



Unemployed, underemployed?

A plaintiff's attorney offers thoughts on staying positive when laid off or your practice goes south

BY HARVEY HYMAN

The past couple of years have been an economic nightmare for the country and for lawyers. You would have to go back to the Great Depression to see today's national jobless rate of 9.5 percent. Fifteen states plus Washington, D.C. have gone over 10 percent. What about lawyers? In 1999, our jobless rate was 0.6 percent. During 2008, it was a whopping 2.6 percent! I do not have a figure for 2009, but I know things are bleak. Law firms keep laying off lawyers because they have gone bust, merged to avoid bankruptcy or shed associates to salvage a profit. Some high-profile partners have even committed suicide.

There are thousands of desperate associates that have been out of work for a year or more. They have mortgages to pay and children to feed. We have thousands of law school graduates that have never gotten a job and wonder how they will ever repay their huge student loans. Low-paying legal work is not even available, because it has been outsourced to India. And then there are the solo practitioners and partners in small firms who, while still open for business, have seen their case-loads fall off so much that they might as well be unemployed. Let's call them underemployed.

Why lawyers take unemployment harder

If you have been laid off, I assume you are doing everything humanly possible right now to find a job that is acceptable to you. If you're in practice for yourself, I assume that you're diligent about marketing and networking. While the clock ticks on your job search or while you hustle up new clients, your savings are

dwindling, and your bills are piling up. You may be worried about how to make ends meet on a drastically reduced income or you may be facing hard choices about how to downsize your family's lifestyle without overly disappointing or upsetting your kids.

Psychologists say that being out of work is very hard on anyone's psyche, but is especially hard on lawyers for the following reasons:

- Lawyers identify very strongly with their jobs and garner much of their self-esteem from practicing law and having the power, prestige and perks that go along with the profession.
 - Lawyers are trained to serve clients and they spend nearly all of their professional time helping clients. When they are out of work, they have no clients to represent or advise. Psychologically, this saps their sense of purpose, usefulness and value as a person.
 - Lawyers are used to working exceptionally long hours and being continuously busy. When they are out of work, they have nothing to do and no idea how to fill their time. This gives them way too much time to ruminate about why they were laid off, how they are failing their family and causes them to wonder if they will ever work again.
 - Lawyers are used to helping others. They are too proud to accept help. However, if you are a lawyer that is laid off, sometimes the only way to resume employment is by accepting the help that is offered by others. It is time to humble yourself and to learn to let others help you when that is what they want to do.
- American culture defines success by how much money people make at their jobs and influences people to value their

self-worth by their net worth. When a lawyer is employed and pulling down an impressive salary that enables he or she to dress well, eat at fine restaurants, drive a new car and provide well for his or her family (including private school for the kids and exotic vacations), the lawyer's ego is inflated. Any doubts about the lawyer being a "winner" in society are kept at bay.

When the big salary is suddenly taken away, the lawyer's balloon pops, making the lawyer feel like a loser. These terrible feelings spark depression. It is devastating to the ego to no longer be able to earn enough money for your age and professional education to win the invidious financial comparisons [that] American culture imposes.

Rabbi Shmuley Boteach describes this in heartbreaking detail in his latest book, *The Broken American Male: And How To Fix Him*, a book that applies equally well to American women that define their personal value in terms of their annual income. (You can purchase the book at <http://www.amazon.com/Broken-American-Male-How-Fix/dp/0312379242>)

Framing your situation

Avoiding depression and staying positive while you are unemployed requires psychological resiliency. With a cushion of resiliency, people can bounce back from this setback in their life. Optimism, mindset, mindfulness, social support and humor can each help you avoid getting stuck in a depressive tailspin. Although it is very hard to become unemployed, this does not mean your life, your career or your days of meaningful work and good earnings as a lawyer are over.



Martin Seligman, Ph.D. (the father of positive psychology) published a wonderful book called *Learned Optimism* which provides concepts and exercises to teach you to remain optimistic in the midst of a crisis. He stresses the importance of seeing bad events as temporary, limited to particular circumstances and capable of being overcome by strategies and effort. Dr. Seligman's research indicates that, as a group, lawyers are pessimistic, which means we see bad events as permanent, pervasive and beyond our control. Being able to anticipate worst-case scenarios is what makes us so good at drafting contracts, but is self-defeating when we're seeking re-employment.

The good news is that virtually anyone can be trained to be more optimistic. Even patients newly diagnosed with HIV and other chronic, painful illnesses have been trained to experience satisfaction, pleasure and joy in their lives, despite what seems like a very bleak future.

