

Ferris Bueller, Esquire: Stress-Free Lawyering

By Michelle St. Germain on behalf of the Levison Group

It's good to be on top. Sixth grade was really fun. Eighth grade was great. Senior year in high school was better than "Ferris Bueller's Day Off." Senior year in college was a ball. Unquestionably, 3L year was much better than 2L or 1L.

The funny part about being on top of the heap, though, is that it's the final step before landing at the bottom of the next heap. You do not think about that at the time, of course. You are having too much fun enjoying the view from the top.

For most of us as lawyers, our first year out of law school found us entering some sort of law firm, and confronting the reality of being, once again, at the bottom of the heap. This would not apply to those of us who opened up their own firms, or to those who were just plain delusional about our place on the totem pole.

For those of us who knew where we were however, getting adjusted was stressful. As a fairly new lawyer, that period is still not far from memory. The stress of that period, is also not altogether unfamiliar.

As a child, I recall having severe anxiety about advancing to the next year in school. Even before the school year began, I told my mother, "I am going to flunk out." I just did not believe I was ready for second grade. I really, truly, believed I was going to flunk out, despite the fact that my grades were just fine. There was no consoling me. The only sensible option, in my mind, was for me to retake the last year of school so that I would really be ready for the next. Despite my success each year, I relived the same self-doubt each year as I entered third, fourth, and fifth grades.

I eventually stopped the dramatic annual spectacle I made of myself once I got to be a senior in college. Okay, I suppose it might have been earlier than that, but the anxiety and self-doubt were still there at each transition period, just subdued.

It is perhaps those years of stress that ultimately prepares us for our profession. After all, an attorney is surrounded by stress. It's not like stress is new to anyone that survives the bar exam, and it doesn't end there. The first deposition, the first deal, the first trial, the first appeal – all come with stress.

Before a full day of depositions that I had to take, I decided to research opposing counsel, since that is one of the things I have heard that you can do to prepare. I quickly learned a valuable lesson. If opposing counsel is a named partner and you are just getting your footing in the law, there is absolutely no reason to review his or her resume. There is very good reason not to do so, namely, avoiding further panic.

Preparation is highly overrated. First of all, you cannot fully prepare for anything. I am serious. The fact is that you do not know and cannot know what the judge, opposing lawyer, or even your own client, will do or say.

In all probability, the judge is not going to ask you about that one case you've been trying to find for the past two hours for that hypothetical you are afraid he or she might ask about but you know could not ever happen in your case. The judge just might decide the issues on reasons that neither you nor your opponent are advocating. Opposing counsel might even stipulate to the foundation of the evidence that you researched so thoroughly that you could dictate a brief on it if you wanted to. And there is any number of gems your client can say at court, such as, "there is a warrant for my arrest."

Preparation just postpones facing your stress. It does not eliminate it. Although dealing with stress is the key to our profession, it is not as easy as some people seem to believe. We've all heard the pearls of wisdom:

"Identify the source of your stress." Done! I still don't feel any better! Now what?

"Meditate." I can't sit still for very long so that one is out.

“Work out .” When you are already stressed, particularly about lack of time, doing an activity that takes additional time does not seem like a good option.

“Use lavender aromatherapy.” I despise lavender. What kind of cruel joke is it that lavender is a stress-reliever when I hate lavender?

Then there is the tried-and-true method of going to the bar and obliterating your senses. It is favored by the Tequila industry, but that is not the best idea.

I’ve also heard advice that you should channel your stress when you have an impending first [insert trial, hearing, deposition, you name it]. In other words, use stress in a productive way: prepare for whatever you have coming up like you would for a death penalty trial. Maybe this will work if your firm has one case.

It is well-known in sports psychology that nerves can hurt an athlete. Stress affects the athlete physically -- altering his or her heart rate and increasing muscle tension which can prematurely wear an athlete out. It also affects the athlete cognitively, by ironically decreasing focus.

We all know it as “choking.”

The key to doing well is not to choke. The key to not choking is to not stress.

Finally, the key to not stress is to, well, just not to. It is that simple. At least, I think it is. I wonder if I’m right. What if I’m wrong? Now, I’m never going to sleep tonight.