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***“You are on your own sacred, personalized journey.  
Don’t compare yourself.”***

## **A Lawyer’s Guide to Practicing Law Through Grief**

*By Matt Smith*

It was 4:08 a.m. My wife and I stirred from an hour of restless sleep, all fear, knees and elbows on the rickety hospital cot, awakened by a rasping, abrupt change in his breathing. Twinkling Christmas lights from the corner dimly lit parts of the hospital room. We crawled into bed on each side, curling up, to hold him close.

The last of the three of us as one. As that last, soft exhale floated above him and then settled back down slowly like a mist, our beautiful, nearly 9-year old son, Kevin, his body blistered and organs ravaged by futile yet brutal Leukemia treatments, died in our arms, taking with him seemingly large, irreplaceable, permanent pieces of each of us.

And so, broken as we were, already six months into this relentless hellfire from diagnosis to death, we began the inexorable journey of overwhelming pain and loss—dislocated from our lives as we had known them.

This past Christmas somehow marks 23 years since that moment. While I can't recall the name of the guy at the store, or popular movies or songs, I have On Demand access to the images and feelings from that day, and the months of treatment. Chemo. Radiation. A bone marrow transplant. When everything changed.

This article shares a journey through grief, as well as practical recommendations for navigating your own path (or supporting another's) while trying to practice law. My own has been an obstacle course, often missing good advice, with just enough small wins to eke out modest positive progress. Like many of us, I'm probably a slightly better advisor than listener. So here goes—a few learnings through the upside down, pointing out, from time to time, where my legal training and career helped, or hurt.

### **1. Go easy on yourself; the first days and weeks and even years are rough.**

Please, in the immediate aftermath of a loved one's death, plan to go easy on yourself. The emotional symptoms can be complex, variable, and at times overwhelming. They include what feels like an infinite sadness, intense longing, feelings of anger or persecution, isolation, and a brain fog of sorts that at times feels like you are dislocated from your body. Thoughts. People. Life. Everything is wrapped in bubble wrap.

Grief can also make you sick, impact your sleep, and push cognitive abilities askew. My favorite was the random nosebleed—like Eleven in “Stranger Things”—blood just running down my face. And if your resilience is already low and then you can't sleep, the effects multiply. Those first few weeks, I shuffled zombie-like around the neighborhood in the middle of the night listening to a sad music mixtape, which only intensified my wallow.

Work initially was out of the question. If your company or firm has a prehistoric bereavement policy—two days or such—explore a longer alternative with HR or take a short medical leave. You'll have the health condition to support it. Trust me on that one.

### **2. Get some logistical help.**

In a grief-driven cognitive fumble, I struggled with basic tasks. I was blown up by the emotion. The cremation. The ashes. Closing bank accounts. The service. Relatives in mourning. I vividly remember the death certificate. I couldn't breathe—“Age 8;” “Total organ failure;” “Never married.” I don't know how anyone handles such things in that state. Ask for help; accept it when it comes. We will never forget the friends and family who covered essential details in the wake of that holiday week of loss. If you are an ally, go help. With anything. “Can I get groceries?” *Anything*. Persist and help.

### **3. You are on your own path—don't compare.**

When I learned about the five stages of grief in high school and brushed up on them later, I understood them to be chronological with predictable lengths.

*They are not.*

As it turns out, your actual grief results *will* vary dramatically. Stages aren't successive. You are on your own sacred, personalized journey. Don't compare yourself to charts or worry about a stall in whatever stage someone thinks you *should* be in by now. And don't expect your spouse, child, or parent to grieve the loss in the same way or at the same rate. That isn't how it works.

In experience, grief rarely presents itself in discernible stages nor in some order. Grief symptoms float in randomly like morning fog, thicken or thin without warning, linger or just blow away as if pushed by the wind or dried by the sun. There is no cheat code for managing it. Many of the “What to Expect” books (like those on parenting) create expectations based on averages, providing a handy rule of thumb for what may happen. When I compared, I never measured near a median—which made me feel worse. So put the yardstick down. You do you, and I'll do me. And if you find yourself stuck in an anger stage after experiencing some acceptance, that is totally normal.

