Character Degradation by Depression in the Career Environment and Preventive Measurements for Michigan Lawyers

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In Michigan, as in every state, the profession of lawyer is very demanding and requires particular skills and more importantly values. It is not for everyone. It assumes individuals to be strong inside and not be open to emotional meltdown. An individual character is constantly under attack like a tooth by germs. If there is no protection, with time, it decays. In early stages of career, lawyers stand up for justice and morality, and in the end, for many, these qualities are redefined with the consequences that they commit suicide, end up in jail, lose license, or in the best case are reprimanded. The process is slow and unnoticeable, similar to gaining weight. Moreover, dissatisfaction with the profession goes hand in hand with the character decline. In one study, 40% of young lawyers reported high level of satisfaction with lawyering, but six years later it fell to 29%.¹ The most powerful trigger that contributes to the rust of character is depression. The Michigan Lawyers and Judges Assistance Program (LJAP) serves as the rescue kit, but before even it gets to such a stage, there must have been a way around.

Depression is one of the leading diseases though not studied thoroughly. So far, it is identified by a check list, and the symptoms are depressed mood, apathy, sleep disorders, decreased energy or fatigue, noticeable changes in appetite and weight and similar. There are different types of depression: major depression and bipolar disorder, intermediary forms of mood disorder. One form varies from another to a degree of severity. So far, the known cure is antidepressant drugs and therapy. The question still hasn’t been resolved whether depression is
caused environmentally or genetically. Depression affects 121 million people around the world and by 2020, it will be the number two cause of "lost years of health life" worldwide.²

Lawyers are 3.6 times more likely to suffer from depression than members of any other profession.² There are also some prevalent features such as alcoholism, drug addiction, and high divorce rate comparing to other professions. The primary two reasons for increased rates of depression are stress and isolation. Stresses include time pressures, constant preparedness, work overload, competition, balancing personal life, and dealing with tough personalities and unrealistic expectations. Of course, they can’t be evaporated, since they are a part of life, but “they can be limited and, more importantly as those who study resilience report, the way stress impacts us does not have to be totally negative.”³

Depressed lawyers are far more alone because they are mentally and physically defeated. Mentally, it feels like one is walking through “the valley of the shadow of death.”⁴ In other words, it means experiencing difficulties to a great degree. Physically, it is like “wet cement running through my veins.”⁴ That is, every task requires a greater effort than it should not be. Adding to it, lawyers try to avoid taking part in activities or seeking help that would bring them back to normal life because of escape, avoidance, and withdrawal symptoms. Crooked thinking is to blame for this state of affliction. These negative thoughts vary from vast generalizations about the universe to self-hating thoughts. Although everyone is affected from it in one form or another, in a clinically depressed person, it is taken to an extreme degree.

Meaningless, a type of depression, defeats also a spiritual dimension which function is to set the meaning and purpose of life. In action, it serves as a navigation system. Once out of control, it is a lost ship in the ocean going in no direction. Like two other dimensions body and
mind, it is required care and nurturing, and it cannot be left out on its own. Moreover, although intangible, it is noticeable, and it cannot be filled with other than spiritual ingredients such as reasoning or analytical skills. Different dimensions are going to merge forming one while eliminating quintessential qualities.

If this spiritual component is largely in theory and not in practice, it leaves a huge hole in one’s character. With a busy daily life, lawyers postpone it thinking that they would take care of it once retired. Then, life loses its colors and becomes literally black and white. It is as if “[l]ife is no longer enjoyable, and almost everything becomes another excuse to be upset, angry, aggressive, afraid or defensive.” As a ship lost loses its lead and may get under a severe storm, lawyers also may experience more severe consequences such as losing a job due to simply a wrong choice made for a client.

At the end of career, lawyers experience depression in the form of vicarious trauma. Vicarious trauma is “the experience of being exposed to stories of cruel and inhumane acts perpetrated by and toward people in our society.” In the environment highly exposed to dramatic events such as divorce or child custody, the amount of emotional resistance required is moderate. These emotions build up over years of practice and will show signs such as “cynicism, disillusionment, anger, or depression and can compound stress enormously.” The frequency and intensity of the trauma become elevated especially when lawyers bear responsibility for the lives of other people in the way of imprisonment or even life depravation. Judges are a good example.

In Michigan, exceptionally high unemployment rate and economic instability have added to depression. Around 31,300 jobs in the legal field have been lost due to recession since March 2009. Neither joining a big law firm nor government ensures job security. Moreover, an
associate’s seat is no more secured than a partner’s seat. This leads to a fundamental change of profession where law is becoming a commodity, and lawyers are fighting for a living, and virtual law practice is popping up. It is particular a burden for an older, old-school generation who can’t readjust that fast to the emerging approaches.

At the big law firms, to keep up with raising cost, associates are required often to post 2000 billable hours per year. It means that a lawyer needs to spend in office at least 3000 hours, since they don’t bill by the number of hours being present in the office, which ends up easily to at least 58 hours per week. “Imagine a lawyer who is expected to work in a busy environment 10-12 hours a day, dealing with emotional, demanding clients without adequate support. These are not unusual circumstances.”9 Apparently, there is very little time left for personal life. However, part-time employment is an option for leveraging a work-life balance. These programs have been successfully implemented for women who take care of children with little impact on their future staying in the respective firms.10

The cost does not only include overhead but also increase in salaries. They get into bidding wars for graduates with best grades and as a result, salaries of first year associates get really high. To give an idea from a national perspective, they have reached $160,000 for select graduates from select law schools.11 Subsequently, salaries of junior and senior associates go up, and the same holds true for partners because they do not want to get paid less or equally than newcomers.

