



LAWYERS CONCERNED FOR LAWYERS

Lawyer's role morphing into therapist

Q • My solo practice has been moving increasingly into the realm of handling divorces. • There are aspects of this work that I like,



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but it has also become more common on these kinds of cases that a client is calling or emailing/texting me with unnecessary frequency based on their anxiety, and sometimes anger or depression, as they go through what can be a hellish divorce process. While at times it can feel good for a client to thank me for being understanding and supportive, sometimes the same clients feel betrayed when I don't get them the desired result, or when I simply bill them for my time. One client has phoned numerous times to launch into a tirade that, although partly aimed at me, really has nothing to do with my role in her life. I'd love to find a way to become more adroit at handling these situations, because my own anxiety level has been on a steep increase.

A • Some kinds of legal work are inherently likely to involve clients whose psychological issues are stirred up. Divorce is usually quite traumatic, even when clearly warranted, and represents unknown and frightening terrain, so it is no surprise that clients are prone to be more anxious and needy for support. In addition, some of them are going to have behav-

ior, mood or personality disorders that may have pushed a marriage toward divorce or contributed to a poor initial choice of mate.

All of these factors only underline the importance, as in all cases, of setting and explaining attorney-client boundaries and expectations. While a client who idealizes you as an understanding person may lead you to feel inclined to make exceptions, these same individuals can tend to "devalue" you later, or to feel angry or let down if you pull back on something you were offering. A written description of your fees and availability, and of what services you do and do not provide, can go a long way. Be careful, too, about the interpersonal precedents you set. If you respond immediately to a call at 11 p.m. that could have waited until the next day, the client will expect you to continue doing so. There is usually no need to chastise such clients — setting limits does *not* mean showing no warmth or sympathy — you can simply get back to them at a reasonable time and communicate implicitly that you are not a crisis service.

Coming from my own occupational world, I am often curious as to why lawyers typically don't form alliances with mental health professionals. It seems as if it would be almost a default expectation in situations like divorce that a therapist's/counselor's services would be useful (for either group or individual support) and would allow the attorney to say, "This sounds like something that would be fruitful to discuss with your therapist — who,

by the way, costs you significant less per hour than I do." With written permission, some communication with the therapist can also be helpful in the ongoing management of the case. We at LCL can provide input on identifying potential clinical associates; it seems most useful to have a few such alliances in place prior to taking on clients likely to be in emotional distress.

Realistic limit setting is a good thing — for parents and children, for employees and bosses, and for lawyers and their clients — but it not always easy to pull off. This is the kind of situation that we often address in the monthly online solo practitioner discussion group that I coordinate through LCL. Individuals in crisis are not to blame for how they feel — it's simply a fact, and often goes with the territory. As an attorney providing assistance in their time of upheaval, you owe it to both them and yourself to form a relationship that respects both parties' needs, does not over-promise and in which you don't attempt to be all things to all people. ■

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Dr. Jeff Fortgang is a licensed psychologist and licensed alcohol and drug counselor on staff at Lawyers Concerned for Lawyers of Massachusetts, where he and his colleagues provide confidential consultation to lawyers and law students, and offer presentations on subjects related to the lives of lawyers. Q&A questions are either actual letters/emails or paraphrased and disguised concerns expressed by individuals seeking LCL's assistance. Questions may be emailed to DrJeff@LCLMA.org.