

COVID-19 and a Troubled Economy: How to Maintain Lawyer Wellness

by Sharon D. Nelson, Esq. and John W. Simek

© 2020 Sensei Enterprises, Inc.

“The pandemic and ensuing disruption to routines and stability is unquestionably taking a toll on the mental health and well-being of many in the legal profession, just as it is for individuals in all walks of life . . . fear, uncertainty, stress and worry are widespread.”

Patrick Krill, founder of well-being consulting firm Krill Strategies

Double Trouble

No one dreamt of a simultaneous pandemic and a depressed economy. In a matter of weeks, the legal world was upended as law firms sent their lawyers home to work remotely and scrambled to find new solutions to practice law in “the new normal.” As has been said many times, “to be a good lawyer, you have to be a healthy lawyer.” COVID-19 and the troubled economy have created enormous pressure on lawyers and law firms.

The effects of “the new normal” vary from lawyer to lawyer, but some report increased alcohol usage, sleeping less, feeling anxious/stressed all the time, having headaches, gaining weight as they stay at home, obsessively watching the news or being distracted by everything at home to the point where they can’t focus on their law practice, worrying over whether they will have enough money to retire - or ever being able to retire, being frightened of contracting COVID-19, feeling overwhelmed by trying to learn new technologies to adapt to the current crisis, feeling lonely or depressed, taking tranquilizers/depression medication/sleeping pills and the list goes on.

For many, the most pressing worry is that they will not be able to save their law practice.

There is no magic cure to restore lawyers to wellness, but there are resources available to help lawyers navigate their way through challenging times. Lawyers have been sharing coping methods with one another online and off, helping their colleagues to understand that they are not alone, that there are self-help measures they can take to get them through troubled times, and that, in severe cases, there are lawyer assistance programs which can provide confidential help

along with many other resources. To maintain competence, lawyers must maintain wellness.

Before writing this article, we read extensively – more than 100 articles published since March of 2020. We also did some crowdsourcing and asked our colleagues how they were feeling and how they were coping. Thanks to everyone who shared their stories, some of which are included below.

And because some of this subject matter is grim, we lightened it with headers (in blue) referencing songs and movies. This is one way we have kept our own wellness – by finding humor in our current life and having a bit of fun every day.

[Money Makes the World Go Around](#)

As we write this article in April 2020, the large law firms are swiftly taking action in anticipation of a possible extended economic crisis and a possible extension of stay-at-home orders.

Bloomberg Law described measures already taken and some measures planned for - including layoffs, furloughs, freezes in partner payouts and cuts in pay. When law firms run out of cash, they generally do not have other assets to fall back on. When the money is gone, it's over. Some firms are deferring capital expenditures and even deferring payment of 2019 distributions that remain unpaid. Some are looking at reduced workweeks at lesser pay. If they have pensions and other long-term obligations – well, they are studying their options.

It is ironic that BigLaw was leading the charge on lawyer wellness – and now that wellness is endangered by circumstances that were unimaginable a year ago.

In the DC area, we have seen law firms making 30-day, 60-day, 90-day and 120-day contingency plans. Why? No one knows when the COVID-19 nightmare will be over – nor can we predict with accuracy what will happen to the economy.

As you might imagine, there are a lot of lawyers who are financially over-extended or saddled with law school debts. There are those who are suffering acute anxiety over the possibility of pay cuts or, worse, layoffs. Solo and small firms are worried about (cue the musical theme again) “Staying Alive.” Some are already beset by constant angst.

Where Have All the Cowboys Gone?

There is a strong sense of helplessness among many lawyers as it becomes more and more apparent that our country was totally unprepared for a pandemic. There's plenty of blame to go around, and the blame game doesn't change the current situation.

Many lawyers are feeling helpless in a situation that they cannot control. Some do not trust those who are leading us through this crisis. A number of colleagues report feeling hopeless. This is especially true as they see their savings slipping away and their workload and revenues declining.

So "where have all the cowboys gone?" Our new heroes are the health care workers and physicians – and the media has been careful to emphasize the "good news" and "local hero" stories. If you are feeling despondent over the bad news, make a point of listening to or reading about the good news stories to lift your mood.

