



PERSONAL

BOUNDARIES

Boundaries Can Be the Key to Fortifying Your Well-Being¹

How to establish boundaries with clients and yourself to attain better balance

By Danielle M. Hall²

Boundaries are important in several ways and in many different aspects of our lives. For instance, land boundaries define the area of ownership on any parcel of land. Boundary lines on streets and highways establish the rules of the road, such as where we can and can't drive. In sports, they define the area of play and determine what is out of bounds.

In our personal relationships, boundaries mark both the emotional and physical limits one establishes in a relationship. But, what about professional boundaries?

Professional boundaries ultimately provide the framework for healthy professional relationships. Within the legal profession, they are designed to protect both the client and the lawyer. For instance, established boundaries within

the lawyer-client relationship define what is effective and appropriate interaction between the parties. Without them, there is no guidance for the structure of the relationship.

With the increased use of technology in the law practice, however, these boundary lines can begin to blur. Increased accessibility can create false expectations. For many of us, working from home during the COVID-19 pandemic has eliminated—some of us would say *obliterated*—our boundaries. Without professional boundaries, problems can arise, schedules can implode, and one can lose a sense of work-life balance. The failure to set healthy boundaries with clients and colleagues can even lead to questionable behavior and possible ethical violations if one is not careful.

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WORK-LIFE BALANCE (HARMONY)

Simply put, work-life balance is a state where a person equally prioritizes the demands of one's career and the demands of one's personal life. Obtaining work-life balance is important to help lawyers stay healthy and engaged in their work. Balance, however, can seem misleading at first. In fact, I don't even like the term work-life balance for this reason. Many of us see balance as 50/50 and that just doesn't always seem attainable. I prefer to call it work-life harmony. Balance (or harmony) can mean different things for different people. For some, work is everything. While for others work is good but spending time with family and friends is more important. Some of us want time to focus on activities that bring us enjoyment—such as reading, art, or music. Some of us want more time to focus on our physical health through exercise. Others may just need more time for rest and relaxation. Ultimately, you must figure out what's important to you before determining what work-life balance means for you.

Depending on where you are professionally, achieving a work-life balance may seem hard and unrealistic, but it is important. If you are teetering and fail to find some level of work-life balance, consequences may follow. Some of these consequences can include:

- **Fatigue** – If you are in a state of constant fatigue, your ability to work productively and think clearly may be reduced over time. Constant fatigue can also affect your ability to competently represent your clients, causing mistakes and putting you at risk of burnout.
- **Lost Time** – If you are struggling to find balance, you might feel as though you have lost time with your loved ones. Maybe you have missed milestones with your children. You might also feel like you have lost time to participate in the activities that bring you enjoyment.
- **Increased Expectations** – Working extra or odd hours may lead to increased expectations or responsibilities. Keep in mind that once you have established a pattern, it is often harder to reverse course.
- **Physical Health Risks** – if you are struggling to find balance, chances are you are feeling stressed. You might also be getting less sleep since there is a direct correlation between stress and sleep. If so, your physical health can certainly be impacted. Studies show that stress and a lack of sleep can lead to conditions such as stroke and heart disease.
- **Mental Health Risks** – Just as with an increased risk to your physical health, a work-life imbalance can also lead to an increased risk to your mental health. Work-life imbalance can lead to stress, burnout, and an increased risk of depression and anxiety.
- **Negative Effects on Relationships** – In addition to feeling like you have lost time with your loved ones, a work-life imbalance can also lead to strains on your personal relationships.

Knowing it is important for your overall health and well-being, you might now be thinking, “How do I *actually* achieve a work-life balance?” Start by setting boundaries and minimizing your interruptions, both of which should lead to taking back your calendar and most importantly your time. Once your boundaries are set, you must then stick with them. Otherwise, your boundaries may quickly go out the window. For example, if you set a communication boundary establishing you will not answer emails after 7:00 pm on weekdays but then begin to answer a client's emails after 7:00 pm on a few select nights, those few nights can quickly become every night. The client's expectations will change, and the next thing you know you have no boundaries with this client. So, keep in mind, setting a boundary and then not enforcing it is the equivalent of having no boundary at all.