#### **4. As allies, don't judge or direct, even with the best of intentions.**

The yardstick advice also applies to allies. Don't measure your grieving friends with some ruler adapted from what you've read or your personal experiences, even if grief-related. Two months after Kevin's passing, a middle school guidance counselor told me that, having lost an aunt, she knew grief and believed my older son wasn't getting over his dead brother as quickly as he should. I kid you not. It happens. Surely she meant well. Sadly, my response, unprintable and unthinkable, is something I still regret. (As lawyers, our oratory gifts are sometimes double-edged swords, and I unleashed a torrent of my own displaced and destructive anger.) The takeaway: when you make judgments about the grieving, good intentions aside, you are projecting and likely to seem unsupportive. What the grieving really need is listening.

Instead say, "I'm here for you. I may not know what to say, or how you feel, but I love and support you and am ready to talk when you are." Then stop talking. Please, please don't tell your grieving friends and colleagues to cheer up, or that they just need to add some fun in their lives. And above all, even if you truly believe it, don't tell the bereaved as I was told, "God needed [insert the name of the deceased]." If you must share unsolicited spiritual guidance, please say no more than, "God grieves with you. I'm so sorry."

#### **5. In grief, don't go it alone.**

As a profession that celebrates gladiators, individual competence, and Super Lawyers, we often steer away from seeking or acknowledging the need for help from others. We are do-it-ourself-ers, the smartest people in the room, and the ones who help others, not ask for it ourselves. So when faced with extraordinary challenges—like persistent grief—many of us focus on a "Free Solo" route up the mountain.

The reasons are many. We are trained to endure, to win, to lift up ourselves and others on our own. We also face worries about

professional reputation, expense, time away, or even our license.

Rather than DIY, studies show that grief, and particularly persistent, enduring grief—the kind that plagues ~10% of the population, is best addressed with support from others. This can include professional help (such as grief counseling or other therapies). Grief support groups, like those provided by the Oregon Attorney Assistance Program (that I'm joining anew this year) can also help increase the likelihood of healthy grieving and better outcomes.

Thinking I could fix everything on my own was my biggest fail. (I had done it before and would do it here.) This was simply denial and delusion. The truth is, the independence that can make us wildly successful as lawyers also makes us uniquely ripe for trainwrecks and pileups.

While I did at one point seek professional help, I picked poorly and should have kept looking for the right match. That first therapist provided a misguided attempt at empathy—"I can't even imagine what you are going through or what I would say to you"—that I let stand in as the best advice the industry as a whole had to offer. Not true. This incident fueled what was really pent-up, displaced anger—a natural outcome of grief—and it launched an angry rant against what I really in fact most needed.

In the end, I leaned hardest on strong social support—an unbelievable network of friends and peers who showed up, listened, supported, and loved despite it all. Bucket fillers. I'm forever grateful for their presence and gift of empathy without judgment. I have tried to replicate this as an ally to others in grief, wanting to pay it forward. But if I had to do it over, I would have pushed earlier to find the right therapist.

#### **6. Statistically, we are a bit more at risk—all the more reason to seek help early.**

Statistically speaking, getting help in grief makes even more sense for lawyers. In addition to being a profession more likely to

try self-help than to seek help from others, we statistically tend to suffer worse outcomes from trauma than the community as a whole. With high demands, exacting standards, and the pressures of competition and client service, we tend to face trauma with lower resilience due to pre-existing stress levels.

Getting help is shown to lead to better grief outcomes. While I am thrilled to have avoided becoming a statistic, I suboptimized my recovery in multiple ways, including through too much alcohol, not enough exercise, overeating, then obsessive exercising, isolation, and the neglect—or worse—the fracture of important relationships with friends, colleagues, and family. With some people, I litigated molehills or pointedly named and blamed faults. I pushed others away. The objective in hindsight seems to have been wanting them to feel the hurt or to drown in the pain I felt. I was not myself. I'm proud of none of it.

