

## Do Lawyers Need a Digital Detox? Very Likely

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There are very few lawyers who seem to have control over their digital devices. To the contrary, the devices themselves seem to be in control, demanding the nearly non-stop attention of lawyers. It might seem odd to hear two geeks talk about digital detoxing, but we recognized the need for it years ago. Perhaps, as geeks, we were on the bleeding edge of this phenomenon.

Author Nelson was not pleased that author Simek could not have dinner in a nice restaurant with his wife without regularly checking his phone. That was the beginning. In time, marital negotiations (and renegotiations) resulted in some rules! Our phones may be in our pockets but they are not invited to participate in nice dinners. Our phones, unless an emergency is in progress, are not checked after dinner. And our phones charge in the family room - they are not permitted in the bedroom. The majority of lawyers do have their phones charging in their bedroom on their bedside tables – or, worse yet, in their beds.

### What are Our Devices Doing to Us?

It's not as though we need a scientist to explain the fundamentals to us. Lawyers tell us all the time that they feel their blood pressure rising as they look at all the unread e-mails in their Inboxes. They feel phantom phone vibrations in their pockets. They can't go more than a few minutes without checking their phones. They text, e-mail and talk while driving or at stop lights. How many times have you had to honk at someone who doesn't move when the red light goes green? We are amazed at how often this happens in one week's commuting time.

A survey by American Express said that nearly 80% of vacationers would be connected to the Net for some or all of their vacation. More than two-thirds indicated that they would be checking their business e-mail.

People check their phones an astonishing 47 times each day, on average. According to consulting firm Deloitte, almost half of people check their phones at least once during the night. Nearly two-thirds of us check our phones within 15 minutes of arising in the morning.

Our technology has become an addiction as disturbing as reliance on drugs or alcohol. Many experts say that technology is rewiring our brains and we tend to agree.

In June of 2017, McAfee released a document called "Report: Digital Detox – Unwind, Relax and Unplug" – it is chockablock full of statistics about the extent of our addiction. You can find the report at <https://www.mcafee.com/resources/misc/pr-unplugging-study-digital-detox.pdf>. As depressing as it may be, it offers support for our conviction that everyone, lawyers, included, need to take a long hard look at how their digital devices have changed their lives.

There is even a word for "no-mobile phobia" – it is called "nomophobia." Every lawyer who has ever left his or her phone at home knows that feeling. You can even look the word up in *Wikipedia*, although it says that it is less a phobia perhaps than a form of anxiety disorder. Apparently, we feel equally anxious

when we are somewhere that has no mobile coverage. “Dark territory” is not popular with “nomophobes.”

Physical symptoms include:

- anxiety
- respiratory alterations
- trembling
- perspiration
- agitation
- disorientation
- tachycardia

Emotional symptoms include:

- depression
- panic
- fear
- dependence
- rejection
- low self-esteem
- loneliness

The symptoms vary from person to person, but none sound like fun and none are good for your physical and mental health.

Somewhat comically, the French, in early 2017, adopted a new labor standard with a “right to disconnect” which applies to companies with over 50 employees and gives workers the right to negotiate after-hours e-mail policies with their employers. This may be the best idea the French have had since they came up with Grand Marnier and crème brulee. Regrettably (merde!) the French law has no teeth.

### [The Ethical Dangers of Digital Addiction](#)

When do you make mistakes? When you move too fast. The news is full of stories of lawyers who sent confidential data to reporters because they were using the “auto-complete” function of Outlook and didn’t check the e-mail addresses in “To” field.

The same is true of allowing our devices to constantly distract us. When we cannot concentrate, and allow ourselves to be distracted endlessly by e-mails or texts, we can hardly expect to be doing our best work.

Likewise, the immediacy of e-mail doesn’t give us a chance to cool off. We get an ugly, profanity-laced e-mail and the tendency is to respond in kind rather than taking a walk and cooling off.

A lot of lawyers answer their e-mail at night – and many do so after having several libations. This is never a good idea. All sorts of unintentional mischief may be created. Your judgment may be impacted – and you may not be aware that your judgment has been impacted! And if you are one of those who

wakes up in the middle of the night and groggily checks your phone, your odds of operating competently as a lawyer diminish considerably. Being tired or under the influence can lead to ethical infractions you would never ordinarily make.