SETTING BOUNDARIES

The first place to start establishing a work-life balance is to evaluate the boundaries you are currently setting with your clients and in your other professional relationships. For some of you, this means recognizing that you might not have well-defined boundaries at all. To establish your boundaries, you will want to identify two specific categories—boundaries for others and boundaries for yourself.

Setting Boundaries with Clients

Communication

I can tell you from my days working as a deputy disciplinary administrator in Kansas that, of the bar complaints filed, the most common complaints tend to include issues surrounding communication and diligence. We have all heard the common phrase “communication is key.” Not only does this apply to your personal relationships, but it also applies to professional one's as well. Communication is the foundation to practicing law, so much so we have ethical rules that establish this as a cornerstone to representing clients.

A lawyer, however, can also fall victim to communication overload if boundaries are not set within the lawyer-client relationship. Early in the relationship—preferably during the first meeting—you should discuss items such as:

- What are the types of communication channels that will be used? Is there a channel that is more appropriate depending on the nature of the communication?
- How often should the client expect communication and from whom?
- Who should the client contact if they have questions? Is it a different person depending on the type of question?
- How long will you take to respond to the client if they contact you directly?
- What are the office hours for communication? Does this include weekends and holidays?

- How long do you expect for client response?
- At what times will the client answer a communication?
- What is the client's preferred method of communication?

These are just a few examples of the questions that should be addressed. Note, the questions not only establish the lawyer's responsibilities with respect to communication, but also the lawyer's expectations for the client.

It is important to establish client boundaries for several different reasons, but one important consideration is the way we now operate in society with respect to communication. Communication nowadays is instant. Services and products can also be obtained instantaneously. A client may expect the same level of response from their lawyer as they get from say, Amazon Prime. As a result, discussing communication expectations is an important part of establishing boundaries. You will at least want to consider: 1) the communication methods to be used and 2) the response times a client should expect. Here are a few methods of communication that should be evaluated:

- **Phone Calls** – When will you accept phone calls? If a phone message is left, how quickly will you return the call? Will you accept phone calls at both the office line and a cell phone?
- **Emails** – When will you check your email? How quickly will you return an email?
- **Text Messages** – When will you accept text messages, if at all? How quickly will you return them? Under what circumstances are text messages appropriate?
- **Client Portals** – If you use a client portal, under what circumstances can the client expect it to be used?

Each of these methods may require different standards and response times. If so, be clear in your explanation to the client. This brings me to my next point, when establishing your communication standards, it is important to keep in mind the Rules of Professional Conduct. ABA Model Rule (MR) 1.4, Communication, states that a lawyer shall, “keep the client reasonably informed” and, “promptly comply with reasonable requests for information.”³ What does it meant to keep a client reasonably informed and to promptly respond? I can tell you what it doesn't mean. It certainly doesn't mean that you must respond to the 10:00 p.m. email at 10:05 p.m. If you set this expectation of immediacy for your clients, however, then yes, this is what they are going to expect from you time and time again. While it might not rise to the level of an ethical violation, the client may question your customer service purely on the standards you have created.

In a recent American Bar Association Young Lawyers Section article, [Even New Attorneys Need to Set Boundaries](#), author

Shannon Davis advised, “Most offices keep 8:00 am to 5:00 pm hours. As a new attorney, you don't want to stray too far outside those hours. After 5:00 pm, courts are closed, and judges are gone. Even if you answered, you wouldn't be able to accomplish much.” While it was written with the young lawyer in mind, I believe it is a good reminder for every lawyer when it comes to client communication.

Office Appointments

Do you make yourself available anytime a client wants you? Have you found yourself offering late last-minute after-hours appointments for a client? If so, it sounds like this might be a boundary area to work on.

