



Perspectives

Featuring Sarah Parady and Ben Lebsack

Wellness is an important discussion about which we, as trial lawyers, need to be more open. Our last issue of Trial Talk addressed the perspectives of how individual lawyers manage stress levels. This issue addresses what firms can and should do to assist their lawyers to encourage and maintain wellness.

1. Tell us about the area of law in which you are most passionate about practice, and why.

PARADY: Lately, I feel strongly about cases involving sex assaults in the workplace and wage theft from low income, especially immigrant, workers. Both of these things are cultural flashpoints right now and clients with these kinds of claims are extremely afraid to come forward. Both of these things often involve more than one victim, so the person who does come forward is protecting others at considerable personal risk.

LEBSACK: I just became a partner here, so cases where we make enough money to keep the doors open and lights on are my passion projects now. As far as the type of cases I am passionate about, I enjoy cases that require me to think creatively about claims for relief (like using PLA in employment cases) or unusual contract interpretation issues (like forfeiture clauses in commission agreements) and cases involving an attorney as the defendant or plaintiff.

2. We're all concerned about meeting our billable hours for the year. How would you recommend an associate or employee approach a partner to discuss personal issues or stress without losing out on opportunities or appearing unable to handle the job?

PARADY: This is a hard question for cynical employment lawyers! That side of me says to do your research and figure out if you can couch your request in a protected fashion under the ADA or another law. But the human side of me says that you'd be surprised how many attorneys have fought through similar challenges, so it's worth being open and letting the chips fall where they may. A firm that can't accommodate real life is probably not a firm you need to stay at long term.

LEBSACK: I guess I'm less cynical than Sarah on this point. I've had great bosses over the years who have been very accommodating. Rather than opening up to your boss when you start having personal issues or stress, open up to your boss when you start working there. If you're more than just an employee, but a friend or at least friendly acquaintance, your employer is more likely to understand what's going on in your life. It's the same as any relationship. If I know you have a dog that you love and walk every day before work, I'll understand why the loss of your dog is having such an impact on your life and work.

3. Should law firms play a role in helping lawyers manage stress? If so, what tools, activities, or resources can (or should) a firm provide to help them manage stress?

PARADY: To me, the number one thing any employer can do to help with stress levels is guard against overwork. Other activities might help drive home the message that stress management really is a firm value, but ultimately, nobody's going to use the gym membership if they risk the wrath of multiple superiors for taking an hour away from email.

LEBSACK: Absolutely. Encourage your associates to do things outside of the office, even if that means spending money for them to do it or giving them time off. Tom Arckey bought me Nuggets tickets, awesome thing to do for an employee. And set an example for your employees. If you look stressed, they may feel stressed. If there's not a lot going on in the office, send them home for the rest of the day (assuming they're salary, they may want to stay and work if hourly).

4. What do you do, personally, to maintain a work/life balance? Is there really such a balance in this profession?

PARADY: We all work from home pretty often as needed to care for kids and pets, take off more time than most corporate vacation policies would probably allow, and have caseloads that go up and down in intensity. For me specifically, the biggest thing I do right now is leave at 3:45 most days to get my baby from daycare, hang out with her for two glorious raspberry-filled hours, and work again after baby bedtime. Maybe “flexibility” is a better word – doing things in a way that helps more of your time be well-spent and letting work fit in around other things that matter. And it definitely helps to love your work and work with friends.

LEBSACK: I’ve seen many attorneys have great work/life balances where work ends and life begins, so there can be that balance. But I struggle with that. I prefer a work/life balance where work and life blend together. I co-counsel with my friends (Hi, Sam!) or make friends with my co-counsel (Hi, Craig!). I do work at 10:00pm on a Friday night but also take off a random Wednesday to play with my dogs at home. I’ll watch old WWF pay-per-views on my office computer in between writing a brief and meeting a new client. I take long trips to the mountains or Mexico where I work in the morning before my wife wakes up. Don’t get me wrong, I don’t work 80 hours a week, but every day is an opportunity for work or play. If I have 10 depositions in a week, the week before and week of are going to be a ton of work. If I have the case with 10 depositions settles the week before, I don’t make an effort to fill that deposition time with work..

