too.

6. Take quality time to stay professionally competent.

We have myriad continuing legal education programs available to us. Some lawyers ignore these programs. Others make poor use of them.

The average lawyer isn't going to learn much at a one-day CLE session if he or she:

- spends an hour and a half on the freeway the first thing in the morning;
- gets into the auditorium a half hour late;
- dodges out three times during the day to make phone calls to the office or check the message board;
- zips across town during the noon hour to confer about a pending case;
- has two beers during lunch; and
- leaves a half hour early to beat the afternoon traffic or to prepare for an evening meeting.

We don't learn anything from a continuing legal education session unless we condition ourselves to learn.

Most of us, when we studied for the bar examination, took the better part of the summer off. We spent a month or more in a cram course. We exercised regularly, sent our spouse and kids off to visit Grandma for several weeks, and devoted full attention to learning enough law to survive 2 ½ days of grueling examination.

For many of us, much of the law we use today didn't exist when we took the bar examination. Too many of us give pathetically little attention to learning today's law.

Establish a yearly quota of CL training for yourself. Choose courses that will do you good in your chosen area of practice.

Wherever possible, take your CL training in blocks of two days or more. Do it out of town - the farther away the better, free of the office and its distractions. If it takes more than an hour to drive to the location of the CL program, go there the day

before, take a hotel room, have a good dinner, get plenty of rest and meet the challenge of learning the next day with the conscious attention you have your studies for the bar examination.

And don't use CL as an excuse for party time. You can't learn if you're hung over.

7. Take time off to recharge your batteries.

The saddest thing to see is the lawyer who never takes time off. The lawyer who takes no vacation is either insecure (has to work constantly to prop up a sagging ego), unsuccessful (can't take a vacation because of lack of sufficient income) or disorganized (can't take a vacation because of being too far behind in work).

The lawyer who takes not time off doesn't accomplish much. Just as the old-time farmer used to stop at the end of the furrow to let his plow horse blow, so we need periodic free time to wind down and get our thoughts sorted out.

Whatever works, do it. One lawyer I know never works on Thursdays and takes three weeks off each summer. Another takes a regular vacation each summer and schedules a three-day weekend each month. I take a week off every two months.

Schedule your time off well in advance. New Year's Day is a good time to sit down with the calendar and figure out when you are going to pay yourself for the work you do. Stick to the schedule. Tell the calendar clerk you will not be available for trial because you will be out of town. Most of the clients who will call you during your time away have problems that will wait. If not, instruct your secretary to refer them to another lawyer who is competent to handle emergency matters for you. (The new Disciplinary Rules permit forwarding fees under certain circumstances. Work out your forwarding arrangements with the lawyer you refer to before you leave town, so you can share in the fee.)

And if you are going to take a vacation, take a vacation. Don't hang around town, where your impatient clients can get to you. Don't take work along with you. (I once tried to revise a pension and profit-sharing plan while on vacation in Washington. I did an inadequate job of draftsmanship and it ruined the week for me.)

If you get free from the pressures of your practice periodically, you will find you can get more work done in the time you are at the office. And you'll live longer.

8. Stay healthy and fit.

You don't get good performance out of your car if you don't give it proper maintenance. You don't get good performance out of yourself if you

don't take care of yourself physically. A sick, run-down, physically debilitated lawyer lacks stamina and can't do a good day's work.

You can avoid stress by staying physically healthy.

How do you do that?

See your doctor periodically for a good stem-to-stern physical. Get a complete blood test. Your doctor should check you for the danger signs of physical collapse - high levels of blood pressure, cholesterol, triglycerides or blood sugar.

Keep your weight within limits and exercise periodically. *READER'S DIGEST* and Sunday newspaper supplements every once in a while publish articles that tell you how to test yourself to determine your degree of fitness. Take that test. If you don't score as high as you should, do something about it.

Many hospitals sponsor wellness lectures. Go to one. The number of physicians interested in preventing disease (as opposed to curing disease) is increasing. If you think you are out of shape, find a physician who shows interest in getting you back in shape, and follow your physician's wellness program.

Smoking, drinking and the use of drugs is physically devastating. Many state bars and liability insurers have effective programs for those who suffer from substance abuse. If you think you have a problem. Find help and do something about it.

Unregulated stress plus poor physical condition lead to heart disease and diabetes. People with heart disease or diabetes don't live as long as others.

9. Solve your problems at home or get rid of them.

Home should be a refuge from the stress of the practice. For many lawyers it is the place you go to the office to get away from.

Marriage is not worth it unless you and your spouse are working together toward a common goal. If you find that home is not a happy place to be, do something about it. Marriage counselors often can act as mediators to help put a derailed marriage back on the track. If counseling doesn't work, you should seriously consider divorce. Divorce is ego shattering; a person who gets a divorce is admitting personal failure. It also can be terribly expensive, especially where child support or spousal support is a possibility. But from the stress management standpoint, the trauma of a divorce often is far less destructive than spending the rest of your life in a marriage relationship you can barely tolerate.

10. Maintain other interests.

A lawyer who does nothing but practice law can't get much fun out of life. He burns out.

Make a list of the 10 things outside your practice that you most enjoy doing. Beside each, list the number of days it has been since you participated in that activity. If you find you have not done at least seven of these 10 activities within the last 45 days, you are not getting enough variety in your life.

Many of these activities can help you market your legal services. Most people who need a lawyer for the first time don't know a lawyer. Many instinctively will turn to someone they know and trust. They can get to know you through your outside activities.

You work to earn the money to provide yourself with the necessities and luxuries of life. Work should be the means to personal satisfaction. If you aren't finding personal satisfaction, examine your life and test it according to the 10 rules listed above, then do something about it.