

Vocational Distancing: The Necessity of Disconnecting to Survive and Thrive

Since the outbreak of COVID-19, the term “social distancing” has become part of the global lexicon. Seemingly overnight, businesses shuttered, offices turned virtual, and millions of people were required to shelter in place. Even before the Pandemic, the need for attorneys to “disconnect from the office” had already become so ubiquitous a conversation topic as to border on cliché. Now that COVID-19 has forced many into circumstances that make the boundary between home and work life even more fluid, the necessity of finding opportunities for “vocational distance” is even more crucial to our personal and professional flourishing.

Disconnecting from work has physical and mental health benefits. As but one example, men and women who do not take vacations are 30% and 50%, respectively, more likely to suffer a heart attack.¹ Skipping vacation can also contribute to depression, anxiety, substance abuse, and burn out.² On the flip side, a Canadian study of more than 900 lawyers found that pursuing active leisure activities and taking vacations effectively reduced work stress.³

Notwithstanding the obvious benefits and desirability of taking time off, many of us still fail to do so and, when we do, we end up working anyway.⁴ This reluctance cannot be blamed entirely on our employers, whether private or non-profit firms, corporations, or governmental entities. The average law firm vacation policy provides for 20 vacation days a year, and as many as 40% of large firm associates have unlimited vacation.⁵ State employers, such as the North Carolina Attorney General’s office, allow newly hired employees a minimum of 14 work days as annual vacation, and the number of vacation days increases with the length of an employee’s service. On paper, then, many lawyers have significantly more vacation time than most U.S. workers.⁶

Likewise, courts have mechanisms that promote and protect down time. In state court, Rule 26 of the General Rules of Practice permits attorneys to designate up to three week-long periods of secured-leave per year, not including the twelve additional weeks allowed following the birth

¹ Starre Vartan, *Why Vacations Matter for Your Health*, CNN Travel (Jan. 30, 2018), available at <<https://www.cnn.com/travel/article/why-vacations-matter/index.html>>.

² Gayle Cinquegrani, *Lawyers Need Vacations. Case Closed.*, Bloomberg Law (May 25, 2018), available at <<https://biglawbusiness.com/lawyers-need-vacations-case-closed>>.

³ Susan Krauss Whitbourne, Ph.D., *The Importance of Vacations to Our Physical and Mental Health*, Psychology Today (June 22, 2009), available at <<https://www.psychologytoday.com/us/blog/fulfillment-any-age/201006/the-importance-vacations-our-physical-and-mental-health>>.

⁴ Cinquegrani, *supra* Note 2.

⁵ *Id.*

⁶ *Id.*

or adoption of a child.⁷ During a properly designated leave period, the Court may not hold a proceeding in any case in which the designating attorney is counsel of record,⁸ and a party may not notice a deposition.⁹

So the simple solution to all work woes is to take a vacation, right? Maybe not. At the drafting of this article, North Carolina beaches are essentially closed, international and even interstate travel is restricted, and many firms and individuals are feeling the pressure of an economy brought to a grinding halt by COVID-19. Altogether, these factors make the thought of taking time away from work, let alone a vacation, feel even more implausible than usual. The good news is that there are practical ways to create space from work that don't require travel to a distant locale, all of which have significant benefits. Below are some ideas for creating distance in the era of COVID-19 and beyond.

1. Own Your Phone, Don't Let It Own You

The smart phone has become an invaluable tool for most lawyers, even more so now that many are required to work remotely. But one of the most subtly sinister features of these phones is that they send alerts whenever an email is received, without discriminating between important and unimportant messages. That can lead to a 24-hour barrage of digital dings for everything from junk mail to notices about crucial filings.

A few years ago, one of my colleagues gave me the good advice to simply turn it all off. That way I'm not reaching for my phone every two minutes for what usually turns out to be something that can wait. Instead, when out of the office, I simply check my email at reasonable intervals. I try not to disrupt personal or family time to respond unless a reply truly cannot wait and I avoid reading emails just before bed whenever possible. Now that my home office is my only office, these disciplines have been even more important to preserving a healthy balance between work and home.

2. Exercise (I know, I know)

The mere word "exercise" can evoke groans of discouragement, particularly for those of us who wish that we were in better physical condition. But a sage mentor once told me that, when you are already stretched thin by work and professional obligations, you do not need to beat yourself up if you do not have the time and energy to train for a triathlon. Instead, do what you can. "Exercise" does not need to look like a room full of ripped, spandex-clad cyclists cranking away on spinning bikes. Simply taking a walk has significant physical health benefits in addition

⁷ In federal court, the case management process is helpful to protecting personal leave. The initial attorney conference required by Federal Rule of Civil Procedure 26(f), for instance, allows parties to attempt to schedule case deadlines so that they will not interfere with personal time and to apprise the Court and opposing counsel of planned absences.

⁸ General Rules of Practice for the Superior and District Courts Supplemental to the Rules of Civil Procedure, Rule 26(a).