Several years ago, a lawyer left a message on our voicemail, quite distressed that his computer was malfunctioning. To say he was “wasted” is an understatement. His profanity laced tirade was truly remarkable – imagine if such a call – recorded as a voicemail – had been made to opposing counsel in a case. We have seen, as part of our digital forensics work, all kinds of ethical misbehavior by lawyers – via e-mail, texts and voicemail. The ability to react immediately seems to have dropped their normal behavioral “filters.”

Several years ago, we had a spirited discussion over dinner with some big firm lawyers. While we were arguing the benefits of unplugging, they were adamant about the need to be available, especially to large clients, on a 24X7 basis. One lawyer said, “If I am not available to answer the e-mail of an important client at 2 a.m., some other lawyer will be.” He was clearly convinced of the truth in his words, but what struck us was that he looked miserable as he countered our position. Is this really the life he wants? Clearly not. There was, in our mind, something both wrong and unhealthy about the picture he painted for us.

### What Can You Do About Your Addiction?

Hey, no one says it is easy. We took charge of our own lives, at least to some extent, but most of our friends have trouble balancing living a rewarding life with the digital world. It is not uncommon to see a family of four eating dinner out with both parents and children on their phones. We imagine that scene is replicated at home as well. We certainly hope they aren’t texting and e-mailing each other while only sitting three feet away - though some people seem to prefer that to actual conversation.

A group called Fork Rebellion is one of many which offers trips that feature “a return of offline living” and “more mindful” use of technology. It doesn’t matter how you get yourself away from your technology. The result is always the same – you become less tired, less stressed, more alive in the present and more aware of what is around you. Personal relationships improve.

Another company called (have to love the name) Digital Detox helps people manage the process of unplugging. Their tagline says “Disconnect to reconnect.” That’s no joke. There is no suggestion of trashing our devices. Just taking a little time off to reconnect to people and the world around us makes you healthier and more relaxed. You can return to the devices after a reasonable break from them. Take a look at the website: <http://digitaldetox.org/>.

It says in part, “The average American spends more than half of their waking life staring at a screen. The negative psychological, social and cultural impact is real. Things need to change.” The company offers retreats for everyone and special corporate offerings (in case your whole law firm needs some digital detox help). They also offer a summer camp (Camp Grounded) where folks ditch their devices for an off-the-grid weekend of fun in the redwoods. They offer “over 50+ Playshops & Activities; Arts n Crafts, Yoga, Typewriters, Capture the Flag, Color Wars, Meditation, Swimming, Talent Show, Camp Dance, Campfires, Archery, Rockwall, Kickball, Stargazing, Hiking, Healthy Meals, Sing-A-Longs, Face-Painting, Analog Photography, Counselors and more.” It is really like summer camp for adults.

It made us laugh to read (in a 2013 *ABA Journal* article!) about how one lawyer, when she first arrived at the camp, regularly reached into her pocket for her phone. That, apparently, is a hard habit to break. She also felt phantom vibrations and heard her ringtone – this is how deeply technology has embedded itself in our lives. She realized that her phone was keeping her in a constant fight-or-flight stress mode.

You don't have to go all the way with digital detoxing. You can take baby steps. If you set aside mealtimes or after dinner as "device-free," you are very likely to find that your stress level (and blood pressure) go down. Most lawyers we know say they regularly feel stressed. Many are on anti-anxiety or anti-depression medications. Disconnecting from the digital world on a regular basis may actually decrease the need for medications. At the very least, the sense of being stressed and overwhelmed goes down. One thing we have learned about e-mail is that we don't have to worry about it going away – if we leave the phone alone for a few hours, it will still be there. In the meantime, we have read a book, watched a movie, cuddled our rescue dogs, played with our grandchildren, etc. We have lived life, been present in the moment, and enjoyed each other's company. Sometimes, not only can the work wait, it **should** wait.

### Final Thoughts

Our technology is with us to stay. But we can decide when to use it. Who determines your relationship to technology? In the end, you do. It is a choice we make every day – and if we can't control our technology, we risk our health and our relationships. So go ahead and make some resolutions about "getting off the grid." You won't regret it.

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