

## MINDING OUR MARRIAGES

Did you hear the one about the 2,000 hour biller/rainmaker/bar leader?

He died.

Seriously.

Well, let's just say he died a heck of a lot sooner than he might have otherwise - and not because of some generalized concern about the wages of unrelenting stress but rather because, before he died, his marriage died.

Social scientist, Linda Waite's recently published *The Case for Marriage* summarizes the volume of research that reveals the not-so-obvious benefits of marriage. Waite and others note that:

- 1. Marriage increases longevity. In one study, nine of ten married men alive at age 48 will live to 65; while only six of ten comparable non-married men will.**
- 2. Having a spouse lowers a cancer patient's risk of dying from the disease as much as being in an age category 10 years younger.**
- 3. While heart disease lowers a man's life expectancy by six years, being unmarried lowers his life expectancy by ten years.**
- 4. Single men are 20 times more likely and single women 10 times more likely not to have had sex even once in the past year than married people.**
- 5. A recent 13 year study revealed that woman in good marriages were less likely to develop the risk factors associated with cardiovascular diseases than other middle-aged women.**
- 6. Another study published in the American Journal of Sociology found that 88% of married men lived to the age of 65, while only 63% of never-married men do. The benefits for women are clearly present, though not as dramatic, with 91% of married women reaching 65 and 81% of the never married making it there.**

I want to discuss the natural pressures that the successful practice of law places on marriage and what we can do about it.

The highly committed professional who is focused on becoming an expert in his/her field, developing a book of business and becoming an equity partner must give to this quest a

vital commodity in life - *time*. Those familiar with the “work/life balance” debate, coursing like successive waves over our profession over the past 20 years, will know the competing arguments. Advocates of greater balance will find their positions eloquently mirrored in such websites as *The Project for Attorney Retention* maintained by Hastings Law School ([www.pardc.org](http://www.pardc.org)) or [www.jdbliss.com](http://www.jdbliss.com), a blog promoting work/life balance created by Joshua Fuchter a former bankruptcy lawyer and partner at Kaye Scholer.

Countering the balance promoters are what I will call the “Realists.” I have a friend who plays this game with fortune cookies. For a good laugh, she suggests completing every fortune you read with the phrase, “in bed.” It certainly livens up: “You will gain recognition soon,” or “Your present plans are going to succeed.” In like manner, the Realists will preface every response to the work/life balance folks with “*Get real...*” To them, the balance advocates miss the point. Lawyers are service providers and clients really aren’t concerned about their personal lives.

As noted on the site [www.morepartnerincome.com](http://www.morepartnerincome.com), , “The success of any “service” business or profession is measured by its service to others. Client interest comes before self-interest. That is why we call it a “service.” The legal profession recognizes the service aspect in spades, charging you with the professional obligation to honor, at your own expense if necessary, the paramount interest of the client.” One fellow on the site [www.whataboutclients.com](http://www.whataboutclients.com) called work/life balance a “dumb ass issue.” (Don’t you hate the way some lawyers throw Latin around?)

It has wisely been stated that an indication of something’s importance to you is how much time you spend attending to it. I recall telling a colleague yesterday that I wished I could go into a time warp at around 3:00 in the afternoon, get about 4 hours’ more stuff done and then return to 3:00. Perhaps that will be our reality in 200 years and we will look back on this time as an era of inhumanly pinched schedules, barbaric cancer cures and cats-as-pets rather than leaders of the free world. Yet that era is not upon us and an hour spent here is irretrievably stolen from there - and time is the oxygen of marriage. Starve a marriage of time, and it will slowly suffocate, wither and die. This is the primary Law of Relationships which has been intoned by leading experts in the field. It is deceptively simple. We can talk about “communication,” “conflict resolution skills” or “healing” from infidelity or other betrayals of trust and, while surely important, these aren’t going to matter if the relationship is deprived of its oxygen.