Those who work in a small law firm may experience depression in a different way. They may have a hard time finding or keeping clientele to pay the cost. As the result, they are forced to take up an additional line of business because of lack of customers. It causes them to take up
more responsibility than they can possibly handle. As the result, there is a discrepancy between where they are and where they think they should be.

Not only external factors but also the signature of the law profession triggers depression. Lawyers hold themselves to a higher standard to the public, and this status disables them to deal with their issues. They advise the public on different matters, but when it comes to their own lives, they tend to see it insignificant or ignore completely. It should not be a surprise, since people can rarely perform self assessment accurately. Yes, they may feel anxious, overwhelmed, or even hopeless, but they would not associate themselves with depression. Moreover, when they counsel clients, they use a logical approach based on reasoning, which do not equate dealing with mental issues.

Therefore, it is not surprising that depressed lawyers do not look for treatment until they hit the bottom. Moreover, they don’t move a finger to confront it even if they notice something because they are not alright mentality. “The motivation to seek help is absent because those experiencing depression become enraptured by pessimism and negative thought pattern.”

Pessimism, in fact, is on the both side of the equation: as a plus, it makes lawyers successful. They see a problem deep, stained, and permanent making to a persuasive argument; as a minus, it has nothing to do with happiness and causes a high risk of depression in personal life. Once leaving the office, these lawyers carry pessimism to their home. It causes unnecessary suspicions, problems with frivolous issues, and assumptions of clients’ similar stories to their personal lives.

Also, lawyers fail to seek help for a different reason – feeling ashamed and weak.

Common reaction from those surrounded is skeptical: “‘just get over it’, ‘suck it up’, or ‘go on
vacation’. Most if not all lawyers try to handle the problem on their own which ends up even worse making them hopeless because depression as any serious disease requires outside intervention. Therefore, there exist stigma to admit mental problem depression, and for lawyers it is double layers. A mentally ill person is perceived as a crazy one “who has not showered or shaved in days, dirty, disheveled, talking to himself and presumed to be high on cocaine or alcohol.”

It automatically creates false presumptions and judgments leading to a conclusion: “Don’t tell!” Moreover, lawyers deal with professionals on a daily basis which create a fear of being under the spotlight in their peers. It prevents lawyers from disclosure, since otherwise it may mean an adverse opinion, misunderstanding, lost trust, confidence, advancement in career, or friendship.

Lawyers face with depression for seeing themselves perfectionalists. Law profession itself requires skills such as analytical thinking, paying close attention to details, and following procedural and substantive rules. Mastering perfection in these abilities can’t be achieved or achieved in few very naturally talented individuals like Gerry Spence, who never lost a criminal case in nearly 50 years. For others, it causes constant dissatisfaction and disappointment and makes them work ever harder to achieve these values. These lawyers usually say, “If I don’t do a perfect job in every detail, I will fail.” Moreover, perfectionism goes beyond this scope and makes a lawyer think that responsibility is on him or her for a particular matter, whereas in actuality he does not have control over it. On this track, many burn themselves out with work and eventually end up with depression.

Burnout is a term used to describe professionals engaged in people-oriented services who are experiencing emotional exhaustion, depersonalization, and a reduced sense of
accomplishment. Although burnout is not a medical diagnosis, in serious cases, it may be a form of depression. The symptoms of it may be noticeable in the law office such as sadness, pessimism, isolation from colleagues, forgetful behavior, and disorganized office and work.

Depressed lawyers emphasize heavily on extrinsic values and do not choose intrinsic values accurately. While in law school, extrinsic values were grades, class ranking, internship, and a lucrative associate position. After graduation, they are money, property, reputation. Reputation includes “Martindale-Hubbell ratings as well as win-loss records.” It may also mean a position at a big hierarchical law firm which role model follows the Cravath system. That’s “hiring a handful of well-pedigreed associates each year, training them and gaining efficiencies from their work on the firm matters, and eventually promoting the best of each class to partnership.” Lawyers are unhappy about these values because eventually they end up demanding profit from high billable hours instead of exercising justice and fairness.

In comparison, intrinsic values are uniquely applied for each individual. They vary from receiving satisfaction from representing a client to making a difference in one’s life. The problem is that these lawyers do not locate their intrinsic values but rather “are more up to see personal enrichment as their purpose, at least in their personal lives,’ failing to develop what he calls a ‘helping heart.’” Moreover, they hide their intrinsic values behind the mask of professionalism. Inward they look sharp, and in control, but outward they feel awkward and unsure. In this case, interaction at a professional level is isolating and emotionally unexpressed which fuel depression.

If lawyers are allowed to make very little decisions for the cases that they are working on, it hurts their moral. It is particularly applicable to junior associates who are in low decision
latitude in high-stress situations. Decision latitude is “the number of choices one has – or, as it turns out, the choices one believes one has – on the job.” Many have a limited contact with their supervisor and no contacts with clients, and they virtually stay in the library and research topics and draft memos of a divorce case, for instance. This work is routine and not of their choice, and if an option existed, they may choose not to deal with.

Common end results of depression are an illegal act, alcoholism, drug addiction, gambling, broken relationship, and suicide. There is a strong correlation between those who suffer from depression and a substance use disorder such as alcohol. Although it is not yet proven that one is a cause of another, “this individual [with depression] is, at a minimum, at risk for developing a substance use disorder.” Moreover, those who suffer from depression try to medicate themselves by alcohol and antidepressants not realizing the fact that the mixture of both would impede, if not negate at all, any beneficial effect of the medication.

Misusage of alcohol is prevalent in the law profession due to high pressures. To fight with it, there is an 8.3 provision of the Model Rule of Professional Conduct (MTPC) which deals with duty to report another attorney when that attorney’s fitness is called into question by substantial misconduct. However, most attorneys are reluctant to report their coworkers to authority unless it is evident of alcohol addiction. Therefore, drunk driving convictions are the way to go around.

