

Sweet Dreams

BY ROBYNN MORAITES

Lawyers Weekly called me requesting a quick one-to-two sentence quote as to how I would advise a lawyer having difficulty with sleeping. Finding myself unable to succinctly summarize what I know about lawyers and sleep, a few paragraphs later, I realized I had the beginnings of this column for the *Journal*. I alerted Laura Mahr, of *Conscious Legal Minds*, and asked her to coordinate her *Pathways to Wellbeing* column with this article. So, in this edition of the *Journal*, we hope to provide some solid resources and tips for getting a good night's sleep.

We all have heard suggestions about good sleep hygiene: limiting screen time in the hours before bed, going to sleep and waking up at regular times, etc. The *Lawyers Weekly* article contained some excellent suggestions on this front. Following the mechanics and recommendations of good sleep hygiene certainly is important and helps foster an easier ability to sleep. For most lawyers, however, the issue of inability to sleep usually centers around the inability to turn off one's thinking; whether it be frantic or compulsive thinking about a case, anxiety about possibly overlooking some as-yet-unknown-and-surely-missed aspect of the case, having previously undisclosed facts surface unexpectedly, suppressing anger at the unprofessional behavior of opposing counsel, hashing over procedural maneuvers, etc. The list goes on ad nauseum. Many of us equate this never ending, frantic cycle of thoughts to a hamster running on a wheel.

Lawyers we work with at LAP often either report an inability to fall asleep or falling asleep easily enough but waking at three o'clock in the morning by the hamster running on the wheel. These occurrences happen far more frequently to far more lawyers than anyone realizes. The first thing we tell lawyers is that they are not the only one experiencing this issue. It's prevalent across the profession. It seems to settle down a bit the more experienced a lawyer becomes in a certain practice area, but experience and even true confidence

in one's skills does not necessarily eliminate this problem. Highly successful and seasoned lawyers can have sleep disturbances surface again when they are triggered by particular types of stress.

There are four stages of sleep: non-REM (NREM) sleep (stages 1, 2, & 3) and REM sleep. Periods of wakefulness occur before and intermittently throughout the various sleep stages or as one shifts sleeping position. The first sleep cycle takes about 90 minutes. After that, they average between 100 to 120 minutes. Typically, an individual will go through four to five sleep cycles a night.

Stage 3 is known as deep NREM sleep, and it is the most restorative stage of sleep ("deep sleep"). Brain waves during deep sleep are called delta waves due to the slow speed and large amplitude. Of all the sleep stages, stage 3 is the most restorative and the sleep stage least likely to be affected by external stimuli. It is difficult to awaken someone in stage 3 sleep. For anyone who has ever been a parent, stage 3 sleep is much higher in duration for children and adolescents, hence their ability to literally sleep through anything.

Getting enough deep sleep reduces one's overall sleep drive and sleep needs. This is why if you take a short nap during the day, you're still able to fall asleep at night. But if you take a nap long enough to fall into deep sleep, you have more difficulty falling asleep at night because you reduced your need for sleep. Conversely, not getting enough deep sleep creates a sense of fatigue and exhaustion during the day. And if we are consistently waking in stages 1 or 2 and not able to fall back asleep, we are obviously missing the critical restorative stage of deep sleep.

The reason deep sleep is restorative is that our bodies are busy doing all kinds of clean up and maintenance physiologically during this stage. During deep sleep, human growth hormone is released, restoring cellular tissue and muscles from the stresses of the day. The immune system is also reset and restored dur-



ing deep sleep. Researchers are discovering that during deep sleep the brain refreshes itself by flushing out toxins and free radicals that are produced daily. People with autoimmune or neurological disorders that effect one's ability to think clearly attest to the fact that good restorative sleep is essential. Often, symptoms are barely noticeable after a good night's sleep, whereas symptoms flare the morning after a bad night's sleep. We are biochemical creatures, and researchers are only now beginning to understand the neurological and cognitive impacts of restorative sleep, mindfulness, and meditation.

As lawyers, our most valuable commodity is our ability to think. We can attach a dozen adverbs to that last sentence. We need to think clearly, quickly, efficiently, correctly, strategically, etc. Deep sleep is essential for maintaining those crisp thinking skills.

Many lawyers turn to substances for immediate sleep relief. Why? Because substances work in the immediate short term. Different substances, like alcohol, Ambien, Xanax, opiates, even over the counter drugs like Tylenol PM or Advil PM, are effective in temporarily turning off thinking and allowing or promoting sleep to varying degrees. Of course, regular use of substances often results in collateral consequences ranging from ran-

dom, bizarre blackout behavior, or mental and physical sluggishness the following morning, to long-term addiction. Because our brains adapt over time to regular chemical changes (called neuroplasticity), these substances all eventually lose their effectiveness, resulting in lawyers taking higher doses in an attempt to obtain the effect felt in the earlier days of use. And often, we see lawyers using substances like Adderall or cocaine to counteract the sluggish thinking aftereffects of the substances used to promote sleep. Substances are not a viable, long-term solution.

