

Attorney Optimism

By Tish Vincent

Martin Seligman, director of the University of Pennsylvania's Positive Psychology Center, writes about optimism and its effects on emotional and physical health. His work is pertinent to individuals who engage in the practice of law. Legal professionals struggle with depression at a rate that is 3.6 times higher than the general population.¹ In 1992, the National Institute of Occupational Safety and Health reported that the suicide rate for male attorneys was twice that for men in the general population.² These sobering statistics make it necessary for attorneys and judges to educate themselves about the symptoms of depression and the resources that are available should they become depressed.

Depression can be a life-threatening illness due to suicide. It is less widely understood that individuals with a pessimistic and depressive attitude toward life are at greater risk for cardiovascular disease. In the 1990s, a study was conducted in the Netherlands that measured health; many physical signs such as blood pressure, weight, smoking, and blood levels; and various risk factors. The researchers also studied whether the individuals were more pessimistic or optimistic. The study included 999 men ranging in age from 65 to 85. The researchers found a significantly lower general death rate for those men with a more optimistic attitude than those with a more pessimistic attitude in this study. They also found a significantly lower rate of cardiovascular disease for optimists.³

The high incidence of depression among legal professionals is understandable since the practice of law demands perfectionism, aggression, and emotional detachment. Some of the strengths that make an individual an excellent attorney can lead unwittingly to depression. Attorneys are taught to zealously represent the interests of their clients, impeach the experts who oppose their clients'

interests, and challenge and question everything and everyone. Others may mistake the confident, direct, and aggressive attorney as pompous, controlling, and heartless. When attorneys bring some of their work skills home, they may get into trouble with their significant others and children. They can wind up feeling hopeless and discouraged about relating to others.

What can be done about this dilemma? What protective measures can be put in place to counter the tendency toward depression and pessimism? The 12-step programs have an acronym for countering addiction and depression: HALT, which stands for never getting too hungry, angry, lonely, or tired.⁴ Individuals must make healthy food choices; let go of feelings of anger or resentment; maintain supportive social relationships to avoid loneliness and isolation; and get adequate rest and relaxation. Readers might note this sounds like advice their grandmothers would tell them; we must recognize that Grandmother knew what she was talking about.

With their time pressures, desire to win cases, competitive urges, and full schedules, attorneys are very much at risk for neglecting their own needs. In my years of experience treating impaired professionals, I have heard many intelligent, accomplished individuals argue that they simply don't have

time for self-care, friends, decent meals, or sleep. My insistence that they must find the time can lead to feeling like I'm being impeached as a hostile witness. But I continue to insist on an atmosphere of support in which we understand together what makes them believe this fallacy. In time, those who recover see that they must challenge the belief that personal care comes last on their to-do lists.

The good news about the studies linking optimism to decreased depression and decreased cardiovascular disease is that optimism can be learned. Seligman has written a book, *Learned Optimism*,⁵ which teaches the reader to be optimistic. Seligman notes that many people view disappointments as failures. They then begin to give themselves negative messages about the perceived failures. For example, consider a new attorney who has lost a case he worked on for months and was heavily invested in winning. He may tell himself that he lost the case because his legal skills are weak, that he can anticipate losing all his future cases, and the situation is hopeless. Seligman would say the new attorney sees losing as *personal*, *pervasive*, and *permanent*. This would be a pessimistic emotional response, and the attorney would be more likely to become depressed.

An optimistic attorney who loses a case might tell himself that opposing counsel had

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stronger legal arguments and argued the case more vigorously, that he is confident he can improve his legal arguments and vigor in future cases, and he won't let one setback discourage him from giving his all going forward. This optimistic attitude gives the attorney hope and direction. He is less likely to become depressed and more likely to use this setback to evolve into a more skilled attorney.

Recognizing that depression is more common in legal professionals, attorneys and judges must go out of their way to learn healthy methods for coping with stress. Dealing with stress more effectively will lead to increased mental and physical health. Martin Seligman's work is a rich source of scientifically sound information about improving both mental and physical health. ■



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FOOTNOTES

1. Debra Cassens Weiss, *Perfectionism, 'Psychic Battering' Among Reasons for Lawyer Depression* <http://www.abajournal.com/news/article/perfectionism_psychic_battering_among_reasons_for_lawyer-depression/>. All websites cited in this article were accessed May 14, 2012.
2. Barbara Scarboro and Towanda Garner, *Suicide in the Legal Profession* <<http://www.nclap.org/article.asp?articleid=178>>.
3. See Seligman, *Flourish: A Visionary New Understanding of Happiness and Well-Being* (New York: Free Press, 2011), ch 9, p 190.
4. Gudrun Zomerland, *H.A.L.T.: A Self-Care Tool* <http://www.chinnstreetcounseling.com/zomerland/zomerland_11.shtml>.
5. See Seligman, *Learned Optimism: How to change your mind and your life* (New York: Pocket Books, 2006).