In Michigan, the Attorney Grievance Commission (AGC) handles impaired driving cases, drug abuse, harmful gambling and other similar conducts. It is “the prosecutorial arm of the Supreme Court for the discharge of its constitutional responsibility to supervise and discipline Michigan attorneys.” The process starts when an administrator files an action from the
information in the newspaper, members of the public, and under MRC 9.120(A). Id. 59. It requires that once convicted, the attorney, his or her defense, and the prosecutor are to report it within a 14 day period. Proper documentations for submission are facts of the event, a substance assessment, police report, and a copy of the judgment of conviction. Aggravating factors such as prior disciplines and violations and mitigating factors such as emotional or personal problems may also be included.

After the AGC investigation, the file gets transferred to the commissioners along with a summarization and recommendation, and they make the final decision. The underlying issue to decide is whether the respondent has a substance problem. The punishment ranges from a warning, probation, admission and admonishment to filing a formal complaint. Conditions may be attached to it such as attending specific classes. Usually, the first-time impaired driving offense is left with a warning, and the file gets closed. The purpose of the discipline “is not intended as punishment for wrongdoing, but for the protection of the public, the courts, and legal profession.”

If it turns out that it is a more serious conviction such as a felony drunk driving or a formal complaint is filed based on the AGC evaluation, an attorney is automatically suspended from practicing law as of the date of the entry of the plea, verdict, or the report. A “lawyer is a professional ‘twenty-four hours a day, not eight hours, five days a week’.” The matter will be assigned to the Attorney Disciplinary Board (ADB) for public disciplinary proceeding and subsequent reinstatement. In that case, this attorney will be promptly required to notify his or her customers about the suspension according to MCPR 9.119. Procedurally, the process for submitting documents for the board review is similar to the panel review.
Although alcoholism is punishable in the legal profession, which is also true for drug addiction, stigma associates with it that prevents encouragement and support for those in need. The belief is “that addiction…is a terrible character flaw, or moral deficiency, and that those who suffer with it deserve their ‘self-inflicted’ pain.”\(^{23}\) Despite this public view, the American Medical Association views alcoholism as a disease and therefore not self-affliction, while drug addiction falls under the same category – substance dependence.\(^{24}\) In the legal profession, alcoholism like drug addiction is viewed as a double negative. Since lawyers play a critical role in society, a flow is not tolerated among clients as well as among coworkers. Not surprisingly, they automatically deny their involvement in the activity for self-defense and preservation reasons not to deal with tens of issues that would momentarily arise. It may also be true that “by virtue of the characteristic of denial that is inherent in the disease, is unable to see clearly.” Id. 35. Then, without intervention of others and their understanding, there is no avail.

The other prevalent form of addiction among lawyers relates to depression is problem gambling. Although it is not scientifically established whether depression causes problem gambling or vice versa, problem gambling is in fact a mental disease which definitely ensures stresses from loses early or sooner. “The term ‘problem gambling’ includes, but is not limited to, the condition known as ‘pathological’ or ‘compulsive’ gambling, a progressive addiction characterized by increasing preoccupation with gambling.”\(^{25}\) For that reason, lawyers do not start gambling to lose all their savings and commit an illegal act, and most of the time, it is not indentified until they approach the final stage. However, the indicators of it are a strange behavior such as withdrawing from family and friends, missing personal or household items, hiding gambling losses from family members, liquidating assets, receiving late notices or phone calls from creditors and similar.
Problem gambling has other malicious outcomes. First, it is hereditary. Children of problem gambling parents have a higher probability to develop it than those whose parents do not gamble. Second, there is a danger of trading one addiction for another. For example, after successful recovery from alcoholism, there are high chances for developing another addiction in the future such as rolling dice. The number of people suffering from it is high, and so is the number of lawyers affected by it. In Michigan, there are 300,000 pathological gamblers which is roughly 3 percent of population. “Because of the proliferation of casinos, Internet gambling, and the growth of the lottery, lawyers are going to find themselves more involved in matters related to gambling. Every area of law (from domestic to criminal business) is being impacted by gambling.”26

At the end, the most sustainable losses from substance and gambling addiction are human: destroyed relationship with clients, friends, and family members, or attempts to take one’s life, which may be single ending. There are certain obligations to a client, a close friend, a boyfriend or girlfriend, or a spouse, and if they are not fulfilled, a relationship is broken. Alcoholism or drug addiction most certainly results in lost competence or dropping the balls with clients’ cases such as missing a deadline, failure to appear in court or similar. In the chain reaction, it leads to unemployment, lost friendship, and subsequent divorce. In the similar pattern, problem gambling ends up with. First, it starts with committing illegal acts to obtain funds for gambling such as defrauding clients or taking out money from an IOLTA account. Then, it is unemployment, lost friendship, and divorce due to misuse of trust.

In order to end all this up, these lawyers try to commit a suicide. In these scenarios, depression plays a major role, and it is the cause of over two-thirds of the 30,000 reported
suicides in the U.S. each year. In the legal profession, it is verifiable that suicide among male lawyers is approximately two times more likely than among men in the general population. In Michigan, there is a treatment fund for this purpose in memory of attorney Richard Steinberg, who committed a suicide.

Michigan’s Lawyers and Judges Program (LJAP) provides support for the legal community: lawyers, judges, and law students with signs and symptoms of depression. Although not specifically indentified, they suggest various ways to treat it through meditation, acupuncture or auricular acupuncture, a lawyers’ group, balancing activities, and making appointments with doctors. Furthermore, they don’t have medical facility for treatment, but they compensate for providing valuable counseling and referrals.

