



Roger Slade, left, and David B. Haber of Haber Law. Courtesy photos

COMMENTARY

## Calling for an End to the 24/7, 365 Lawyer

If we do not receive that order on Sunday night or read that email in the middle of the night, the likelihood is that no one is going to die. Let's reduce stress and improve the quality of our lives.

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[Attorney Work Life Balance](#)

By David B. Haber and Roger Slade

There are some professions, like medicine, which may require attention on a 24-hour, seven-days-a-week basis. A medical emergency can be a *real emergency*, foreshadowing the potential for a life-or-death outcome. Lawyers, not to be outdone by their brethren in the medical field, have created for themselves an environment in which nonstop attention to professional endeavors has become the norm, rather than the exception. The questions are: to what extent is it necessary for lawyers to be on call 24/7, 365? Do we do this to ourselves because of our obsessive personalities? What can we do to change this condition, to recapture our lives and our well-being?

Attorneys are not typically required to rescue people from burning buildings, resuscitate heart attack victims or perform emergency surgery. Yes, there are those infrequent occasions when legal matters are emergencies, such as emergency injunctions, Baker Act petitions, emergency guardianships, death penalty appeals, bond hearings, etc. This article is not intended to negate the fact that such emergencies do happen. But we must shed light on the nonemergency daily exchanging of emails with clients and opposing counsels, preparing pleadings, answering discovery and reviewing court orders at all hours of the night—forcing our colleagues in the profession to respond to same or be left behind in the nonstop practice of law.

Unfortunately, lawyers have placed themselves “on call” and into the same category as other professions which may actually involve true life or death decisions daily. There is a stark difference between a medical emergency and a legal emergency. A legal emergency rarely involves life or death issues. Yet the word “emergency” is appearing on the pages of our court papers with alarming frequency. Considering that members of the legal profession suffer from some of the highest rates of depression and unhappiness of all professionals, perhaps it is time to look inward and try to understand what is happening to our quality of life. The short answer is that we have done it to ourselves, with the help of technology, and the paranoia that things can't wait an hour, or until the next morning or, heaven forbid, even after the weekend.

In the last 20 years, the practice of law has changed for the better and for the worse. We no longer have to work from the office and, if COVID-19 has taught us anything, it is that we live in a virtual world, where so long as you have a phone or computer and Wi-Fi, you are “connected.” But that same flexibility, aided by significant technological advances in computer and communication technology, creates work and communication access everywhere (including on the high seas, in airplanes and throughout all parts of the globe when we are on vacation). Thus, lawyers are no longer able to escape our professional lives. How do we “turn off” work when clients email day and night and on weekends, when opposing counsel starts engaging in email arguments that seem to not stop—regardless of day or time?

And the judiciary, comprised of some of our best, brightest and most committed public servants, have now also bought in to and have become a part of this 24/7, 365 mentality. Judges are now issuing orders on nights, weekends and holidays, often requiring an immediate response from counsel. Recently, one judge required an amended complaint to be filed within “48 hours.” This order arrived late in the evening and meant, in these particular circumstances, “vacation over.”

What about the arrival of an order from the court at 11 p.m. on a Friday night? To the victor, perhaps this results in a good night’s sleep. But what about the lawyer who has not prevailed? If you think that constant contact with the judiciary, at all hours of the night and on weekends, does not affect the emotional health of a practicing litigator, you should really think again.

Some may say that the simple solution is to just turn off your phone and close your laptop. For many of us, this is easier said than done, and our competitive nature surely doesn’t help. Just take the following test: sit in a room for two hours on any given weekend or weeknight and see how many times you grab your phone to check for messages or emails. Simply put, we are addicted to the communication devices. If you are married, just ask your spouse, he or she will tell you.

Perhaps by starting the conversation about how we can improve our mental health, well-being and quality of life, we can improve the profession and help attorneys avoid “burnout” and give us back some of our family quality time. Let’s see if we can obtain consensus on some simple solutions for the benefit of all in the profession.

How about if lawyers and judges agree to avoid communications after 7 p.m. at night and on all weekends? And, if we have to send an email or issue an opinion during this time, we utilize the “delay delivery” function that is a common feature of Microsoft Outlook that allows the communications to be issued on a time delay and therefore delivered only during the next business day during business hours? Better yet, perhaps counsel with the urge to send a knee-jerk reactionary email to an irritating opposing counsel sets it aside till the next morning. Courts issuing orders at all hours of the night help nobody, and attorneys writing to one another (including within their own law firms) late at night help nobody—especially when the delay delivery function is available.

Lawyers are people too and we all have the need, whether we admit it or not, to disconnect and pay attention to things other than our profession, including most importantly our families, friends and hobbies. The more attention we can devote to pursuits other than our careers, the more likely is that we can become better people and even better lawyers. Perhaps we can agree upon a “cease fire” during nights, weekends and holidays. This will likely assist counsel and their clients in making more effective decisions resulting in better case planning and even more settlements. It may even reduce the cost of litigation.

The Florida Supreme Court and the Florida Legislature is unlikely to legislate on these issues. Instead, it is really up to us, as a profession, to make necessary changes for our mutual benefit.

After all, if we do not receive that order on Sunday night or read that email in the middle of the night, the likelihood is that no one is going to die. Let’s reduce stress and improve the quality of our lives.

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