

I'LL SLEEP WHEN I'M DEAD

The badge of honour that comes with racking up long hours on very little sleep must become a thing of the past, writes **RACHEL SETTI**.

39hrs +

Mental wellbeing declines after working 39 hours a week

48hrs +

Job performance begins to decrease, and signs of depression and anxiety increase

40%

Working more than 10 hours a day increases workplace injury risk by this percentage

Source: Joshua Krook, University of Adelaide academic.

Lawyers are tired.

In fact, a quick Google search provides an international host of case studies of lawyers suffering at the pointy end of fatigue and exhaustion. Terms such as “depression”, “anxiety”, “substance abuse” and “alcohol” all feature consistently.

It’s no wonder. Research conducted by UNSW’s Janet Chan in 2015 showed that lawyers work more overtime than any other profession in Australia, and most lawyers consider it an essential factor in one’s professional success. Even worse, given the six-minute billing system, lawyers may be under-recording their working hours so as not

to appear unproductive. This suggests that available statistics may actually underestimate working hours.

Overtime is fine in moderation as a short-term arrangement to meet an important deadline, although evidence shows there is a tipping point whereby long working hours directly impact productivity.

One study finds that job performance decreases as much as 20 per cent when 60 working hours per week are surpassed. Joshua Krook, an academic, author, journalist and legal educator, confirms some concerns in his research. Here is a snapshot:

- Mental wellbeing declines after working 39 hours a week
- Job performance begins to decrease, and signs of depression and anxiety increase after 48 hours
- Working more than 10 hours a day increases workplace injury risk by 40 per cent, and more than 12 hours a day doubles it

But what is the connection between overtime, fatigue and productivity? It has been demonstrated that overtime leads to poor sleeping habits and lowered immunity. This in turn impacts capacity to process, remember and retain information, make effective

judgments, maintain appropriate behaviour, and control emotions.

Yet lawyers are relied upon to make sound, well-considered, rational decisions every day of their working lives. They are expected to be switched on, acutely smart, creative and capable of high-order thinking, yet, at the same time, perform under immense fatigue. Such fatigue has been demonstrated, in many studies, to have the same effect as alcohol and substance intoxication.

When alcohol and drug use are added to the fatigue mix, the problems are compounded. Ongoing fatigue is also associated with burnout, an

emotional state whereby one feels they are “running on empty” and they have no more to give. It is insidious and creeps up. Furthermore, there are long-term impacts.

Mathew Walker, Professor of Neuroscience and Psychology and author of the bestselling book *Why We Sleep: Unlocking the Power of Sleep and Dreams*, associates fatigue with dementia, poorer fertility (particularly among men), diabetes, obesity, fewer anti-cancer fighting cells, and increased cardiovascular problems.

Despite the bravado often related to busyness and fatigue (how often do we hear corporate colleagues celebrate their capacity to work endlessly and survive on negligible sleep?) there is some evidence that the legal industry is ready for a paradigm shift.

However, that change is likely to be slow and meandering, with a plethora of mixed messaging along the way. In the meantime, I challenge lawyers to remove their fatigue badge of honour and take action to prioritise factors they can control, and do more in less time. Here are a few pointers:

Say no to unnecessary diary cloggers. Instead, find the courage to decline or delegate tasks that add no value to your work. Some lawyers find the traffic light system helpful in setting parameters. They allocate a red, amber or green colour code to each task or diary invitation. Red tasks are lowest priority and can be declined, delegated or automated; amber tasks are desirable but non-essential; and green tasks are absolutely critical.

Once you’ve put this into action, take a step further by considering how each activity will benefit you in the future. Invest in actions today that will reduce your workload tomorrow. Rory Vaden, author and time-management expert, refers to this as “multiplying your time”.

If sleep quantity is not something you can control, then focus on sleep hygiene. This refers to developing habits which improve the quality of

your sleep. Our ancestors would have slept at dusk and woken at dawn. The advent of the light bulb (a wonderful invention by all accounts) now means we have light for as long as we choose. The bad news is it removed a nature-imposed health parameter and has led to many of us losing touch with our internal clock or circadian rhythm. Put simply, we are not very good at reading and responding to our physical fatigue symptoms.

There are some actions one can implement to improve this:

- **Ensure your bedroom is set up** for a good night’s sleep. This includes a comfortable mattress, temperate room, and no television.

- **Go to bed and wake up the same time every day.** There is no sleep credit-deficit system – you cannot make up for lost sleep, so a long, luxurious lie-in on the weekend does not help overcome the effect of sleep deficit racked up during the week.

- **Introduce a wind-down routine** before sleep. Switch off from work and screens an hour before sleep. Introduce meditation and breathing.

- **Avoid alcohol** as a relaxant before bed. Although alcohol is a sedative and can make you feel somewhat relaxed, it can also disrupt your sleep quality by periods of wakefulness throughout the night. It also interferes with your rapid eye movement (dream sleep) and reduces the restorative function of sleep.

- **Reduce your intake of caffeine** in the afternoon. For many this tends to be 2pm, though for some it is much earlier or later. Experiment and see what works for you.

- **Arrange restful weekends.** Insufficient slumber leads to fatigue, diminished productivity, errors, reduced family quality time, poorer mood and a range of other issues. Sufficient sleep allows you to do more in less time. It supports emotional stability and has proven short- and long-term impacts on your wellbeing. The choice is yours. **LSJ**