Meditation is one of the oldest means to relief stress, and Zen Buddhism is the most common form practiced. This meditation is defined as “a body of psycho-physical practices of mind/body awareness leading to calm, clarity, generosity, and other positive mind states.” The goal is to let go negative emotions and thoughts and live one moment at a time. Its function entails shifting thinking and feeling from daily activities to inner processes such as breath and stabilizing the body and mind to continue a relaxed and specious awareness. The meditation is not a one-time shot, but it requires commitment and regular practice. Although there is no specific way to follow, it is not simply a passive relaxation for a period of time, but it requires attention to find the breath which subsequently links body and mind. When these two components are in conflict, there is no harmony and therefore no peace.

Even when described in words, first time lawyers “had asked lots of questions and were unsure exactly how meditation was going to help them prevent depression from returning.” To
deal with recurring symptoms of depression, mindfulness meditation is recommended. It helps to get back in touch with inner and outer resources through compassion and kindness. The therapy also includes education about depressive symptoms and dark thinking that usually goes hand in hand.

Besides Zen Buddhist meditation, there are simpler forms. One of them is visualization. This method speaks for itself: an individual is transported in thoughts to a place of peacefulness and calmness. Another meditative technique is transcendental meditation which is directed to calm the mind and turn off distractions. There is also a non-denominational form of meditation developed by Herbert Benson. The point of practicing is to become aware of breathing rhythm by pronouncing silently calming words such as “one”, “peace”, and “love.” It may also turn into an affirmative statement, “My enthusiastic attitude in my life now draws me interesting and happy experiences.”

Acupuncture and auricular acupuncture are nontraditional ways to deal with depression. The only major difference between two is the performance on the ear as opposed to the whole body. The letter is a recent form of alternative medicine based on the idea that the ear is a system that represents the entire body. The process is quite simple involving the use of very fine sterile, stainless steel, disposable needles that are inserted through the skin into specific points in the ear. Each point apparently affects the body in a certain way. In this case, they challenge the nervous system. It is particularly helpful in treating symptoms of withdrawal from drugs and alcohol such as anxiety and depression. In Michigan, Brighton Hospital administers this protocol.

A lawyers’ group offers an interesting approach. It is composed of professionals working in a variety of specialties and range of practice settings. Each of them has their own weaknesses,
but together they can take advantage of advice and suggestions of each other and deal with issues. Some of them experience similar problems or have overcome them. Your peers listen to you, understand you, mirror your feelings and validate your feelings. Also, it is a good place to meet friends and business contacts, since all participants are in the same profession.

Balancing professional and personal life is another solution to deal with depression, and this is about choice making. Every lawyer decides his everyday schedule. Some spend more working, some less, but at the end of the day, they need to consider that there are friends and family members that require attention. One way to free up time is to do the work efficiently. During the work day, there are a number of interruptions which are time consuming and eliminating them means freeing time. “The three that I find most useful to focus on are interruptions, procrastinations, and ineffective delegation.”

Some lawyers get interrupted for a considerable period of time when a phone starts to ring or a colleague pops into the office. Then, it takes time to achieve the level of concentration back. Some have a hard time start working, and procrastination is also time-consuming. Others, being worker bees, are unable to delegate work, which makes them do it all. There are psychological reasons that keep them from making corrections. Some people don’t interrupt others because they see it offensive, which means that they would listen to the very end. Those who procrastinate see the work boring or disappointing. For the fear of mistake, responsibility, control, or completion, they don’t delegate tasks.

To solve these issues, lawyers need to delve into psychological spheres and evaluate their actions. One of the subconscious questions may be asked, “Is it really true that if I don’t respond to every interruption immediately, people will reject me?”

Efficiency does not necessary
redirect free time on a personal life. Therefore, lawyers need to develop a different set of priorities to work and understanding of what winning is. They are human beings who have limited nature, and they can’t always accomplish a to-do list. It is important to limit to items that are achievable leaving some time for a review or a free hour. Furthermore, winning a case could be in different forms ranging from defeating a court battle to accepting an apology.

 Keeping up with good physical and mental health would prevent depression attacks. A checkup is for diagnosing, evaluating, and treating conditions and for preventive health care. Heart disease and cancer top the list, while depression is forecast to reach there soon. Many cases may have been cured if early confronted. In other words, the “health checkup appointment with your health care provider is your opportunity to tell your story, express your concerns, ask questions, and learn about the best ways to care for your body”33 and mind.

 Although Michigan’s LJAP does a great job without questions to treat depression, there is a way not to allow it to go that far while still facing it. The movement is called a holistic approach. The International Alliance of Holistic Lawyers (IAHL) oversees it, and defines it as “a world where lawyers are valued as healers, helpers, counselors, problem–solvers, and peacemakers. Conflicts are seen as opportunities for growth.”34 Holistic lawyering is a way to practice law without losing personal qualities or, in other words, being yourself. It is an antithesis to stigmas that the profession is known for. Also, it allows the lawyers to incorporate morals and values into client representation.

 In this fashion, pessimism is substituted for optimism. Although pessimism is beneficial to the profession in its own traditional way such as spotting a permanent problem, there have been some contrary changes in the real world. “There will be a greater need for flexibility in
adopting new methods of business development and of ways of working with colleagues as well as clients.” In such a case, optimism, which is flexible, would be predominant over pessimism. Moreover, in this dynamic environment, a pessimist does not believe in real change, which is not true even from observations. The end result is that lawyers don’t become problem finders but rather problem solvers.

