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BAMSL Health & Wellness: The Art of Taking Time Off

A colleague once described a vacation he took. He detailed with great enthusiasm how he really enjoyed the Airbnb he and his wife rented for a week because it had an extra bedroom that allowed him to set up an entirely separate office. That way, his work did not interfere with their “vacation time.” Another colleague told me how great the Wi-Fi was from the beach she went to on her honeymoon, allowing her to keep in contact with the office and also have a nice view of the ocean.

These “vacations” are not much different from the “vacations” you hear about from many who practice law. Accessibility and overall ability to handle projects, calls, and emails while “out of the office” is viewed as a necessary part of the job, and bragging about how little time one takes off is often considered admirable in the legal community.

However, the continued trend of working vacations takes its toll. As the recognition of the need for mental well-being and burnout in the law continues to grow, so does the recognition of the value of time off. In light of that recognition, below is a brief set of tips to actually master vacationing as an attorney.

Start Planning Early

There is an obligation on attorneys to dutifully handle their files. That includes the responsibility to make sure that items are not missed should an attorney be unavailable. It is imperative that an attorney have in place a plan in case of a medical emergency/family emergency/alien abduction: an event that will take an attorney completely out of pocket for at least a week. Usefully, that plan can equally be implemented for when an attorney is on vacation (a real vacation as opposed to working with better scenery).

The plan, generally, should involve the appointment of a “gatekeeper” or person who can control the flow of communications on an attorney’s cases and clients, a definition of

what constitutes an “emergency” for contacting the attorney, and a commitment by the attorney to disconnect.

Find a Gatekeeper

One of the main concerns an attorney has with taking time off is having client concerns or case problems go unanswered. However, as those of us with incredibly competent staff have found out, most questions are truly of a mundane nature: “Where is this thing” and “When is this due,” for instance. Trusting an administrative assistant or paralegal to answer those questions is a good step in the gatekeeping process. For the attorney managing files, appointing a “second” on their files allows another attorney to handle more mundane questions a client may have or deal with small issues that may arise. For younger attorneys taking time off, the “gatekeeper” may be the senior attorney whose files you are working on. Letting the senior attorney know where a file stands may be key to cutting off any unwanted or unnecessary contact during your time off.

Define an Emergency

Once a Gatekeeper(s) is chosen, it is important to define what constitutes an “emergency” requiring someone to reach out and interrupt your well-deserved time off. The best description is, “is this a fire that I need to put out?” For instance, last-minute, shortened hearing on a motion to compel where literally no one else would be able to handle the situation is a good example of something that may require the vacationing attorney’s input. “I can’t remember where we put this thing in the file” is something that can either wait or be handled by someone else.

Part of the “defining an emergency” involves a certain amount of planning and respect on both sides of a work equation. Senior partners, your younger attorneys deserve time off, too, and explaining that your managing partner once had a paralegal track you down at the

hospital during the birth of your first child to have you draft a settlement letter does not excuse current bad behavior on your part. Your old managing partner (bless his heart) was a jerk and you should strive to be better.

Similarly, younger attorneys should not leave projects hanging. Deadlines are one of the key elements to the practice of law and leaving half finished work, with no clear-cut communication on where those projects stand before you hop on a flight is a good way to ensure that you will get a call during your jetlag.

For those who are on their own or in small practice, working with colleagues, opposing counsel, and the court to fully understand and respect when you will be unavailable is key. Let them know that you will be gone and when you will be back in touch. That will prevent colleagues “searching you out” when you are resting on a beach.

Stepping Back

One of the hardest things for attorneys to do is allowing themselves to disconnect. The practice of law attracts a wide variety of controlling, type A personalities. We are, ourselves, part of the problem. Putting plans in place will ease some of the anxiety of knowing where projects stand when you are unavailable. If you must check in with your office, plan a time to do that, once a day for a limited amount of time, to ease your own anxiety without disrupting your time off.

While these steps do not guarantee a restive and fulfilling vacation, they are at least reasonable starting points for actually vacationing as an attorney.

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