⁹ *Id.*, Rule 26(g).

to increasing creativity, decreasing anxiety, aiding memory, and improving mood.¹⁰ Outdoor exercise, in particular, has been found to lead to feelings of revitalization; increased energy and positive engagement; and decreases in tension, confusion, anger and depression.¹¹ Thus, something as simple as a daily ten minute stroll around the block can go a long way to enhancing physical and mental health.

Another benefit of outdoor exercise is that it is one of the few ways to get out of the house and connect with our communities without running afoul of social distancing restrictions. Most stay at home orders permit individuals to leave their homes for outdoor recreation. Like many others, the closure of my gym has forced me to lace up my sneakers and take up running. Aside from the physical benefits, I have found that regularly running through my neighborhood, greeting friends and neighbors as I pass, and generally observing that life outside my house continues to progress has helped me stay sane and (relatively) sanguine.

3. Take the Vacation You Can, Even If Not the Vacation You Want

As many of us who watched our children's spring break come and go from inside our homes have realized, COVID-19 has created numerous logistical hurdles that can prevent taking a true vacation. Even without these barriers, some attorneys' practices might always make it difficult to take a long period away from work. That need not prevent meaningful vocational distancing.

My family has mastered the "guerilla strike" approach to vacation, extending work or CLE trips by a day or using holiday weekends for a quick trip to the beach or mountains. It is not as refreshing as a longer vacation, but it certainly provides some beneficial relaxation.

Another approach advocated by some even before COVID-19 is the "staycation," *i.e.* taking off work but staying home.¹² Staycations have the obvious benefit of lower cost. Arguably, staycationing also promotes greater relaxation by avoiding the inconveniences and setbacks that can accompany travel.¹³

Sometimes, it might also be beneficial to change surroundings even when it is not possible to change locales. The Pandemic has proven that many of us have more geographic flexibility than we previously realized. As it turns out, all those technologies that have enabled us to work from home at 2:00 a.m. also work during normal business hours, and our capacity to write briefs and dial into conference calls is no less robust from our decks than our desks. This is a lesson worth

¹⁰Brianna Steinhilber, *Why Walking Is the Most Underrated Form of Exercise*, NBC News (Sept. 2, 2017), available at <<https://www.nbcnews.com/better/health/why-walking-most-underrated-form-exercise-ncna797271>>.

¹¹ *Id.*; see also *Benefits of Outdoor Exercise Confirmed*, Science Daily (Feb. 5, 2011), available at <<https://www.sciencedaily.com/releases/2011/02/110204130607.htm>>.

¹² Marty Nemko, Ph.D., *The Case for Staycation: Why Vacations Are (Usually) Overrated*, The Atlantic (Jan. 4, 2012), available at <<https://www.theatlantic.com/business/archive/2012/01/the-case-for-staycation-why-vacations-are-usually-overrated/250843/>>.

¹³ *Id.*

remembering when life inevitably returns to normal and the offices for which we now pine once again feel stuffy.

4. When You Are Disconnected, Disconnect

Whatever you do, make the most of it by truly disconnecting. It is easy to convince ourselves that our clients will not be adequately served and our offices will not function if we are absent. Often, that means we find ourselves compulsively reaching for our phones or laptops at all hours, even during times we had intended to use for personal breaks. Many have had the experience of staying behind in a hotel room to take calls or respond to emails while the rest of the family enjoyed a vacation. Obviously, this undermines our effort to disconnect.

During 2019, despite significant trepidation, I decided to take a “real” vacation: two weeks out of the office, no laptop, no email. It took some preparation. Months before my vacation, I filed notices of secured leave, noted the vacation in Rule 26(f) reports, and sent calendar appointments to colleagues showing the days when I would be out. As those dates neared, I advised my clients of what I was doing and connected them with other attorneys they could contact during my absence. When I left, I set up an automatic email response that explained that I was on vacation without email access, provided the names and contact information of my legal practice assistant and other attorneys in my practice group, and gave my cell phone number to be used in case of emergencies. I trusted that if I was actually needed, I would be called. I wasn’t. And, when I returned—significantly refreshed and reenergized—all my clients and work were still there waiting for me.

The lesson of this experience: with proper planning and supportive colleagues, it is possible to fully disconnect without harming our clients or derailing our careers. While a two-week vacation might not be in the works for most of us these days, the same lesson holds true for dedicated personal time, even if only an afternoon or weekend.

Conclusion:

To be an attorney is a demanding calling, and personal sacrifice is part of the job description. At the same time, the demanding nature of the work makes it even more important that we find regular avenues for vocational distancing. When we do, we are happier and healthier, which ultimately makes us better able to care for our clients, colleagues, families, and all who rely on us.

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*The preceding article was researched, written and reviewed as part of the work of the NCBA Professional Vitality Committee (“PVC”). The lead author was **James A. Dean**, of Womble Bond Dickinson (US) LLP, Winston-Salem, NC. Please direct comments and suggestions to [Erna Womble](#), Committee Chair, and [Holly Morris](#), Communities Manager. See more of the [PVC’s compendium](#) of articles and blog posts at (<https://ncbar.org/members/committees/professional-vitality/>).*