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## Lawyers Live in Fear

How to deal with the central emotional feature of the profession

James Dolan  
Texas Lawyer  
April 23, 2008

"Our firm is ruled by fear," said Steve. "Hell, the whole profession is about fear. Fear of not billing hours, fear of not bringing in business, fear of losing business. Fear of not making partner. Fear of being in trouble with my wife for working too much, and, of course, fear of being in trouble with the partnership for not working enough." He stopped for a moment, letting his own words sink in.

"And it started in law school. The whole thing runs on fear. I'm sick of being afraid all the time."

Steve was talking about one of the unspoken realities of life in law.

Law practice is the military, and lawyers are the combatants. Some are pure strategists, poring in hushed offices over the contested terrain. They press their buttons at high altitudes and drop bombs on people they may never, personally, encounter.

Others are negotiators who bring differing factions together.

And others are plainly, clearly and undoubtedly foot soldiers whose job it is to do hand-to-hand combat.

Whatever level of engagement a lawyer has with The Other Side, he knows that this is win or lose, sink or swim, live or die. A lawyer's slightest misjudgment may be the beginning of the end.

Quite naturally, lawyers live in fear.

At its most basic and instinctual, the emotion called fear is an organism's preparation to survive when it senses the environment contains a threat. At one time, this was the approach of a predator or a contender for a territory or potential mate. Whatever the scenario, it can be seen that the vertebrates from which humans descended were gifted with a set of instincts geared to increase the likelihood of DNA being passed into subsequent generations. The creature would make ready to fight or run, whichever was most expedient to eliminate or avoid the threat.

Fear has to do with our own, my own, survival and that of my closest of kin. We are deeply, organically committed to the life we possess. The evolution and development of the human brain has arrived at such complexity that we are now able to perceive saber-toothed tigers in places where our biological ancestors never could have.

For instance, a column of numbers on a page can deliver in its summation a message of complete and utter doom. The appearance of a certain judge in a court in which a motion must be filed can be like entering a lion's den. The mere mention of the word "malpractice" can send shivers down the spines of the most experienced lawyers.

Clearly, one must have a strong constitution to persist and thrive in law practice. And here's the kicker: Many are attracted to the law precisely because of the fear factor. Many lawyers are fear junkies, unable or unwilling to conceive of a life of relative calm and low risk. I would say that among the specialties, the litigators are most strongly represented here. But no matter what area a lawyer practices in, she must make an agreement with fear, for it is one of the central emotional features of the profession.

In the early years of practice, it isn't unusual for a new lawyer to be attracted to the sizzle and glitter that fear puts on things. Confronting the fear of arguing a case or filing a brief, being asked for a legal opinion and having these experiences go well can be exhilarating -- not unlike sitting down at a poker table and winning the first few hands, then falling prey to the notion that one is "good" at poker. Soon, there is a need for more and greater levels of stimulus; the stakes have got to be higher to get the same level of kick.

I once had a client ask, "How do I stop being so fearful all the time?" to which I replied that his question was like someone standing on the top rung of a stepladder asking a passer-by to kick the ladder out from underneath him. My point was that the client had come to rely on fear as the primary motivating energy for his practice, and to devise a way to rid him of it without understanding its place in his life would have been disaster.

Let's go back to the beginning. My client talking about his firm and the profession running on fear was really talking about himself. What was once a powerful attraction had now become a tiresome irritant. The glimmer had worn off and was only a kind of dull ache. He needed a new reason to get up and go to work each day, to drop bombs or study strategies.

How to deal with fear? How to deal with one of the most powerful energies in the profession? Certainly, it cannot be done away with; it belongs there. In many ways, lawyers are paid to know and understand their fears. Having a highly developed sense of fear is quite useful in predicting and preparing for threat.

Dealing with fear is something like owning a tiger. We must completely understand and be aware of its instinctual behavior. If we don't, the tiger may one day have us for lunch. We must know and accept its place of value in our world, be conversant with it and realize that, once you own a tiger, there is no easy way to get rid of it. And we must also understand that once we own the tiger, we don't have to take it with us everywhere we go.

Sometimes, just showing up with the tiger by one's side is enough.

*James Dolan, M.A., is a professional coach and psychotherapist with 30 years of experience in private practice in the Dallas area. He works with lawyers and physicians in improving their business development communications, internal relations, and leadership and client-patient retention. His e-mail address is [dolan.james@sbcglobal.net](mailto:dolan.james@sbcglobal.net).*

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