Demon Alcohol/Drinking Again

Virginia ABC reports sales up over 30%. And we have heard, anecdotally from a good many of our lawyer friends, that their drinking has increased. Stress is a factor, of course, and the general stress of law practice has been compounded by trying to work from home, fear of the virus and economic worries.

It clearly worries these lawyers and some have tried to restrict their drinking to the weekends or make strict rules about how much they will drink each night. Before we entered this tumultuous time, over 1/3 of lawyers were found to be "problem drinkers" by various studies. We imagine that percentage has gone up.

We had the pleasure of listening to the Rocket Aid virtual conference on April 16-17, where Dr. Jordan Leasure said bluntly, "Quarantine is not a vacation." It's not ok to start drinking at 10 in the morning and continue drinking off and on all day.

If you are worried about your drinking (or your family is), you may need help. It would not be unusual for lawyers who have been sober for a long time to relapse under today's pressures. Virtually all states have some sort of lawyer assistance program. Don't be afraid to reach out. These are confidential programs and they tend to have a wealth of helpful resources.

Sleepless in Seattle (and everywhere else)

We don't know of many lawyers who sleep like a baby every night. Many report nightmares, sleepless nights, or nights where a trip to the bathroom at 3 a.m. has pretty much killed any chance of getting back to sleep.

These days are very different. Some lawyers say they can't get to sleep at all because they worry about the coronavirus, the uncertain economy, and – most of all – how their law practice is doing and whether it will survive the many threats swirling around us.

We asked our family physician what advice he would give. Short of taking sleeping pills here's what he suggested:

1. Sleep in a cool room.
2. Try to go to sleep at more or less the same time every night.
3. Don't consume any alcohol after dinner.
4. If getting up in the middle of the night to use the bathroom is a problem, don't drink much in the way of liquids after dinner.
5. If getting to sleep is an issue, try soothing music (we use the TV and set a timer) or white noise.
6. Avoid using your phone or other devices – the “blue light” effect is well known and you are more likely to be unable to relax. Watching a movie or reading a book is a better idea.
7. If you do get up in the middle of the night to use the bathroom, make sure your bathroom has a nightlight and don't turn on a bright light. He admits that this issue is still a puzzler to him, especially if a lawyer returns to bed with thoughts racing about COVID-19, the economy and decreasing law firm revenues.

Getting enough sleep strengthens the immune system – and prepares you for a productive tomorrow, so pay attention to your sleep habits and take all the measures you can to get a good night's rest.

I'm So Lonesome I Could Cry

Many lawyers live alone. Others live with a spouse or partner – sometimes happily, sometimes not. They may be cut off from their families by the fear of COVID-19, getting it or inadvertently giving it.

The sense of isolation can be crippling, especially to those suffering from addiction or mental health issues. Lawyers who are introverts have joked to us that they are in heaven, reading books, listening to classical music, working out, or accomplishing long-deferred tasks at home. But the extroverts – and those who have an addiction or mental health issues are often miserable.

Being connected to others is very important to most people. How are lawyers coping? A remarkable number of them, having learned about Zoom (or other video conferencing tools) to video conference with clients, have discovered the social aspect of Zoom.

We now see lawyers celebrating birthdays online, enjoying a virtual “wine hour,” and visiting with families on a regular basis. You can get a little yoga instruction, attend knitting classes or learn how to cook with well-known chefs. You can even participate in a wine tasting via kits that are sent to you and then attending the wine tasting (hosted by a sommelier) online. The choices are endless – and they grow every day.

Running on Empty

Inertia. That's what many lawyers tell us they feel. They find it hard to work or to concentrate. Everything distracts them. They sit and watch TV. They cruise the internet, play video games for hours, catch up on the news, but they cannot seem to work.

They are all worried about friends, family and their law practice, and no wonder. Long ago, Thomas Edison said, “As a cure for worrying, work is better than whiskey.” Working actually makes the authors feel better in the sense that we feel a real sense of accomplishment every day. But we recognize that we probably aren't exercising as much as we should.

If you are feeling a sense of inertia, try making a schedule – and keeping to it. Include some downtime for reading a book or watching TV, but make sure that a

certain number of hours are given to practicing law, along with breaks to stretch, to walk the dog, to do some yoga, etc. Post the schedule where it is visible and hold yourself accountable.