Because we cycle through the sleep stages, we all encounter times where we are more easily awoken by external stimuli or our own thoughts. So the goal in maintaining a minimally interrupted sleeping state is to minimize or standardize the external stimuli, and/or find a way to distract and calm the thought process.

Some of the suggestions may seem counterintuitive. The strategies employed are as unique as the individuals who employ them. Take what you like and leave the rest.

TV

One of the most counterintuitive suggestions for those who have trouble falling asleep is to watch TV (on a TV, not on your phone or iPad due to the screen light). The key, however, is to watch something that is engaging enough to keep your mind occupied so that it doesn't drift back to the hamster on the wheel, yet boring enough that it will not hold your interest and keep you awake. For this suggestion to work we are targeting content that you don't really care about. We don't want to be invested in the story line, the characters, or the plot twists. With the proliferation of streaming services, it is easy to find a television show that you have already watched and are completely familiar with. Some lawyers find shows like *Seinfeld*, *30 Rock*, *The Office*, and *Friends* helpful. Other lawyers put on documentaries from a history or nature channel that they have seen before, so it is not new information. The key is to know yourself and find the sweet spot between distracting enough to the mind, but boring/uninteresting enough to doze off. With smart TVs these days, often you can set a timer so that the TV will automatically turn off at the time you indicate so that the background noise does not wake you later. For those who don't have a TV in their bedroom...

Podcasts

Like TV, this may seem a counterintuitive

suggestion. And like TV, the key is to find content that hits that sweet spot between boring and engaging. There is a podcast called *Sleep with Me* designed specifically to help people fall asleep. The narrator takes a relatively distracting or engaging topic—say, an old, well-known episode of *Star Trek*—and then rambles on about it for an hour, speaking in long, droning, winding sentences that circle back around on each other. An alert listener would be driven mad within a few minutes of listening. But for those seeking sleep, it is a perfect recipe. Many report falling asleep within the first ten minutes of the podcast.

There are many podcasts that are not designed for this purpose, but may work just as well if the host or guest has a soothing enough tone of voice. We've had lawyers describe very interesting and engaging podcasts that, once the content is familiar, work wonders to help the person fall asleep. It is interesting enough to initially catch their attention, but because they've listened to it so many times, they quickly drift off to sleep. We've also had lawyers take their iPad to bed with them, and if the hamster wakes them at three in the morning, they hit play on that podcast again and fall back to sleep immediately. It is recommended to use the same podcast over and over again.

Ambient Noise

For some lawyers even old TV shows or podcasts would be too engaging and would keep them awake, commanding their attention. Some have found the use of a white noise machine helpful. There are apps available that create background noise of waves in the ocean, rain on a tarp, or quietly chirping tree frogs in a rain forest. For some people, this kind of noise would keep them awake and irritate them. But for those who report that this strategy works, it works very well.

Read

Just like the TV and podcast suggestions, it can be helpful to read something that keeps your mind fairly occupied at first, but will not ultimately hold your attention. We don't want a page turner here. A reading light by the bed is optimal and easy to click off. Or, if you don't have a reading light, it helps if you have the ceiling bedroom light on a remote control so that as you drift off to sleep (or if you fall asleep and wake up a little later), you can hit the remote control to turn the light off.

Early Morning Exercise

One of the most reliable ways to ensure we will be exhausted at the end of the day, and

have better focus during the workday, is to work out (hard) in the morning. We're not talking about a leisurely walk around the block or a deep stretch yoga class. We're talking about high intensity interval training. Running. Spin class. Kickboxing. It needs to be something to get your heart rate up and keep it up for 45 minutes to an hour. Some do not want to exercise in the morning but would rather exercise after work. That can work; however, during high intensity interval training where we keep our heart rates up, certain hormones and endorphins are released that can actually keep us awake. That's why it's recommended to exercise in the morning.

Body Scan

This is a technique that is often used in meditation. It helps focus the mind and relax the body. When lying in bed, turn your attention to the very top of your head. See if you can notice any feeling in your scalp or the weight of your head on your pillow. Move your attention to the front of your head to your forehead. Tense your forehead muscles by raising your eye brows or furrowing your brow. Hold that tension for three to five seconds and then release and relax your forehead completely. Then move down to your cheeks and mouth. Do the same thing. Slowly move down your whole body, noticing each muscle group, tensing the muscles of that area for three to five seconds, and then releasing. The goal is to hopefully fall asleep before you get to your feet. If you get to your feet, curl your toes, hold for three to five seconds, then release. See if you are relaxed enough to fall asleep at that time.