Ask any lawyer, “What are you most likely to take for granted, your career or your marriage?” Now, what’s your guess about the responses you would get? Marriage is the most taken for granted important relationship in our lives. This is particularly true with “Generation Y’s” who find the challenge and rewards of the intense work environment particularly stimulating and seductive. A couple of months ago, the Christian Science Monitor ran a story about “extreme professions.” If you’re conjuring up a guy in a pinstripe suit shooting his snowboard into the blue off a ledge somewhere, well...you’re *close*. The story cites a recent Harvard Business Review analysis by Sylvia Ann Hewlett entitled, “Extreme Jobs: The Dangerous Allure of the 70 Hour Work Week.” Hewlett notes that two-thirds of high-earning American professionals say they love their jobs. In our present culture, we have come to romanticize this lifestyle. As she observes, "There's something deep in our culture right now

which really admires over-the-top pressure, over-the-top performance, over-the-top pay packages.” The CSM article quotes New York cultural critic Catherine Ornstein who says, “We’re not just in an age of extreme work, we’re in an age of extreme culture.” Ornstein pointed to the popularity of extreme sports, extreme parenting, and extreme reality shows. (“Extreme parenting”??? Sounds unhealthy - at least for the kid.) The practice of law fits neatly into this paradigm.

William Doherty, Ph.D. is one of the deans of the American marital therapy/marital enrichment field. He is on faculty at University of Minnesota and his office overlooks the Mississippi River as it begins its journey to New Orleans. He often observes that a marriage is like a boat on that river. If you don’t pay attention to it, just let it sit there and take care of itself, that boat will end up drifting all the way to the Gulf of Mexico. While the winters may be less harsh, if you wanted to stay in Minneapolis, chances are you would be pretty unhappy. We tend to believe that we can put our marriages on automatic pilot and after years of benign neglect, we will be as bonded as we once had felt. Yet “use it or lose it” applies equally to marriage as it does to physical conditioning, athletic skills, health or mental acuity.

In his book *Take Back Your Marriage*, Doherty comments at length about the many interests or needs that draw us away from our marriages. It’s not just work. Children are insatiable time stealers. Small wonder that marriages almost always experience a down time after the first child is born. I cannot count the number of people I have encountered in my work as a family lawyer and therapist who were wonderful parents but had become dreadfully disengaged spouses. Add to this deadly duo of career and children the added demands of personal recreational needs; church/synagogue/mosque involvement and other public responsibilities and the only thing you have to suggest that your marriage was ever high on the priority list is the wedding picture you may have in your office.

So, how to counteract this seemingly inexorable disengagement? Doherty provides some guidance here. He speaks of the “intentional marriage,” and the need to consciously establish rituals for your marriage. For years, Doherty and his wife would set aside a half-hour after dinner just to sit together over tea and reconnect. He recommends not discussing “hot button” issues over which there is conflict. (If your relationship is at a point where you *can’t* spend a half-hour just talking without conflict arising, I strongly recommend you find a marital therapist. ) The religiously-kept Saturday night date is another ritual couples have successfully employed.

Carving out time is, while critical to the health and longevity of a marriage, not sufficient. We lawyers are buffeted by many forces that will challenge our marriages. Not only are we driven to succeed in the public arena, on the very personal level, we may be ambivalent, at best, about “intimacy.” In her often humorous and always cautionary book *Should You Marry a Lawyer*, psychologist Fiona Travis, Ph.D. observed that:

“In session one day, a lawyer client of mine was discussing the frustrations of his marriage. Why, he wondered, was his wife always so upset? Finally, he shook his head, and said he would “probably need a blood transfusion to understand what this intimacy stuff is all about.” Some lawyers really don’t get it. They

don't understand that intimacy is the emotional connection - the glue, if you will - that is absolutely vital to a healthy marriage."

So, during these times together, get to know your partner better - their dreams, frustrations, plans and joys, both long term and immediate. Don't get stuck in a rut talking only about the kids. If you feel you are running out of things to talk about, pick up a copy of Gottman's *The Seven Principles for Making Marriage Work* and try some of the exercises in there. They are excellent.