Losing Hold

Sadly, we have several friends who have indeed been “losing hold.” Alcoholic colleagues who have been sober for extended periods of time, have relapsed under the pressures of this unpredictable situation. One colleague was so beset by anxiety that he couldn’t function at all and had thoughts of hurting himself. Fortunately, he understood the seriousness of his condition and got professional help – he is doing better. Another colleague wrote me simply, “I’m so depressed – and there’s almost no money coming in.” She added a sad face emoji.

If you need medical help, seek it promptly – and yes, there are still places accepting patients for 2 or 4-week treatment programs – some are day programs and some are inpatient programs.

At the very least, seek out your friends. Most of them will be glad to simply talk for a while. Sometimes, they may have great suggestions to give you a hand. This is what friends are for. Your spouse/partner or other relatives will try to help too – and if you have a rabbi, priest, minister, etc., well, that’s part of their job – and they’ve had a lifetime of helping others. Don’t just live with misery when there is a path to wellness available.

Love Me Tender

Is it easy to be just the two of you at home for weeks at a time? Probably not. This is all complicated if you have children at home but we’ll deal with that next. Many friends are simply weary of being trapped in their home and that frays their nerves. Things you might typically overlook in your spouse/partner suddenly really irritate you. When irritated, we all tend to say things we regret. Pause and make your words gentle – and recognize that your partner/spouse may speak too quickly and without thought. Be quick to forgive. You may be under a “stay at home” order for a while – make home a good place to be.

We have found that we actively think of things to do to make each other happy. I cook a special meal for John, he watches a “girl” movie for my sake, John surprises me with seedling herbs for the garden and I surprise him with the

unexpected arrival of puzzles I know he'll enjoy. You get the idea. Rekindle love by demonstrating it. Candles and a bottle of wine might be exactly the way to start the weekend – and some golden oldies playing in the background (are we showing our age?).

Practice a little distancing at home too. You need private time to work so create (to the extent your situation allows) a room that constitutes your office. When the door is closed, you are “at work.” Your spouse/partner can always text or email if they really need you, but you need some time without interruptions to focus on your legal tasks.

Establish a new routine – we all do better with routines. Allow for a mix of worktime, family time, exercise time, and plain old “me” time. Having trouble? Talk to your legal colleagues about it. They are all on the same long and winding road – they may have helpful suggestions. Use some of your downtime to do some of your long-deferred “to do” tasks around the house. Author Simek takes breaks to garden and construct his new workshop in the basement. Author Nelson is reading, organizing recipes and cleaning pantries/freezers, etc. Everybody has undone tasks which can, these days, make you feel productive while you also get a break from legal work.

School's Out

Lawyers with children report that they sometimes want to tear their hair out with the kids at home. Kids will be kids. Easy for us to say because ours are all grown with kids of their own.

If you have to mix the practice of law with teaching school or activities with the kids, make a schedule. Yes, we mentioned schedules for you previously, but a family schedule is also helpful – and it establishes routines. Kids understand schedules – and most parents are rewarding them in one way or another (sweet treats, anyone?) for good behavior. Kids are scared too – and they may require more patience than usual as well as calming conversations with their parents about their fears. They are also bored and miss their school friends. There are lots of online resources for entertaining and educating your children, so be creative.

Now that you can create a schedule where you have meals together, take advantage of it. Many families are reveling in the family time they are having now.

COVID-19 has created a lot of bonding, a side effect that many families are enjoying.

Make sure you balance education with physical activity and free time. Some of that will be screen time no doubt, but it's worth it to find out activities they can engage in during free time – make a puzzle, Facetime with their friends, build a Lincoln log cabin – and who doesn't love building things with Legos? Sticker books for younger children and slime factories for those a bit older – we are seeing all kinds of creativity. Taking piano, voice and art lessons online – sure. It's all out there for you to discover.

Our grandchildren have toured so many places online – zoos, museums, national parks, etc. They have listened to wonderful musicians who are contributing their talents to making people happy online. They make computer drawings and ask Papa J and Grandma (our other names) to guess what they are – which has created many moments of hilarity. Enlist those grandparents – they can be a great diversion!

