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# Being a lawyer doesn't have to be this stressful

## Stress tips for the pandemic from a working-mother trial lawyer and a seasoned trial lawyer

By **J. GARY GWILLIAM**  
AND **JAYME WALKER**

The pandemic has had a different impact on all of us. Life circumstances dictate the changes we've had to make to adapt to the practice of law in the COVID world. Undoubtedly, no matter what stage of your career, there have been many stressful changes in your practices and lives. We thought it would be useful to share two different perspectives on how to manage stress while practicing law in the COVID period, the first from a seasoned trial lawyer and the second from a younger lawyer and working mother.

### The seasoned trial lawyer perspective: J. Gary Gwilliam

My partner, Jayme Walker, and I are suffering from all the stress of all the changes and challenges of the last year. All of us who are plaintiff trial lawyers are deeply concerned about the future of our careers and our profession. What will be the effect on our practices of the courts shutting down for over a year? How can we adjust to "Zoom practices" and even virtual jury trials? And how has the isolation of closing our offices affected us personally?

Jayme has written a powerful piece on how it has affected her as a successful, hard-working trial lawyer and mother of a small child. I will let her share that, but things have been different for me. Here are my thoughts on how I have tried to deal with the added stress of the pandemic to an already stressful life as an active trial lawyer.

For several years, I have been doing a routine of quiet relaxation and meditation in the morning before I go to work.



Sometimes I listen to a relaxation or weight-loss tape and other times I just sit quietly and practice deep breathing. I get up early, before my wife, and I always sit in the same place on my couch in my front room. This routine really helps me get off to an energetic and centered day.

Additionally, I get regular body work and acupuncture, which helps me stay in tune with my physical body. I also get occasional spiritual counseling, which helps me stay connected to the universe and reminds me of who I am: a spiritual being having a body experience in this lifetime.

All this works for me, but each of us has to find our own way to stay connected to who we are and deal with our own stresses. No matter how busy or active we are, we must find time to take care of ourselves or we will fail in caring for others.

I have been lecturing lawyers on substance abuse for many years. Anecdotal evidence would indicate that more lawyers are turning to alcohol and even drugs as a means of dealing with all our

daily stresses. It's easy to say, "just don't do it," but that doesn't solve the problem.

Recently, I have been giving a talk on substance abuse entitled, "Am I Drinking 'Too Much' Is a Rhetorical Question." The question answers itself. Whether you are over-indulging with that extra glass of wine, or whatever, you can look at yourself in the mirror and ask the question. As with all issues of mental and physical health and well-being, we must first identify the problem before we can solve it.

If you have serious trouble reducing your drinking, then you should consider getting some professional help. I strongly advise calling The Other Bar, a confidential organization that is dedicated to helping those of us in the legal profession who have alcohol and addiction problems. The phone number is (800) 222-0767 and you can find them online at [otherbar.org](http://otherbar.org).

I am also concerned about how we can litigate our cases in these days of court closure and virtual appearances and even trials. I would recommend you read Jamie Goldstein's fine article in the January 2021 issue of Plaintiff magazine, entitled "Virtual Trials, A Path Forward." It nicely explains how a virtual trial works and its many advantages. Hopefully, the path forward includes some virtual portions that are here to stay, like testimony from East Coast expert witnesses. Still, as more people get vaccinated, I hope we will go back to doing most aspects of our trials in person.

Now, most of us are doing depositions and mediations virtually. I have done several and we have a good setup in our office to conduct these things remotely. We have even outfitted our conference room with plastic barriers to



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create four distinct personal spaces and HEPA filters that turn over the air about as much as an airplane. Hopefully, soon we can safely do more depositions in person with adequate safety precautions in place. I have found that I can be effective virtually and deal with electronic exhibits almost as well as I do in person, it just took some practice. Virtual mediations have some advantages too, like having all the downtime in our own office as opposed to a conference room somewhere else. Almost all the feedback I have heard from other lawyers is positive.

Times are rapidly changing for plaintiff's lawyers. That's not necessarily a bad thing, but it does require open-minded and flexible thinking. If a seasoned trial lawyer like me can adjust to all these changes, then I'm sure you can, too!

### **Working mother perspective: Jayme L. Walker**

This has been the most uncertain, traumatic, economically and emotionally devastating season in collective memory. It is difficult to write an article about tending to our emotional health without feeling overwhelmed by the need to address the disparities that racism and poverty have created in our society. Nowhere are those disparities more evident than with the impact of COVID-19. Women, in particular, have borne the brunt of school closures and career losses due to caretaking responsibilities.

African-Americans, Hispanics and other minorities are more likely to become severely ill and more likely to be impacted by COVID than Caucasians due to the institutionalized racism that puts more Black and Brown people in lower-paying jobs and in communities where COVID more rapidly spreads. Writing about mental health can seem like one more privilege available only to those who can afford it. Yet I know that hope, gratitude, breath and a sense of well-being can be powerful agents for change. My hope is that by tending to our considerable stress as trial lawyers that we can use our invigorated well-being to

stand at the forefront of the fight for justice for our clients and be agents for positive change in our communities.

As the parent of a small child, and a working professional, it can seem like each day is a never-ending to-do list where you fall down exhausted each night and never have time to just be present and enjoy the moment. So often I've found myself rushing from one deadline to the next with such a sense of urgency about my cases and my life, that when I am doing one thing all I am thinking about is the next thing that needs to be done.