A common way to switch ideology from pessimism to optimism in a law firm is to practice the acronym PACTS. The first letter ‘P’ stands for praise and recognition. It is not simply admiration for a successfully completed assignment, but it is also an acknowledgement of effort and innovation. “It’s a sense that people value each other not just for what they do, but for who they are.” The letter ‘A’ stands for autonomy. It means that every lawyer is important in its own way and is a part of the decision-making process. The letter ‘C’ means collegiality which emphasizes cooperation among colleagues as opposed to completion. The letter ‘T’ means trust. It speaks for itself: associates should be able to trust their partners and vice versa. Reality is contrary. A University of Michigan study showed that some 70% of employees don’t trust their managers. Finally, the letter ‘S’ stands for status. It needs to be linked directly to optimism and not earning capabilities. Otherwise, there are unfavorable consequences such as vicious internal completion, increasing resentment and depression, and lack of innovation. Id.

The concept of effective listening is easily overseen. It is more than hearing, since it requires a cognitive element – attention. There is a huge difference between “talking at” a person rather than “listening to” a person. The former involves the element, while the letter does not. It is not only a lawyer who needs to listen to a client, but reverse is also true, since “two-way listening makes a dialogue reciprocal, with each person adjusting what they say in keeping with
how the other responds and feels.” Id. In order to listen to a client, first of all, a lawyer needs to be present. Multitasking does not make it happen. Moreover, a natural listening is required as opposed prejudicial or hastily concluded, since behind the lines may lay unspoken words. Emotions need to be taken into consideration because under high stress, a client may not evaluate a situation correctly or make a quick decision that would later regret. The benefit of effective listening is improved communication.

Effective listening alone is not enough because effective speaking is as important. After listening carefully to a client, eventually a lawyer needs to express an opinion thus creating a back-and-forth dialogue. To acknowledge certain points such as what just being said, emotions, and unfulfilled expectation shows active communication. To repeat back after a client what just being said lets him know that he is being heard. Reflecting back the emotion “helps to clarify what emotions are attached to the client’s story” and once indentified, they help to figure out “what the client really wants in crafting a solution.”37 Since the content of a spoken message is two-part: the actual content and feeling underlying it, the letter is rarely expressed. As to an unspoken expectation, underneath a client’s complaint it may lay, and finding it is a win-win situation for a client as well as attorney, since it helps to identify the real issue. Id. The overall benefit of effective speaking is improved understanding.

Plain English is preferred over legalese. Legal writing has not been understood well by outside audience. For the reason, the plain English movement directs toward writing documents that are free of unnecessary legal jargon and therefore easier for readers to comprehend.38 In that style, documents should be well-written and organized and most important clear. Apparently, legal words such as plaintiff and defendant are substituted for parties’ actual names. Id. 287.
Subsequently, words with one or few meanings are substituted for words of foreign origin, literature, and with multiple meanings. The end result of plain English is beneficial for everyone both as clear communication and understanding.

Billable hours should reflect to a satisfying, more enjoyable practice. One way to measure it is by a Balanced Scorecard. The concept behind it is that instead of emphasizing on financial performance, other beneficial indicators are taken into consideration such as client service, human development, and business process. In a client service area, lawyers would focus on value provide if clients’ payment is based on it as opposed to writing up billable hours. Id. 382. In a human development area, since lawyers receive little mentoring, they do not grow as they should, and as the result, professional detachment causes poor relationship with each other. Id. Providing regular training sessions will correct this deficiency. Finally, in a business process area, lawyers don’t get training in running their office and usually are inefficient with administrative tasks which could be improved by being more organized, digitalizing data, or allocating them to the secretary. Using this Balanced Scorecard enables firms to adjust compensation incentives appropriately, so that associates and partners are encouraged to produce the result not necessarily based by billing high number of hours.

Holistic legal practice deals with the mainstream adversarial court system through applications such as collaborative law, restorative justice, procedural justice, transformative mediation, therapeutic jurisprudence, problem–solving court movement, preventive law, holistic justice, creative problem solving, and pro bono services. The main idea behind it is that since majority of cases are settled, there is no need to process all of them adversely. Before
implementing these approaches, screening process must be in place because not every issue falls under such review.

Conflict coaching as a tool is very useful for a screening method. It is defined as “a one-on-one process for helping individuals improve their conflict understanding and skills, to manage conflict disputes more effectively”40 and applied in pre or post Alternative Dispute Resolution (ADR) processes. In a pre–ADR process, it helps to prepare or anticipate challenges, while in a post–ADR process, it helps to deal with unresolved ones.

The first and most common process collaborative law speaks for itself as a nonlitigative collaborative approach. The common goal for the clients and lawyers there is resolution through cooperation, creativity, and mutual benefit. Regardless whether resolution is successful or not, the lawyers from both parties agree not to go to court. In such environment, participants are, “able to ‘think outside the box’ and create solutions that are unique to their situation, not necessarily what a judge would do.”41 It is mostly used in divorce cases where a conflict is resolved in variety of meetings: four-way between the parties and counsel; five-way among the clients, counsel, and a financial or child specialist; six-way among the clients, counsel, a mediator, and the specialist; three-way among the parents and child specialist; and one-on-one-way between a client and the divorce coach.42 Discovery process is informal, where the client provides information voluntarily. In order for the information to flow, each participant must trust another, despite uncertainties such as suspicion about cost, different reality, and post-negotiation crises. The benefit of such process is friendly relationship between clients, and lawyers don’t experience emotional battle as it would be probably unavoidable in the court room.
Corporate law picked up the concept after family law as well. Corporate clients look for a win-win solution for each party such as reducing litigation costs and resolving conflicts quickly and efficiently. As in family law, litigation is still a viable option but with different counsel though. Outside experts such as financial planners and psychologists may also be brought in. The end result is similar to the followed application – healthy business relationships.