[Let's Go Fly a Kite/We Gotta Get Out of This Place](#)

Whatever it takes to get you outdoors, do it! Time to spruce up your yard, plant your garden, take a walk, fly a kite, run – all respecting the 6 feet of social distancing, but all good for you.

One of our friends reported that late afternoons were hardest for her – so she set up a 3:30 time to walk with a colleague. They preserve social distancing, but it has been, as she said, “my salvation mentally.”

Sunshine in modest doses is natural vitamin D and will lift your mood. Dozens of lawyer friends have reported that walking keeps them sane. Some are up to walking four miles or more a day – and previously, they never left their law firm office just to walk. A fair number of our friends tell us that they've lost weight and never been in better shape.

On the flip side, there are a lot more who report snacking non-stop, bingeing on ice cream at night and generally eating (and drinking) too much. They report significant weight gain (in one case, 12 pounds in 3 weeks) and inertia. Being active and outdoors is clearly better for you physically and mentally!

Try a Little Kindness

The best route to lawyer wellness is giving of yourself to others. It can be money for local food banks, shopping for the elderly in your neighborhood, or checking in by phone, email, or video conferencing with people you know who might be ill, alone and lonely, or having problems adjusting to this “new normal.”

One lawyer who lives alone and has a serious disability reports that she is doing fine because of “video chats, sharing silly images and posts, artists performing for us in their homes, people being kind and supportive and reaching out to each other.”

We try to contact several of the people on our ever-growing prayer list every day, just to check in with them, offer a few words of support, whatever we can think of to do. We’ve shopped for neighbors/friends and held a birthday Zoom party for a friend who lost her husband a year or so ago and whose family is scattered throughout the country. But they were all there for her on Zoom, singing a woefully off-key version of “Happy Birthday” – which made our friend very happy indeed. We feel better for making that daily effort. In fact, much, much better. So offer to (figuratively) hold someone else’s hand. Or ask someone to (figuratively) hold yours.

As we always say, “We try to become the kind of people our dogs think we are.” That hasn’t let us down yet!

My Sweet Lord

Faith is a powerful thing. We had almost forgotten ourselves how helpful it is to talk to God. We watched a priest on the news talk about how he had reconnected with the Lord as a result of the coronavirus. There are some silver linings to this tragic time.

There are so many people to pray for these days. We faithfully start our day with prayer and that prayer list of ours reminds us each day how lucky we are. It doesn’t allow for self-pity when you remember what others are going through. It is also calming to think first of others when starting your day. Undoubtedly, you have friends who are sick, family members and friends facing challenges, people who are alone, people who have addiction or mental health issues and – these

days – all the health care workers and others who risk their health staying on the job for all of us.

Dr. Jordan Leasure, (mentioned previously) says that spirituality, especially expressing your feelings of gratitude every day and giving thanks, can be as impactful as physical exercise in improving your health. It can lower your blood pressure and your stress levels.

Whatever your faith, prayer can help you through the toughest of times.

Call Me Maybe? Or Zoom?

If you are the head of your law firm, remember the importance of leadership. Hold weekly video conferences with the members of your firm and staff. They don't have to be long, but it's remarkable how they can steady your team members. In these very unusual circumstances and having heard from all their friends who have lost jobs, employees are inclined to speculate.

Speculation is never good. Everything they will tend to speculate on is likely to be negative. And if they've heard rumors from within (or bad news from without) their speculation will be ten times worse. Keep them on track, share what's happening with the firm and you'll tamp the speculation down. And don't avoid the bad news if there are layoffs and pay cuts. Be honest – and not tone deaf.

Sure, there's business to discuss in such meetings, but ask how everyone is doing. Catch up on recent events. If you are calm, it will help everyone. Ask if they have any questions. Thank them all for their efforts and give a shout-out to anyone who deserves special thanks.

Think of something upbeat/inspiring to say at the end and have everyone smile and wave goodbye at the end. It is a simple way to bond. They need to feel like a team.

If you sense that someone is having difficulties, perhaps you can contact them privately. Team members take their cue from their leaders, so make leading well a priority.

I Will Survive

It is not surprising that so many lawyers worry about the ultimate survival of their law firms. As we write, the news is that the Paycheck Protection Program is out of

money. Unless Congress acts to increase the funds available, that is going to leave a lot of small law firms high and dry.