While some of us are born with the trait of resiliency, some of us are more brittle, and we tend to break when life severely disappoints us. Carol S. Dweck, Ph.D. points out in her book, *Mindset: The New Psychology of Success*, that if you were raised to have a rigid mindset, you automatically judge a setback as a failure and then interpret the failure to mean that you personally are a failure. People with a rigid mindset believe human beings are winners or losers; somebodies or nobodies. They desperately want others to recognize that they are gifted and superior. When the world treats them as ordinary, they doubt their own ability and lose self-confidence. Since being unemployed proves they are no better than anyone else, they experience shame, helplessness, hopelessness and depression.

Dr. Dweck teaches people to transform their rigid mindset to a growth mindset. A person with a growth mindset seeks continuous self-improvement. He believes that through applying himself he can develop his knowledge and skills to

any level he sets for himself. He does not see any setback as a final judgment of his worth or as a cap on his potential. A person with a growth mindset believes he can learn useful and helpful things from all life experiences, even the painful ones like unemployment.

To be mindful is to live in the present moment rather than regretting the past or fearing and worrying about the future. In *Present Moment Awareness*, Shannon Duncan says it is only when we live in the present that we can relax and appreciate all the choices and options we have. The lawyers who only feel comfortable when they think they're in control and think they know what will happen next, are very unnerved by unemployment because it creates all kinds of uncertainties. Yet opportunity and creativity reside in uncertainty. If you can learn to release anxiety and develop present moment awareness through the exercises in Duncan's book, you can open up a world of new possibilities.

Lawyers are left-brained. They see situations in either/or schemas. For them, being unemployed is all bad, yet that kind of thinking prevents them from exploring the potential for new avenues of practicing law that could be more satisfying. Resilience is the art of accepting setbacks and being soft and flexible when you need to. Resilience embodies an ability to see the whole situation, the bad news as well as the opportunity. Resilience means being willing to engage in a trial and error process that entails risking failure, making mistakes and learning as you head off in new, uncharted territory.

When you are resilient, you retain zest, optimism, hopefulness and trust in your own goodness, intelligence and creativity. Resilient people refuse to endorse doubts about their competence or think in terms of worst-case scenarios. They keep their minds open to new possibilities and new options, and look for signs of them on the horizon. To be resilient, you must keep working mentally to de-

velop a vision of what you want to do when you re-enter the work world. You also need to develop your own spiritual or energetic rituals to help you manifest your vision, such as eating healthfully, exercising every day, socializing with friends, and finding opportunities to laugh.

Keys to boosting resilience

- **Remember** that a period of unemployment is just a snapshot of one moment in time and that life is a long, changeable and unpredictable thing. You will have many new opportunities, just as some people who are now employed will be terminated or laid off in the future. We are always changing places on life's merry-go-round.

- **Be patient.** Take small steps towards resuming employment. Celebrate each successful small step. You can pat yourself on the back, or better yet, mark the occasion with a nice dinner with your spouse or partner to reinforce your togetherness.

- **Reconnect with yourself.** You have been crazy busy since law school. Take advantage of this break in your ceaseless stream of activity. Use this gift of free time to grow your self-awareness and gain wisdom about the purpose of your life. Restore balance to your life. Take time to connect deeply with yourself. Learn that you have much value as a person wholly apart from what you do at the law office. When you resume employment, bring this new awareness with you.

- **Accept what you cannot change** and make the best of it. The Buddha said the law of the universe is constant change. All situations dissolve in time. Therefore, it was never realistic to assume your job would last. The loss of your job is nobody's fault, and certainly not your own. It is the nature of life. Please do not be ashamed of yourself and avoid spending time with your spouse and children because of shame. With all of your newfound time, you have an opportunity to heal and improve your relationships with your family members.



• **Be honest.** Do not be like the father I knew who after being laid off, pretended to go to work every day so that his adolescent child would not feel stress. Your kids may ask you, “Why are you home so much?” “Why don’t you work anymore?” or “Are we poor now?” These questions are natural. Please do not get mad at them or mad at yourself. Explain honestly that our economy has faltered, law firms are struggling and cannot afford to keep lawyers on and lawyer jobs are scarce. Reassure them things will be OK. Tell them you love them and that you are glad to have some free time to be with them.

What you can do now

There are a variety of activities that have been shown scientifically to act as mood boosters. These activities are free or involve minimal costs. They are easy to do. Unlike prescription drugs, they have no unwanted side effects.