Restorative justice is an approach to justice common with juvenile offenders. Criminal justice and sentencing are done in a collaborative manner through community, victim, and offender elaboration. The stress is on the relationship among the parties as opposed to a punishment through an adversarial system. Moreover, problem solving for the future is more important than a blame for a past behavior, and healing affected members is more important than punishment. Id. 29. The process is usually done in circles with agreed upon rules. In a dialogue, each victim shares how the act impacts their life, whereas the offender agrees to take restorative actions in the form of compensation, community work, or similar. Id. 31. A similar approach is taken in procedural justice. Litigants’ satisfaction depends less on the actual outcome but more on being treated with respect or dignity and having an opportunity to be heard, speak, and participate. Id. 323. The end result is promising: victims report high satisfaction with the process because the offender answers their recurring questions as opposed to lawyers who undertake his or her role in the adversarial system.

Transformative mediation is one of the newest approaches. Its emphasis is not simply on reconciliation, but also on transformation from negative and destructive to positive constructive communication. The purpose is “to help people regain their footing and shift back to a restored sense of strength or confidence in self (the empowerment shift) and openness or responsiveness
The conflict is seen as destabilizing human interaction rather than breach of contract or peace. The remedies of such mediation are that the parties can choose to leave once they establish their new understanding and work out further issues without lawyers’ interference.

Therapeutic jurisprudence focuses on emotional and psychological aspect of the participants, clients, lawyers, and judges. Its goal is to bring sensitivity into the profession with an emphasis on psychological and emotional issues such as stress, confidence, and trust. As healing profession in this respect, it covers almost every area of law practicing. In estate planning, lawyers help clients to deal with emotional issues such as growing old or having a fatal illness. In employment law, lawyers deal with employer-employee relationship. At the end, it reduces negative side effects of the law such as emotions and promotes results such as conflict prevention.

Therapeutic jurisprudence gave beginning to problem-solving court movement. Witnessing societal problems such as drug use, homelessness, domestic violence, child neglect and abuse, judges started to apply the application. Apparently, the adversarial system does not help in the long run – judges see familiar faces in the court room again and again. New types of courts arise in the areas of drug abuse, mental health, and domestic violence with a parental emphasis on treatment rather than incarceration. Providing such support increases the probability that the defendant will be socially acceptable. Judge Leifman pointed that out, “We can start to put people in recovery and keep them out of a system that they never should have gotten into.” In a typical drug abuse case, the defendant would be required to be regularly tested for drugs, attend Narcotics Anonymous classes, and obtain stable housing or employment.
Another type of holistic approach is preventive law that has been around for awhile. It works in the same as preventive medicine to stop from ever occurring again and not necessarily by winning a lawsuit. It is rather “to intervene in legal matters before disputes arise and advocates proactive intervention to head off litigation and other conflicts.”

For example, a lawyer together with the client may attempt to restructure the client’s finances instead of letting court to do so, and the end result saves the client days in court.

Finally, creative problem solving is a broad approach to holistic lawyering, and it speaks for itself. That is to solve a problem creatively either in a traditional or nontraditional way by permitting the broadest array of solutions and breaking out of the normal ways of dealing. The emphasis there is on flexibility of mind, active listening, ability to frame a problem, and considering different points of view. Professor Thomas Barton believed that there are two major steps involved in its development, “expending the context of the problem so that all the dimensions are exposed and building a larger repertoire for resolution.”

The American Bar Association (ABA), a steward in law profession, itself promotes a creative approach to problem solving. It stated, “Recipients will be acknowledged for their use or promotion of collaboration, negotiation, mediation, counseling, decision–making, and problem–solving skills to help parties resolve a problem in a creative and novel way.” The benefit is a solved problem.

Focusing on pro bono volunteering services is a way to make a difference in a legal practice. They express an individual’s purpose and value which are rarely emphasized at a workplace. These services are voluntary and free of charge. Moreover, they cover a broad area and can be offered in holistic or traditional approaches. Indeed, the ABA recommends lawyers to contribute at least 50 hours of services per year. An example is Michigan Service to Soldiers:
Legal Assistance Program, where lawyers help deploying soldiers to take care of wills and powers-of-attorneys. The end result achieved of such services is that lawyers are more deeply involved in clients’ needs on professional as well as individual levels, since there are fewer barriers exist for such dealing.

In this fashion, Alternative Dispute Resolution (ADR) methods: mediation, arbitration, and negotiation, if applied, are preferred over litigation. ADR’s purpose is to alleviate pressure, expenses, and time of actual litigation making result more ascertainable. During a mediation session, opposing parties attempt to work out a viable solution, and usually a lawyer as a third party, facilitates the process, but each party may have an individual counsel as well. The goal depending on an issue is either settlement or repairing relationship. In the process, lawyers are proactive in offering information, assistance, and advice to ensure that parties make good decisions. Individual counselors usually advocate parties before and after the sessions but are absent during the sessions.

In a negotiation session, there is no facilitator, and both parties are on their own. The concept of unbundled lawyering is very useful in that manner. It is “an agreement between the client and lawyer to limit the scope of services that the lawyer renders.” Unbundling can be in two forms: vertical is when the lawyer’s role is in limited services such as divorce; or horizontal is when limitation to a single issue such as spousal support or combination of them such as spousal support and child custody. Id. In an example of vertical unbundling, lawyers teach self-represented parties how to negotiate with opponents, court clerks, and governmental agencies.

In comparison, an arbitration session can be viewed as a simplified trial with limited discovery and rules of evidence where the arbitrator makes a binding decision to resolve a
conflict. It is mostly known in fine-printed consumer and employment contract clauses. If it happens that there is an arbitration clause in a lawyer's retainer agreement, the American Bar Association Ethics Committee concluded that the agreement is invalid unless three conditions are satisfied. The client is carefully advised of the advantages and disadvantages of arbitration, the client gives informed consent, and the provision does not insulate the lawyer from liability that might otherwise be imposed by law.49

The development of the SMART approach for business sharpens the concept of the alternative methods. The nomenclature stands for the description of the methods: strategic, measurable, and appropriate, and generate a significantly enhanced return on investment and which are teachable.50 With strategy involves the reduction of cost, since there is a direct correlation between the length and cost of litigation. The outcome of litigation is never predictable, but with ADR, it is indeed more measurable. They are not only appropriate but also practical as the experience shows. Since very low percentage of all cases end up on trial, they must be either settled or dismissed. It is undisputed that certain issues require a trial, but the result is promising for those that don’t. For example, preempted clauses that require initial resolution in a forum other than state or federal courts save 30% of cost and 50% of time comparing to litigation. Id. 44.