How do you retain your clients? Hopefully, your clients actually like you – it's a good time to deepen that relationship, to be in touch more often. Video conferencing is helping in that regard. The single question you might ask is, "How are you doing?" Clients will remember that you cared enough to ask.

It's more important than ever to be prompt in delivering services and returning calls/messages and sensitive to your billing practices.

Many of us remember the "slow pay" which went to "no pay" in the Great Recession. We have developed a very courteous reminder email of bills being due shortly and asking that payments be made by credit card rather than check given that we are not in our offices (though we do pick up the mail). We also ask clients to call if they have any questions. The whole note is gracious, but it does put you "top of mind" and studies have shown that the more often you touch the client, the more likely you are to get paid. Also, if payment isn't received after the due date, an equally gracious note goes out reminding them that a past due payment needs to be made. So far, those extra efforts are bearing fruit.

And as one of our lawyer friends says, "Never stop marketing!" – certainly not now, when many clients are seeking legal help at a cheaper price. There is opportunity here. Planning your way out of the mire we are in is a healthy way to spend some of your time. Think creatively and try to plan for the day when the business world opens up again.

Make sure there is a sign on your law firm door AND one on your website telling clients and potential clients that you are still operational and how to get hold of you. Ditto for voicemail messages. Up the ante on your website. Add new content (Google penalizes you if your content is stale). Make sure your "Google My Business" listing is completely up to date. So many marketing tasks fall by the wayside when we're busy working. If you have some downtime, catch up on those important tasks.

Remember that some things are out of your control. You have to let those things go and focus on whatever you do control – what you do all day to enhance your

practice AND to stay healthy. There will be a rainbow after this storm and we all want to be ready.

The Marines had it right: Adapt, Improvise, Overcome. And Nike was right: Just Do It.

What a Wonderful World

Ah, this is one of the best songs to end this article with. Remember the section on being grateful above? For all that we are going through – and a terrible time it is – we all have things to be grateful for. The authors are grateful for our six children and nine (soon to be ten) grandchildren, our rescue beagles, the bright blue skies of spring and the gentle nurturing rains that make our gardens bloom. We are grateful for our many friends who have reached out to us to make sure we are ok. We are grateful to be in love, even if our current togetherness is compulsory!

Give thanks each day for the things you are grateful for and we truly believe you will feel better. The road to lawyer wellness is not without bumps, to be sure. And if you want to hear again the magnificent Louis Armstrong singing “What a Wonderful World,” well, here you go:

<https://www.youtube.com/watch?v=CWzrABouyeE>

Be well and be safe everyone!

Resources

All of the state lawyer assistance programs are wonderful resources. You can find a list of these programs at

https://www.americanbar.org/groups/lawyer_assistance/resources/lap_programs_by_state/

You will also find a list of wellness resources at almost every state bar site.

For mental health issues, the National Alliance on Mental Illness has an excellent COVID-19 Resource and Information Guide. <https://www.nami.org/covid-19-guide>.

When we asked for a short list of resources, here’s what we got from our colleague Lucian Pera, of Adams & Reese, LLC, with whom we often have the pleasure of presenting CLEs)

Google: “[your state] lawyer assistance program”

ABA COVID-19 Mental Health Resources

https://www.americanbar.org/groups/lawyer_assistance/resources/covid-19--mental-health-resources/

National Task Force on Lawyer Well-Being

<https://lawyerwellbeing.net/covid-19-resources/>

**Dr. Patrick Krill, “Law Firms Need to Say It’s OK to Be Human Right Now,”
Law.com (March 31, 2020)**

<https://www.law.com/americanlawyer/2020/03/31/law-firms-need-to-say-its-ok-to-be-human-right-now/>

***Sharon D. Nelson** is a practicing attorney and the president of Sensei Enterprises, Inc. She is a past president of the Virginia State Bar, the Fairfax Bar Association and the Fairfax Law Foundation. She is a co-author of 18 books published by the ABA. snelson@senseient.com*

***John W. Simek** is vice president of Sensei Enterprises, Inc. He is a Certified Information Systems Security Professional, Certified Ethical Hacker and a nationally known expert in the area of digital forensics. He and Sharon provide legal technology, cybersecurity and digital forensics services from their Fairfax, Virginia firm. jsimek@senseient.com.*