Trying to take calls with my two-year-old running in the room or even sitting down to research a legal issue is impossible. I've been fortunate to be able to secure childcare, but those first few weeks trying to be a full-time mother and full-time lawyer were some of the most stressful I can remember. At times, I've been so focused on getting everything done that I realize I am holding my breath. This was one of the times, among more than a few, that I have been so stressed that I deteriorate physically with body pain, headaches, and fatigue. It is these times, that we have to put down our to-do lists and realize that to keep pushing is futile. We have to get ourselves back in balance.

When we feel out of balance, we can't be effective. We are too exhausted and emotionally drained to take on one more thing or to really be present for a colleague or a client in need. If we all seriously attend to our own well-being, it can have some lasting and positive effects on our profession. Lawyers who aren't overstressed treat each other better. They are happier. They are more available to clients who are struggling. Most importantly, if we aren't so depleted from our stressful jobs and home life, we are more available to challenge systemic and institutionalized injustice in our communities.

I'm not a mental health professional or a mindfulness instructor, but the following techniques have been instrumental

for me in reducing stress during this incredibly stressful time.

### **Set boundaries**

Most of the techniques for reducing stress are common knowledge. We already know that they help. And yet, it is so easy to think to ourselves that we simply don't have time to add these things to our to-do list. That is why the first and most important step in reducing stress is to set boundaries. This is essential if you are living at home with school-age children and trying to work. We live in a world of smartphones and email notifications. The pressure to be available 24/7 to our clients or our fellow lawyers can be overwhelming. You need to set the example for your associates and staff that it is okay to take time away from work, to not be available after certain hours and to fully disengage. If you are an associate or staff member, you should also set your boundaries and expectations early. You don't want to work for a firm that doesn't respect them. I hear so many lawyers say that they never disengage. That they can't turn off their email. My response is always, "Yes, you can and you should."

### **Breathe**

Have you ever noticed while you are scrolling through your email, researching a motion and maybe scanning the news headlines that you catch yourself holding your breath? There is a documented syndrome for this. It's called email apnea. People often hold their breath or breathe very shallowly while engaging in computer work like responding to email.

In his book, *Breath, the New Science of a Lost Art*, Bay Area journalist James Nestor documents the effects of breathing improperly on our health, our immune systems, inflammation in the body, and mental health disorders like depression and anxiety. Nestor's book suggests breathing can cure ails from anxiety to scoliosis. If breath can cure disease, certainly, it can help the stressed-out lawyer.

You don't need a dedicated meditation practice to start to be more mindful



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of your breathing. When you are stopped at a red light, taking a shower, washing your dishes, try to focus on your breath. Breathe for a count of five through your nose and then exhale for a count of five through your nose. I've been trying to do this all day long. You just stop what you are doing and take in a few slow deep breaths. Exhaling longer than you inhale engages the parasympathetic nervous system and calms you down. Short shallow breaths or holding your breath triggers the sympathetic nervous system and puts you in fight-or-flight mode.

As lawyers, we are in fight mode enough. We were not built to carry around little devices that constantly trigger our fight-or-flight responses. Every little ping on your phone alerting you to the news headlines of another tragedy or an email from an equally stressed-out opposing counsel can engage a sympathetic fight-or-flight response. We need to counteract this with consciously engaging a parasympathetic response to ease these anxieties.

**Exercise in nature**

As trial lawyers who live and practice in the Bay Area, we are blessed with access to astounding natural beauty. Leave your phone at your desk or in your car and take a hike. Walk on the beach. Again, don't take your phone with you or at least don't look at your email while you're out in nature. You can get two for one with this one, as both being in nature and at least 20 minutes of cardiovascular exercise have been shown to have dramatic effects on anxiety and well-being.

**Show up**

I must tell you there are days that I believe I am constitutionally not cut out for this work. There are days when I feel

the grind and toll of the stress starts to overshadow the triumphs of justice. What always gets me out of these funks is showing up and being inspired. Whenever I go to conferences with CAOC or CELA and listen to our colleagues tell stories about incredible results for deserving people, I feel inspired to keep showing up for my clients. Even when life feels too full to add one more thing to your calendar, sometimes you just have to show up. (But, remember to set necessary boundaries because sometimes you also need to just go home and play with your kid).

I'm sure most of you knew all these things would help relieve your stress. Sometimes, even the most common-sense things, things we already know, can seem profound when we put them in practice and stick with it. I can't tell you how much paying attention to my breath has changed my life. If something as simple as breathing has been shown to alleviate anxiety better than any drug, it's good to publish a reminder during such stressful and uncertain times. So here it is.....

BREATHE.

**Conclusion**

The stresses of law are different at different stages of life and certainly more so now that we are living in a global pandemic. Whether you are dealing with substance abuse, depression or trying to practice law and home-school your children (which undoubtedly can lead to substance abuse and depression!), you have to take care of your own mind and body. Remember the airline rule: you have to put your mask on before you help someone else. We all know the only constant in life is change. The post-COVID world will hold unexpected, and hopefully mostly positive changes for the practice of law.

Being a lawyer doesn't have to be so stressful. We encourage you to reach out to us if you want to talk more about stress reduction, substance abuse or virtually practicing law. We are here with you and we wish you the best!

*J. Gary Gwilliam is one of the best-known consumer attorneys in the state. He has handled major cases in every area of consumer law, including serious automobile and construction accidents, products liability, medical malpractice, bad faith insurance, civil rights, wrongful termination and employment discrimination and harassment. A noted lecturer and motivational speaker, he has conducted seminars and workshops around California and the United States. He frequently lectures on the topics of substance abuse, stress reduction, improving the quality of life as well as topics related to his practice.*



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