Journal

When the hamster is really active, it can be helpful to keep a journal and a pen next to the bed. Whether having trouble falling asleep or waking up at three in the morning, when your mind starts to race with a list of all the things you need to do, or all the things you need to think about and follow up on, or strategies you must employ, or whatever it is... instead of ruminating on it, pick up the journal and jot down all of your ideas. And then leave them there and let them go. The idea is to take reassurance from the fact that they are recorded and can command your full attention the next workday. Think of the metaphor that you're putting them up on a shelf and can take them down the next day. As with any of the strategies, if journaling wakes you up and

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lawyers to pursue certification?

You can do it! Yes, it is a challenge. A serious one. However, I was elated when I passed the test and am proud of it every day. Lawyers are used to the challenges of life and facing them head on. This is just another challenge. And don't be afraid to defer the test if the time comes and you aren't quite ready. I had to, and other lawyers I talked to

have as well.

Q: How do you see the future of specialization?

With the abundance of attorneys, especially in Wake County, I think specialization will be important to help us stand apart. ■

For more information on how to become certified, visit our website at nclawspecialists.gov.

Lawyer Assistance Program (cont.)

activates your thinking too much, this is not a strategy for you.

ABCs and The Nutcracker

This category covers a range of exercises. One technique is to create a gratitude list in your mind following the ABCs. Don't just think of words like apples, bananas, carrots, etc. Begin a list of things you're grateful for that start with each letter of the alphabet, beginning at A. Most people fall asleep somewhere between H and P. And feeling gratitude is a nice way to fall asleep.

Similarly, think of something long that you know all the words to and recite it. One lawyer performed in the *Nutcracker* many times as a child. She knew the entire score. When having trouble falling asleep, she started at the beginning of the ballet and began playing the music, reciting words and lyrics in her mind until she fell asleep.

Get Up and Out of Bed

The standard recommendation if one cannot sleep is to get up if you have been lying awake for more than 20 minutes. Rest assured, if you have a relatively sleepless night, you will more than likely be pretty exhausted the next day and will fall asleep easily.

Smartphone Restriction

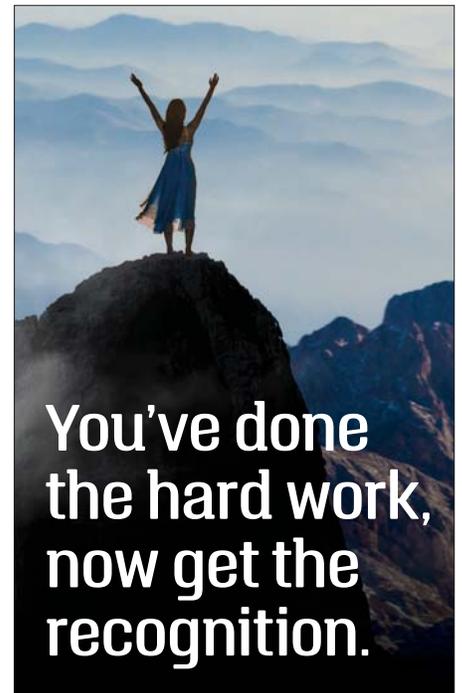
This final suggestion probably falls into the category of good sleep hygiene habits. We have found it to be imperative for lawyers. Part of the way we avoid the hamster on the wheel is to not throw the hamster on the wheel. Rarely in the law is there a time sensitive emergency. Most urgency is created in our own minds with internal, artificial deadlines and expectations of ourselves. If you step back and look at it objectively, there are very few real late night emergencies that need to be tended to. Almost everything can wait until tomorrow. Many lawyers admit we have had

times where we are feeling relaxed in the evening, we are starting to wind down for bed, and then we make the dreaded mistake of glancing at our phones at 10:30 at night. BAM! We get a shot of adrenaline because there's an aggressive email from opposing counsel or a client feels like they have a life threatening emergency (but they really don't). Regardless of the message content, the adrenaline kicks in and now we are wide awake for several hours. Set a curfew. Make yourself a promise and set a boundary. Do not check your phone after say 7:00 or 8:00 at night. Even better, turn it off while it sits in the charger overnight. Our nervous systems are not built to handle the perpetual stress that the profession heaps upon us. We have to make room for restorative deep sleep to remain effective as lawyers.

This also may be a way to set a good example for children and teenagers in your family. Set a curfew for all smart phones in the house, collect them in a basket, and put them up on top of a dresser in your room. This way everyone is in it together and trying to practice healthy habits as a family.

All of the above suggestions are things that have worked in real life with real lawyers. Figure out what works for you. If you have a suggestion that was not mentioned but has worked for you, I'd love to hear what it is so that I can add it to our list of suggestions. ■

The North Carolina Lawyer Assistance Program is a confidential program of assistance for all North Carolina lawyers, judges, and law students, which helps address problems of stress, depression, alcoholism, addiction, or other problems that may impair a lawyer's ability to practice. For more information, go to nclap.org or call: Cathy Killian (Charlotte/areas west) at 704-910-2310, Shandra Ross (Piedmont/central region) at 919-719-9290, or Nicole Ellington (Raleigh/down east) at 919-719-9267.



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