With respect to appointments, the most important thing is to stick to the schedule that you set. After all, it is your calendar. It is understandable that you may want to accommodate a client who is not able to meet with you during normal business hours. My recommendation is to have a set schedule for the clients that must meet after hours. For example, if you find you have clients who need accommodations, then you might consider including one or two days a week where you will take after-hours appointments. Just make sure you are adhering to your schedule and it doesn't become a nightly thing. Additionally, when evaluating your boundaries on client appointments, you should consider whether you are willing to accept the random unexpected pop-in by a client. The best practice is to have your clients call and set up a time to meet or select a time from your online appointment calendar. Online appointment calendars can be tailored to not offer appointments within a certain number of hours or days before the appointment. If it is an emergency, of course you can be willing to accommodate, but it is a best practice to have the client call first.

Emergency vs. Non-Emergency

Clients may have an emergency after business hours. Unfortunately, clients often do not understand what an actual emergency is. As the lawyer, you need to decide what constitutes an emergency, so midnight calls from clients don't become the norm. It is important to have a discussion with the client on the front end of the relationship about your definition of what constitutes an emergency. Make sure the client has a clear understanding.

Using the Representation Agreement Effectively to Manage Boundaries

Your representation agreement can be your best friend when it comes to establishing boundaries and expectations with a client. A well-drafted agreement establishes what is acceptable on the part of both parties. Ultimately, you should be using your agreement to manage expectations surrounding the services provided—and those not provided—including your time.

³ Here we use the ABA Model Rules as guidance, but you should always refer to your own applicable state Rules of Professional Conduct.

While the Model Rules of Professional Conduct only require contingency fee agreements to be in writing—and other contracts preferably in writing—it is still a best practice to put all fee agreements in writing. Comment [2] to Model Rule 1.5 reminds us that, “a written statement concerning the terms of the engagement reduces the possibility of misunderstanding.” It also gives you leverage when the client’s expectations go beyond what was originally agreed upon. You can nicely refer a client back to the agreement when there is a question about communication response time. At the end of the day, what is it going to hurt you to put the agreement in writing? In fact, it could save you from risks down the road.

Your representation agreement should be a living document, meaning it is continually reexamined under considerations of changes in the law and lessons you have learned in your practice over the years. With respect to boundaries, here are two areas to pay close attention to within your agreements:

- **Scope** - The scope of representation should be clear in the agreement and any limits on what the lawyer will do must also be clearly spelled out. As a practical matter, a lawyer should not only set forth the legal services that he or she will provide but, in some instances, spell out the services that are not included as part of the agreement to aid in setting boundaries with client. This can also help limit any misunderstanding the client may have about the lawyer’s responsibilities. A lawyer may limit the objectives of the representation if the client gives informed consent in writing. Any limitation, however, must be in accordance with the Rules of Professional Conduct and not otherwise be prohibited by law. For instance, a client may not be asked to agree to representation so limited in scope as to violate MR 1.1, Competence, or to surrender the right to terminate the lawyer’s services. A lawyer may not limit their duties or liability under the Rules of Professional Conduct in the agreement.
- **Communication Expectations** - Of course, the duty of communication always rests on the lawyer, but it can be helpful to outline certain expectations that a lawyer needs from a client to provide quality legal services to that client. This is where the lawyer can describe the frequency and form of communications with the client and identify who the client should contact with questions. Inform the client of the firm’s policy on when calls will be returned and what to do if a timely response isn’t received. Additionally, state the firm’s policy regarding the use of faxes, email, text messages, client portals and whatever other methods of communication will be used with the client. Depending on your selected communication methods you may want to get consent to use such a method and discuss when encryption should be used to protect confidentiality.

During the initial conversation with the client, the lawyer should talk through each point in the engagement agreement and answer any questions the client may have. It should be

signed by the lawyer and client, and a copy should be given to the client. The bottom line is that, whether you include this information in your representation agreement or in a separate document or welcome packet, taking an extra 15 minutes in the beginning to educate a client and set the mutual boundaries for working together can save you hours of frustration, multiple phone calls and emails, and can prevent the relationship from going south later on.

