Winning Your Case Against Stress

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Introduction

• Every person experiences stress at some point in their life
• What stresses one person may not stress another
• Too much stress can impact an attorneys ability to comply with the Illinois Rules of Professional Conduct
• There are a number of ways to cope with stress and develop stress hardiness
What is Stress

• The Silent Killer and more....

• When internal and external factors affect your equilibrium and negatively impact your physical and mental well-being
Causes of Stress

• A multitude of causes that may change over time

• Stressors in an attorney’s personal life
  – Positive Events
    • Marriage, birth, new home

  – Negative Events
    • Death, divorce, foreclosure
Causes of Stress

• Stressors in an attorney’s professional life
  1. “I’m in control” myth
  2. “It’s due when” dilemma
  3. The client
  4. Everyone else
  5. The legal profession
  6. Keeping up with the Jones’
  7. The attorney’s internal drive and personality
Warning Signs of Stress

• Subtle and Obvious Signs

• Self-Assessment
  – Are there things that didn’t bother you before but now they do?
  – Are there things that bother you more now than they did before?
  – When these things happen, does their occurrence ruin your day?
  – Do they cause you to take out your frustration on others?
  – Do every day inconveniences cause you to lose your temper?
  – Do any of these things make you want to seek comfort in alcohol or drugs or food?
Effects of Stress

• Psychological Effects
  – Increased forgetfulness or difficulty concentrating
  – Increased mistakes
  – Increased worrying
  – Distracted or “spacing out”
  – Difficulty making decisions
  – Difficulty organizing your time
  – Decrease in creative thinking
Effects of Stress

• Emotional Effects
  – Easily bored, lacking enthusiasm, feeling frustrated, and being irritable or impatient over small inconveniences
  – Negative thoughts
  – Trouble effectively communicating with others and dealing with conflict
  – Sense of sadness, depression, powerlessness, insecurity and worthlessness
  – Easily agitated and hypersensitive
  – Frequent mood swings, crying and feelings of loneliness
Effects of Stress

• Behavioral Effects
  – Use of illegal drugs, abuse of prescription drugs, alcoholism
  – Financial risks
  – Intimacy issues, eating disorders, sleeping disorders
  – Poor personal hygiene or appearance
  – Avoidance of work and responsibility
  – Prone to more accidents
  – Increased lateness or absenteeism
  – Withdrawal from relationships
Effects of Stress

• Physical Effects
  – Decreased immune system
  – Frequent sickness
  – Indigestion, nausea, constipation or diarrhea, upset stomach
  – High blood pressure
  – Weight loss or weight gain
  – Fatigue or physical exhaustion
  – General aches and pains or muscle aches/tension
  – Headaches or migraines
  – Clenched jaws or grinding of the teeth
  – Dizziness, slouched posture
  – Trembling
  – Ringing in the ears
Illinois Rules of Professional Conduct

• Part 1: Client-Lawyer Relationship
• Part 2: Counselor
• Part 3: Advocate
• Part 4: Transactions With Persons Other Than Clients
• Part 5: Law Firms and Associations
• Part 6: Public Service
• Part 7: Information About Legal Services
• Part 8: Maintaining the Integrity of the Profession
Illinois Rules of Professional Conduct

Rule 1.1: Competence

“A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”
Rule 1.3: Diligence

“A lawyer shall act with reasonable diligence and promptness in representing a client.”
Illinois Rules of Professional Conduct

Rule 1.4: Communication

“(a) A lawyer shall:

(1) promptly inform the client of any decision or circumstance with respect to which the client’s informed consent, as defined in Rule 1.0(e), is required by these Rules;
(2) reasonably consult with the client about the means by which the client’s objectives are to be accomplished;
(3) keep the client reasonably informed about the status of the matter;
(4) promptly comply with reasonable requests for information; and
(5) consult with the client about any relevant limitation on the lawyer’s conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.”

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.”
Rule 1.15: Safekeeping Property

“(a) A lawyer shall hold property of clients or third persons that is in a lawyer’s possession in connection with a representation separate from the lawyer’s own property.”

“Complete records of client trust account funds and other property shall be kept by the lawyer and shall be preserved for a period of seven years after termination of the representation.”
Illinois Rules of Professional Conduct

Rule 1.16: Declining or Terminating Representation

“(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

(1) the representation will result in violation of the Rules of Professional Conduct or other law;
(2) the lawyer’s physical or mental condition materially impairs the lawyer’s ability to represent the client; or....”
Illinois Rules of Professional Conduct

Rule 3.2: Expediting Litigation

“A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.”
Coping With Stress

• Stress Hardiness
  – Personality traits that allow a person to handle the ups and downs of stress
  – Know who you are and understand that what you are doing has value and importance
  – Goal-oriented and the flexibility to deal with challenges and overcome or positively influence the outcome of their situation
  – View the world as a cup that is half full rather than half empty
Coping With Stress

1. Take Control Of The Things You Can Control
   a. How you spend your time
   b. Plan ahead
   c. Scheduling
   d. Don’t put things off to the last minute
   e. Work effectively
   f. Don’t do the work of others
   g. Pick your battles
   h. Manage your finances
Coping With Stress

2. Change The Way You Think
   a. Look at things from a different perspective
   b. Don’t obsess
   c. Think positive thoughts
Coping With Stress

3. Be Content With Who You Are
   a. Appreciate what you have, your skills and uniqueness

4. Surround Yourself With Pleasant Stimuli
   a. Pictures, screensavers

5. Do What Makes You Happy
   a. Act like a kid again and have fun
   b. Make a bucket list and do them
Coping With Stress

6. Develop a Healthy Support Network
   a. Supportive, positive people
   b. Good listeners
   c. Common interests

7. Engage in Stress-Relieving Alternative Medicine
   a. Yoga, deep breathing, exercise, walking
   b. Massage, acupuncture
   c. Sleep
Coping With Stress

8. Volunteer Your Time to Help Others
   a. Feel good about yourself
   b. Take your mind off your problems

9. Laugh
   a. Cartoons, funny pages, comedy shows & clubs

10. Exercise
    a. Walking, aerobics, weight lifting, stretching
    b. Release of endorphins equals feelings of euphoria
Coping With Stress

11. Seek Professional Assistance
   a. Health care providers
   b. Therapists
   c. Stress management programs
   d. Health insurance company – webinars, literature
   e. Employee Assistance Program

12. Deal With The Source of Your Stress
   a. Talk things out
Resources

• Support Network
• Health Care Providers
• Health Insurance Companies
• Internet and Public Libraries
• Continuing Legal Education Courses
• Illinois Lawyer’s Assistance Program
Conclusion

• Win your case against stress
  – Watch for the warning signs of stress
  – Practice stress hardiness techniques
    • Live a physically healthy lifestyle
    • Think positive and put things in perspective
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