Doherty adds that, while intimacy is at the core of an abiding marital relationship, it is difficult in the "interdependent world of marriage (where) the stakes are higher, the anxiety is greater, the conflicts more intense, the heat of love and hate greater. It takes a lot of psychological maturity to keep your balance. When we fear losing our balance - ourselves, really - and when we have trouble trusting that our spouse will accept our innermost feelings, worries and hopes, then we clog up the well of intimate self disclosure. We may love deeply, and say so regularly, but we are afraid to share what is most personal."

When the "heat" is intense, we want to protect ourselves. We may withdraw personally - shut ourselves down emotionally and throw ourselves into work. Society supports this coping device. Our partners laud our productivity. Absence of overt hostility between spouses may lull our community of friends and family. If a rupture comes, everyone is shocked - "You seemed so good together!" No one saw how dead the marriage had felt for years.

Nationally recognized marriage authority and best-selling author Michelle Weiner-Davis, MSW, describes a painfully common path to the end of a marriage. She calls it the "walkaway spouse." As a divorce lawyer, I find the profile chilling in its accuracy. While usually this describes the woman in the marriage, because she is, as a general rule, the minder of the relationship, it may apply to men as well.

The scenario begins with one spouse feeling that the other has drifted away (among other things, it may be into work). He/she needs more from the relationship and voices that need. It may come across as a request. More frequently, it is expressed as criticism. If the distant spouse responds positively and adjusts, the relationship remains solid. However, if the errant spouse retains their present course (The lawyer continues with his 60 + hour workweek), the complaints become more pointed and bitter. This drives our lawyer away further. One day, something shifts inside the "relationship minder." He/she simply says, inside themselves, "I'm done." Often, if it is the woman, she will say to herself, "I'm gone - but I'm going to wait until (I go back to school and get my degree) (our youngest is out of the house) (I find someone else) (I get a job) before I'm out the door."

Yet, with the internal decision, comes a kind of peace, and the desire to change the other spouse and heal the marriage dissolves. The complaining and criticism stop. Life seems more placid in the home. The lawyer thinks, "Wow, I don't know what happened, but this is great! Life around home is good. The criticism has stopped. I don't know what happened, but I like it!" So Mr. or Ms. Lawyer blithely waltzes through their 100 + hour workweek, comes home to relative peace and quiet, until one day, their partner says, "I'm gone." Our lawyer, of course,

will respond with something like, “WHAT????!!! How can that be? Things have been going so well lately.” Of course, all that really has been good is that the criticism has stopped.

This moment marks a real crossroads in many marriages. The person who is being left, suddenly, for the first time, realizes that they are right on the cusp of losing something vital in their lives. They may go buy every self-help book they can get their hands on. They may go into therapy. They may actually (and legitimately) start to act differently. But by then, it's often too late. The “leaver” has long ago left in his/her heart and what may have been an ember to be fanned back to life at one point is nothing but ash. It's done.

Marriages that fail aren't happy one day and miserable the next. No one event marks a relationship's transition from rewarding to troubled. Even the affair, which feels like a bomb has been dropped on the wedding cake, is a result of gradual estrangement by both people. The drifting apart may begin the first time we have a feeling we don't want to share because the consequences may be unpleasant (withdrawal, anger, defensiveness) and we hold our tongue. The first withdrawal leads to the next and the next. Initial steps are almost imperceptible, but like a tiny wound we do not treat, it will fester and grow to something life threatening if we neglect it.

The significance of all this to the law firm, is that troubled lawyers who become strangers (or worse, adversaries) in their own homes are going to be less productive, less alert, less a true asset to the firm overall and more likely to disengage and move on. A business that can truly integrate the person's work responsibilities with their domestic lives, will *without question* have a happier, more stable and loyal member of the firm's family. As with all work-life balance discussions, we are invited to rethink our priorities and policies.

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*Caveat*, I am a dog person. I make this comment only to reach out to the other side of the aisle

National research reveals that, on average, couple seek out martial therapy 6 years after they detect serious marital difficulties.