Setting Boundaries with Yourself

Boundaries with Your Time

Setting your own personal boundaries on how you will use your time is a useful technique for managing the stress associated with the practice of law and for giving yourself the opportunity to enjoy a reasonably balanced life. Boundaries will help you preserve time for vacations and activities other than practicing law that are meaningful for you. Boundaries on your time will also give you opportunities during the day to take breaks for reflection and rejuvenation. When setting your boundaries or assessing your current boundaries, here are some questions you should ask yourself:

- How often and under what circumstances will you bring work home with you at the end of the day? How often and under what circumstances will you work on weekends?
- How often and under what circumstances will you stay at the office late? How often and under what circumstance will you come into the office on the weekends?
- How frequently will you check email during the week? Will you check email in the evenings? Will you check email on weekends? When will you not check email?
- How much time do you want to set aside for vacation each year? Are you willing to have clients and colleagues contact you while you are on vacation? If so, under what circumstances and how? For instance, will you answer email while on vacation? If so, how often?
- Will you block out time on your calendar for important family events? Will you block out time on your calendar for religious and non-religious holidays? Will you block out time on your calendar for things that are important to you? If so, what are those important things?
- Will you give yourself permission to take breaks during the day? If needed, will you give yourself permission to take mental health days?
- Will you block time on your calendar for self-care?

Once you set boundaries around your time, it is important to be willing to communicate those boundaries when needed to manage the expectations of your clients and colleagues consistent with those boundaries. Unless you take affirmative steps to manage your time consistent with the boundaries you want to maintain, clients and colleagues will be more than happy to manage your time for you.

Boundaries for Your Mental Health

Let's be honest, no one really wants to be in a situation where they need a lawyer. We tend to see clients on their worst days or when they are going through the toughest of circumstances. This means you might get the brunt of all the negativity. Now, add into the pot the fact that the justice system is adversarial in nature. We might also be dealing with disturbing facts of the case and possibly graphic images. We are also constantly engaging in analysis problems.

All this coupled together leads to things like compassion fatigue and secondary trauma. It also makes the circumstances ripe for some of the highest rates of depression, anxiety, and substance abuse compared to other industries. Sometimes, we just need a break to take care of ourselves. In addition to taking a vacation—and I mean a real vacation with multiple days away—know that it is beneficial to take mental health days when you need them as well. Do not ignore fatigue, emotional exhaustion, cynicism, or a lack of motivation or ability to focus. These are often symptoms of a larger problem, like burnout. Allowing yourself permission to take mental health days will help prevent long-term burnout and will help you get in tune with your body and brain.

Also, give yourself permission to take time for self-care. Carve out time for things like exercise, reading for enjoyment, or other activities that bring you happiness. Simple things like making sure you give yourself time during the day to eat lunch and time first thing in the morning to get centered will go a long way in your own self-care.

Let perfection go. This will be one of your hardest challenges to setting boundaries for yourself. The sooner you learn that perfection is unrealistic and dangerous, the better and healthier you will be. As type A personalities, perfection is

always the goal, but what happens when you fail? You may end up in a vicious cycle of depression, anxiety, burnout, and perfectionism. Allowing yourself permission to let go of perfectionism will break this cycle. This doesn't mean that you aren't going to produce high-quality work or that you are going to fail your clients or ignore your ethical responsibilities. Instead, it will allow you to let go of the pressure of being perfect, so that you can perform without a constant internal voice of self-recrimination and shaming that characterizes perfectionism.

CONCLUSION

If we set effective boundaries, it ultimately empowers us to reduce the amount of distraction **we allow** to creep in each day, and we can take back our calendars. Tasks can be completed in a more efficient manner. We can eliminate the need to go home with work in hand. We can complete more meaningful work for our clients and create space on our calendar for ourselves. We can ultimately create a better work-life balance—or harmony, as I like to say—overall.

By instituting boundaries and being less reactive, you will improve your overall satisfaction at work and improve your sense of self. Having the ability to accomplish difficult and meaningful tasks can lead to an increased sense of self-worth, which ultimately leads to more feelings of happiness and purpose. Your stress levels can be reduced, you can prevent burnout, and you will enhance your mental and physical health. While instituting boundaries may seem tough at first, it gets easier with time. The more you work at it, saying no also becomes easier. My hope for each of you is that you make a commitment to yourself and obtain a better work-life harmony.