

PROFESSIONAL PARALYSIS



by K. Segaran

In medical terms, paralysis as a disease is the impairment or loss of especially the motor function of the nerves causing immobility. Literally speaking paralysis means powerlessness. As a young practitioner, one is unlikely to be familiar with the dreaded disease “professional paralysis”. This disease can incapacitate any advocate & solicitor, young or old. Legally speaking, this disease is a terrible debilitating psychological disease that virtually paralyses the advocate & solicitor whenever any pressure situation develops. It is a form of professional breakdown – a bewildering, mind-blurring condition that is illogical, inexplicable and sometimes untreatable. The breakdown begins when the work pressure becomes uncontrollable with a growing heap of files lying idle, dissatisfied and angry clients, avoiding answering correspondence and a deep resentment of the telephone. Coupled with the fear of losing clients, whether caused by greed or insecurity, would lead to a dog-with-a-bone mentality in accepting all types of clients whether it involves a land transfer in the remote areas or damage caused by an escaped lion from the Johor Zoo – the result is a general emotional and psychological breakdown and paranoia leading to enormous stresses and leaving the solicitor feeling utterly besieged.

The adversarial model accepted by our society to resolve people’s conflicts works really well in some instances and not so well in others. Sometimes the process actually solves problems and other times it creates more problems than it solves. Much depends on the qualities of the lawyer – courage, persistence, a refusal to abandon the most unlovable client or to be overawed by the highest court, mastering the art of cross-examination, doing everything for the client except deceiving the court and wooing the judge. Nevertheless lawyers can become unhappy watching their hard work fail to achieve the desired result. He gets angry because he loses more than he wins and thus becomes disillusioned and cynical when righteous causes fail.

Professional Paralysis develops over time and thus it is not easy to diagnose. By observing the causes and symptoms depending on a particular case, a diagnosis can be made on whether the disease is terminal or treatable. In the case of a total psychological breakdown brought down by overwork and stress, it is advisable for the advocate & solicitor to simply wind his practice down and look for alternatives. He may choose to become a legislator or a judge or enter teaching if he finally considers whether the profession is not suited for him.

The three Ps – Perfectionism, Procrastination and Paralysis are all rooted in anxiety and a lawyer is very vulnerable to anxiety as his work is important. He is paid by clients to help them achieve their objectives. So the pressure is on to do it right, on time and get it right and to avoid being wrong stimulates latent perfectionism in many lawyers. Perfectionism is rooted in anxiety. Terrible things can happen when lawyers make mistakes and also when lawyers do all the right things as outcomes sometimes are out of control despite perfect execution. Perfectionism can cause genuine overwork, incompetence in some areas, fear of losing clients and egoism. It can also cause the lawyer to take more time on little tasks, lose perspective, spend time which he won’t be paid, continue working and procrastinate.

Procrastination is the thief of time and robs the solicitor his peace of mind. It leads to file stagnation – hence a situation where the solicitor comes to office and picks up a file and puts it down and then takes another file and without doing anything, puts it down. At the end of the day he does nothing, the inability to decide which file should receive precedence. It is better for the solicitor to make a deliberate choice to do this rather than allow it to happen via procrastination. Procrastination leads

to anxious feelings which can produce devastating physical and mental distress and when it gets in the way of taking care of business – advocates & solicitors become victims of paralysis. Both perfectionism and procrastination lead to paralysis – if the solicitor is afraid he can't complete a task well, he may avoid to the point of paralysis (perfectionism) and if he procrastinates about anything long enough – he is essentially paralyzed!

The advocate & solicitor who avoids files, misses deadlines, never returns phone calls, doesn't open mails, ignores clients and makes sudden hasty decisions should get treated immediately as this disease (paralysis) could result in stress, anger and anxiety culminating in a total psychological breakdown.

The legal profession, especially lawyers, is unique and can create anger and anxiety. It is the only profession in which one is paid to make someone else wrong. It is the only profession where the lawyer could not decide his own case – the judge in the end decides. The lawyer is not the decider of his own case! Unlike the architect who draws, the engineer who designs and the surgeon who operates – they propose and decide as well. The lawyer should be guarding against perfectionism, procrastination and paralysis. The treatment is to stay calm, develop healthy coping habits, eschew negative thinking, increase social support, maintain physical health, accept what is and laugh more often. The final consideration is to think of whether the profession is best suited for the lawyer concerned.

This article is not intended to put our profession in bad taste. Justice Jeffrey Tan, now a Federal Court Judge, who had adorned the Johor High Courts for over a decade, was very friendly with lawyers and had once remarked that despite all the constraints and challenges lawyers faced, our profession is still the best. Nevertheless lawyers are branded as notorious and together with politicians, income tax officers and traffic policemen, the most disliked members of the community. They are thought to be dishonest and mercenary. Yet all the great freedoms, the presumption of innocence, the right not to be imprisoned without a trial and the right of not being questioned of our rights as entrenched in the Constitution, depend on the vigilance, courage, will, perseverance and skill of lawyers. 'Law is a dark room; lawyers lit up that room'.



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