In Michigan, ADR is implemented via a virtual Green Enterprise Zone (GEZ) and family law. With the former, the idea is “to reduce the cost of business that will bring added value to potential investors and entrepreneurs, thus attracting and keeping future investment here.”51 Although most lawsuits are settled, they still incur the cost, but an alternative approach incurs much less cost with a similar outcome. In this case with GEZ, it is used only in the area of
restructuring and redevelopment. Furthermore, it operates as a workable dispute resolution system which includes among others the Collaborative Law Participation Agreement between parties with a real-time intervention and training sessions for that purpose. Id. 23.

Family lawyers apply the same principle as contractors. While facing a divorce, a couple wants to continue maintain a friendly relationship, and court drama may easily reverse it. There are different approaches available for mediation with regard to timing: early or late stage and process: facilitative or evaluative. During early steps, decisions are made as to the mode of mediation sessions, where attorneys provide guidance throughout the process. In late-stage mediation, trial is in place with discovery and depositions in progress, and attorneys evaluate circumstances and if no consensus reached, make a recommendation or change to settlement terms. In comparison, in an arbitration hearing, only experienced attorneys serve as decision makers. Furthermore, all family matters may be submitted with court approval except a child abuse or neglect case.

Halpert, Weston, Wuori, and Sawusch is a Michigan law firm that practices a holistic approach. The firm’s success lies in dedication to clients’ well-being in all aspects: physically, psychologically, emotionally, and financially. Richard Halpert, the founder, described, “It’s working with the pain and horror of what they’ve been through that really matters.”\textsuperscript{52} He continued, “The most important aspect of their healing has nothing to do with the lawsuit. That simply finances our services so that we can provide the care and love to help them make it through.” Id. Inferably, getting money is not the main priority because it simply ensures the firm operation. An example of practicing could be as simple as giving a ride to a badly burned client to a medical facility or listening to a client’s impact for hours before even start doing anything.
The cost of such practice reflects in limited number of cases: on average 8 out of 10 cases declined. However, it does not mean that record verdicts cannot be pursued. As Halpert puts it, “You don’t do clients a favor by being sensitive to their feelings and then leaving them penniless.” Id. As a result, it is not surprising that majority of cases come from referrals.

The holistic lawyering platform also includes plugs for spiritual and religious practices. There is no specificity, and all types are fit. A spiritual counselor would be someone who deals with clients’ spiritual views and decision-making process based on them. Furthermore, that person would combine “his years of experience as a practicing lawyer with his knowledge and understanding as a mindfulness practitioner and teacher to…those going through legally-oriented problems.”53

A holistic oriented workplace with spiritual elements would count as a practice as well. Changes from a traditional outlook may be in the physical space itself and two that usually go together – relationships with staff members and the managerial system. Nontraditional law office physical setups may include round conference tables, gurgling water fountains, espresso machines, and workplace altars.54 The presence of altars, regardless of location, is for the reason to satisfy spiritual needs, in a similar way as physical needs are satisfied. Moreover, it is not uncommon to keep spiritual items in a drawer such as the Bible or pronounce prayers before undertaking a step.

Creating environment where everyone joyfully contributes to the intended result while being realistically obtainable is a puzzle. Factors such as volume of work, deadlines, lack of time, and completion break the intention. In order for this not to happen, there must be a commitment to specific guidelines. The requirement is “to acknowledge the tremendous
contribution of each person to the operation of the business.”\textsuperscript{55} In that fashion, the legal staff needs to be treated in the same way as the well-known verse from the Bible pronounces, “Love your neighbor as yourself.”\textsuperscript{56} In practice, it is called collaborative work which involves an ability to work as a team in a challenging environment while continue learning for the sake of a progress. To be enforceable, this requirement needs to be made as a practical agreement written in a clear language and covering relating terms.

The religious movement from a Christian standpoint offers its own unique perspective. Although religion and spirituality have similarities such as a search for the Absolute or God, two are different – the former offers specific sets of steps, beliefs, and rules to follow, while the letter is broadly defined and in fact includes religion. In that manner, work place regenerates into a place of calling and creation. In the past, “the concept of calling (or vocation) was reserved for the few who renounced secular life to dedicate themselves completely to God.”\textsuperscript{57} Now, it is no longer true. Any job can be a calling if we sincerely take into consideration God and His principles. Then, the question arises how to implement it. The simple answer is that God is not only present in the church, but He also presents in any place we go at anytime and even when we rest at night. Even if that’s true, lawyers typically don’t have time for a free thought. However, they forget that small things count such as a smile or just be there for a client. Moreover, the Bible teaches us that when two or three people meet together in His name, He is also there.\textsuperscript{58} This may be interpreted that if lawyers approach clients from a Christian perspective, which also requires inspiration and experience, it would satisfy calling or vocation.

Attorney Dan Edwards undertook to represent two indigents with serious charges, and he provided them a service as a lawyer and support and comfort as a friend. In \textit{United States v.}
Alejandro, a pseudonym, Mr. Juan Alejandro, a Hispanic illegal immigrant, was charged with murder, attempted murder, child molestation while being previous convicted of armed robbery, aggravated assault, and drug possession. He was shocked with such a case and started “searching for sparks of Christianity in … [his] life.” He visited him in jail, tried not think about his criminal history, but rather saw him as “the least’ of Christ’s brothers measured by any standard – political, economic, or moral.” Id. 19. That gave him a full understanding and experience of humanness as opposed to see them as mere objects.