Surround yourself with positive family members and friends who are supportive of you. Do not isolate yourself or spend time with people who are critical of you or pessimistic about your situation.

Exercise at least 20 to 30 minutes every day. Whatever the activity (running, walking, swimming, cycling, weight lifting, Pilates) push it to the point where you raise your heart rate and break a sweat.

Eat healthy. Eat fresh, whole fruits and vegetables, whole grains, extra virgin olive oil, fish and red wine or red grapes. Take a daily multi-vitamin pill and 1,000 mg. fish oil supplements.

If it’s not raining, get outside every day for at least one hour to get fresh air and Vitamin D from sunshine. Walk in the park. Smell the flowers. Visually take in the scenery, the changing cloud patterns and the birds. Trees bring great comfort. If no one is looking, consider hugging a tree. If that is too much of a stretch, sit underneath the tree, leaning your back against its trunk and just relax or read a book.

Use your hands to create something tangible that contributes to your family’s

survival or pleasure. Some ideas include planting a vegetable garden, making a toy for your child, cleaning the house, etc. Kelly Lambert, Ph.D. has called using your hands to do useful chores the “pre-historic Prozac.”

Do volunteer work in your community to help those less fortunate, gain perspective and cheer yourself up. Some projects to consider include volunteering for a literacy project, working on a Habitat for Humanity project, or helping at a homeless shelter. If your schedule does not permit scheduled kindness, then perform one random act of kindness for a total stranger every day. Either form of kindness will warm up your world and make you feel better.

Remind yourself what you are grateful for. Some things about which to be grateful include being alive, being healthy, living in comfortable home, having tasty meals on the table three times a day, having a loving spouse and children, having a great resume that will eventually land you a job or having had a great job that enabled you to put away substantial savings for this rainy day. It could also be the absence of a negative, such as not having cancer. You can stay in a grateful mindset by keeping a written gratitude journal or think about five things you are grateful for each night as you are lying in bed just before you drift off to sleep.

Listen to uplifting music or read inspiring poetry. Because of our crazy schedules, many plaintiffs’ lawyers are never able to do this.

Laugh! It brings oxygen deep into your lungs, releases endorphins and lowers cortisol. An easy way to start laughing is to watch funny movies on DVDs. You can also attend laughter yoga classes. Smile more, and if that’s too hard, wrap your lips around a pencil, which will make you smile. Stand up straight. Walk with your palms facing forward. All these things have been shown to boost mood.

Avoid commercial TV with ads reminding you how deficient you are and avoid mass media news broadcasts filled

with depressing stories of war, death, famine and epidemic disease.

Keep your mind as active, fresh and creative as possible. Checkout books or DVDs from the public library for free and enjoy them. You might even want to form a book club.

Meditate. Meditation will quiet and calm your restless, anxious mind. This is important, because it is so common to feel anxiety when you are unemployed. Anxiety is not an inherent property of events, but a pattern of thought we learn to associate with certain kinds of events. The anxious thought triggers the hormonal fight or flight response which produces shallow chest breathing, muscle tension and a sickly feeling. These bodily changes trigger more anxious thoughts that perpetuate the secretion of stress hormones. Eventually, you will wind up in a mental-emotional-physical knot.

Meditation will help you untie the knot. You can learn how to breathe deeply into your belly, relax and see your worries about money or retaining the respect of others with detachment. As you progress in meditation, feelings of peace, ease and self-compassion will take root. Yoga helps by getting you to stretch and lengthen your muscles while breathing deeply. A combination of meditation and yoga is still more effective as a means to release stress and promote wellbeing. A great way to learn and to practice meditation and yoga is in a group class. Group energy is healing. Being in a group can also lead to social bonding, friendships and business contacts. Go on the Internet and find group classes in your community.

Group therapy. In every community there are therapy groups for adults working on life issues. These include overcoming addictions, grieving the death of a loved one, coming out of an episode of depression or transitioning through divorce or retirement. Participating in a peer group is hugely beneficial. You will discover that you are not alone, and you’re not the only person on the planet who is suffering psychologically from



being unemployed. Your peers will listen to you, understand you and validate your feelings. You will get advice, encouragement and support.

A word of encouragement

Whether or not you become depressed, being unemployed is an ordeal for any lawyer; and the longer it lasts, the tougher the ordeal. Unemployment is



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humbling but it does not have to destroy you. It can strengthen you if you use the techniques described above to manage stress, sustain a positive mood and increase your resilience.

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