5. Do you practice mindfulness, and if so, how would you describe the practice and its benefits to others in our profession?

PARADY: When I finally decided I had to conquer my panic attacks and severe anxiety (see below), I took a two-month intensive mindfulness course on the weekends. I would describe the idea as learning to detach from your own spiraling thoughts and put a stop to the internal dialogue that produces anxiety. If you’re curious, try the “Mindfulness Based Stress Reduction Workbook.”

LEBSACK: My wife is a mindfulness instructor, but the mindfulness ideas she teaches and Sarah follows just leave me more stressed out. Meditation, for me, is just an opportunity to think about all the deadlines I have and work I need to do. Instead of “practicing mindfulness,” I play with Legos. I need something to keep my mind on, but the effect seems to be the same, I’m present and in the moment when playing with Legos, but have something to think about, so I’m not stressing about things going on in the rest of my life. I encourage everyone to go buy a set of Legos and build. Or a puzzle.

6. Is managing stress an innate skill? Or do attorneys need to be taught how to do it?

PARADY: I sure had to be taught. I have struggled with serious anxiety at different times in my life, and I didn’t really put it behind me until I was running my own firm. I was amazed when I finally realized it was even possible to practice law without crippling anxiety. It is, so if you are having that experience, try to internalize that the anxiety is not something you just have to accept.

LEBSACK: Both. I’ve learned on my own how to get away from feeling stressed at home. But I’ve also been taught some things, like keeping a list of items and crossing them off when you’re done so you can see your progress.

7. As a firm who practices in the area of employment, are there legal issues about which we should be aware in terms of assisting associates or employees through mental health struggles?

PARADY: Without giving legal advice, this is a very tricky area because employees have the right to certain kinds of assistance with mental health disabilities or medical conditions under a multitude of laws including the ADA, FMLA, and CADA, but at the same time have rights to medical privacy. It's important for employers to "get it right" and make sure they are accommodating employees' reasonable requests without making assumptions, demanding information they don't really need, or imposing their own notions of what help someone might require ("benign discrimination").

LEBSACK: Most employment disputes can be avoided with common decency. Be a human being. Have compassion for your employees. Remember what it was like losing a close relative, getting a divorce, or just feeling miserable about the amount of work you're doing. On the legal side of things, remember that as an employer, you must provide a reasonable accommodation to an employee if that would allow the employee to perform the essential functions of the position. To me, that includes time off for mental health days. If your associate can be a rock star 19/20 workdays in a month, given them that 20th day off to allow her or him to keep being a rock star those other 19 days.

8. What is an unconventional place or activity in Colorado you like of which most people may not know?

PARADY: The Amtrak from Denver to Grand Junction.

LEBSACK: Hugo's Lucha Libre (Mexican pro-wrestling). They run shows monthly, usually the third Sunday of the month, at the JeffCo fairgrounds. Information seems only to be available on Facebook. They bring in phenomenal talent from Mexico City on a regular basis and have some great local talent as well.

9. Where is the best place to go with colleagues after work to unwind and blow off steam?

PARADY: My baby and I are always down for happy hour in the 4:30-6pm time frame at Bar Fausto or Barcelona in Rino! ("Always" is a lie, but "sometimes" is true.)

LEBSACK: Follow the advice of Luniz. The Thin Man and Bar Max near East HS are great too.

10. What is the best law-related book you have read recently, fiction or non-fiction, that you would recommend to other members?

PARADY: The "America in the King Years" trilogy by Taylor Branch. Turned me inside out and changed my understanding of that part of American history forever. (I think it's fair to call it "law related" since the civil rights movement eventually gave birth to some of the statutes we enforce every day.) ▲▲▲

LEBSACK: For non-fiction, Kropotkin: Politics of Community by Brian Morris. The book explores the life and writings of Peter Kropotkin, a significant anarcho-communist thinker and writer of the late 19th/early 20th century. Take home: the law operates to keep us oppressed, and it is only through a rejection of capitalism and the law that we can achieve a just and equal society. For fiction, The Sellout by Paul Beatty, which is hilarious and includes great lines like "Call every racially profiled, abortion denied, flag-burning, Fifth Amendment taker and tell them to demand a retrial, because I'm getting high in the highest court of the land." ▲▲▲