In similar case State v. Selby, also a pseudonym, evil lay in political corruption, police brutality, willingness to sell their families and friends, contracts to kill businessmen and initial killers, adultery, prostitution, embezzlement, tax fraud, and blackmail. He again turned into Christianity to understand why there is evil so that he would not start panicking while facing so many forms of it. He found the essence in the whole teaching of it: a temporary victory of evil on the cross and final victory that Resurrection brings. Together with it goes faith, a belief that evil eventually would be concurred or justice prevails.

Faith cements the work that a lawyer does. The definition of it is “the confident belief or trust in the truth or trustworthiness of a person, idea, or thing.” In terms of law profession, it is trust in the system itself as well as those who carry it out. In such secular environment, though not historically “unchristian”, lawyers are to experiment with faith and law. Reconciliation between two is not a single check mark but rather takes effort and a career time experience, since they always require continuing learning and updating views. Faith may be practiced and implemented in many different ways, but one is for sure, it “demands availability to meet people’s needs.” That is to be available even when an indigent asks for help. For example, in
2009, Cooley Law School students and faculty performed 16,000 hours of pro bono work which equates to $2.4 million dollars at rate of $150 per hour of savings to these people. Faith also includes important element mercy, and when justice serves without it, the system becomes mechanical and not forgiving with an emphasis on punishment as opposed to correction.

Gaining proficiency in the cardinal virtues also strengthens a lawyer’s skills. These four virtues are prudence, justice, restraint or temperance, courage or fortitude. Prudence means an ability to make an appropriate action at a given time or just be realistic facing facts as they are. Justice speaks for itself – a very important factor – an ability to exercise an independent judgment for a fair or right outcome. Then, a question arises what such outcome is, since the demarcation line is not always clear. One way to deal with it is to do not only what is legally allowable but also what is morally possible. Another way is for one to “look to his own conscience, his own sense of right and wrong, put himself in the other person’s shoes and make that decision.” Restraint or temperance means an ability to practice self-control, abstention, or moderation. It is essential in case management. Courage or fortitude means an ability to face proactively fear, uncertainty, or intimidation especially when confronting adversaries.

Historically, the concept about separation of church and state is not new, but the view is easily forgotten that these two institutions are not completely isolated, but they can influence each other. For example, when religious and secular laws come into conflict, secular sovereign trumps any religious principles. However, there is a catch in the following ironic lines from the play, “And when the last law was down, and the Devil turned round on you – where would you hide, Roper, the laws all being flat?...Yes, I give the Devil benefit of law, for my own safety’s sake!” In other words, this shift of concentration is done for religious merits. It is better to fight
evil laws in a social arena while using religious tools as opposed to in a religious arena while using social tools. One reason is that society is religiously pluralistic, and there is a disagreement even among Christians on certain matters.

A successful winning law in this environment is the Religious Freedom Restoration Act (RFRA), although it has been mandated recently. It states, “Government shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability.” Further compromises and unity on issues among Christian denominations need to be made for unfavorably decided church laws. For example, for Roman Catholics, they are abortion, cell-stem research, capital punishment, and currently highly argued same-sex marriage.

Therefore, unity among Christian denominations on moral issues would provide a stronger voice in the public arena and therefore a higher probability for a favorable outcome. Throughout the history, it was reflected in Brown v. Board of Education involving the civil rights of black and Roe v. Wade involving the defense of the unborn when Christians across denominations expressed their concern. Important is to notice a distinction: “the religious group that is pressing its moral positions on a skeptical nation – perfectly democratic behavior – and a religious group that is pressing its theological position concerning one true path to God.” In fact, the difference among denominations is not such significant. One lawyer becomes a Roman Catholic from being a Baptist, and he expresses the experience as “sort of like people who went to college at Texas Tech and then decided to study law at Yale.” In that situation the baptism is not required because Canon 869 of the Code of Canon Law, “Those baptised in a non-Catholic ecclesial community are not to be baptized again unless there is a serious reason for doubting the validity of their baptism.”
In conclusion, a lawyer’s character can be preserved throughout a career time similarly as a journey that starts and ends in the same place, but definitely it can’t be left out unattended. There is a reason why a company hires auditors to oversee its accounts, or government regulates its laws through separation of powers – the same needs to be done to a character. In case, it is already exposed to bad habits, there are experts to deal with it, but the first step has to be made.

Holistic lawyering is a platform, soft in itself, to practice law with a broad point of view, but Christianity adds taste and direction into it. Moreover, it is proven above that applying the principles of this religion to the profession will make one a better lawyer. Holistic lawyering uses alternative methods to find resolution, and the point is not to suggest that litigation should be substituted for some other forms, but rather that particular issues may be resolved in other ways than going to court, and in that way, lawyers do not need to be under pressure all the time. Moreover, the traditional process is important because it serves as a watch dog to remind that equal justice exists for all even for celebrities, CEOs, and high-prolife politicians.

Apparently, this elaboration and guidance apply not only to Michigan lawyers. However, Michigan offers a unique environment to cultivate a spirit of life, love, and courage. It has the biggest law school in the nation with close to 4000 students giving almost every single of them an opportunity to build a future relationship. Also, in such environment, lawyers are encouraged to give back to the community a value through different pro-bono and volunteering programs such as St. Vincent Charities. Finally, it welcomes to share professionalism and wisdom on issues of concern such as same sex marriage at the annual Red Mass event with the presence of the Michigan Supreme Court panel. The view may deviate from public though.
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