As allies likely know, grief sparks anger, displaced or otherwise, and a well-meaning projection may result in being pushed away or lashed out at despite offering help. If you can, stay the course. The ones who did in my life made a massive difference.

## **7. Beware the temptation of workaholism.**

My biggest failing post Kevin's death was a common avoidance technique where I wildly over-indexed toward my all-consuming legal work. Because idle moments quickly bubbled over with grief, I dove into work—six to seven days a week. I traveled frequently, working constantly, burning all of my available energy and focus on anything that didn't take my mind back to loss, the hospital, and the terror of the treatment cycle.

This isn't uncommon for lawyers managing post trauma—pushing forward obsessively to succeed and to keep painful feelings at bay. But with that overwork and overprocessing, I neglected both the counseling and therapy that I needed, as well as my family in need. Better work-life balance and focus on recovery could have helped me reach more positive outcomes earlier.

None of this was lost on my boss at the time, a Chief People Officer and employment lawyer who had started as a nurse. Through rare tears, she promoted me the year after Kevin died while she worried aloud that my success at work was likely rooted in self-destructive efforts to avoid trauma and in the process was likely damaging my recovery, family and long-term health. I immediately and indignantly denied the accusation. But checkmate. She nailed it.

Disappointingly, I continued to obsess about and pour into work, parking my trauma where I couldn't see it. My legal career flourished. But my boss was right. I was off the rails and delaying the life and relationship focus that would have helped me and my family move forward in a faster, healthier way.

After missing another critical event for one of my children (a final straw), I pulled back, downshifted, switched jobs, and began to focus on my family and myself. Somehow my family stayed together, but I still regret my lack of presence in the most important parts of our life.

## **8. Develop coping skills and techniques.**

Life is hard. Grief makes it harder. For me, one of the biggest challenges is navigating the little surprise triggers around loss. The birthday. The anniversary. Holidays. Anything connected with Christmas. The random kid at the mall. The wedding invitation from his childhood best friend. Sounds. Finding something he wrote or drew tucked in a book. Smells. One whiff of Purell, and I'm right back in acute trauma at the hospital praying. Praying for anything.

Sadly, a common plot twist in movies and TV is the kid who dies, usually of cancer, always unannounced and without warning. Trigger central. This has happened to me four times in the past month. Perhaps the Motion Picture Association should include a "grief warning" like they do with suicide. Seriously, it is not OK.

These little triggers rarely arise when you are alone or on the weekend. My "you have to be kidding me" moment came when the randomly selected walk-on music for my speech to an audience of around 500 was the song



*“...mainly it is giving myself more grace, to be less perfect, to allow the pause or the time-out...”*

a dear friend performed at Kevin’s funeral. If you know, you know. You can’t breathe or talk. There is a race kicking off in your body that you haven’t stretched for. Your throat closes. I can’t count how many times this has reoccurred in a professional setting. The first times were the worst.

Fortunately, I have improvised breathing and distraction exercises that enable me to pause and move forward with more grace and lower the intensity through pauses. I learned breathing techniques in childbirth classes. Therapy helps. So does the passage of time. But mainly it is giving myself more grace, to be less perfect, and to allow the pause or the time-out that will enable me to stay on my game.

The other big win in my grief journey has been to develop coping techniques to share, to learn, to process, and to support others. I have found huge outlets with journaling, blogging, and participating in grief-related social media—essentially buddy-breathing with others through the common perils of grief and its ebbs and floods. Having written only legal briefs and emails for most of my life, this has become an unbelievably cathartic experience, allowing me to vent and reflect while supporting others through the hard-won learnings, small though they may be.

## **9. A change of scenery can help. Thankfully, so does the passage of time.**

We eventually had to move—a recommendation I’d make to anyone who can afford to when it becomes overwhelming. Every memory was tied to that house, that yard, that neighborhood, those schools. Everyone now knew us as that family with the kid who died. They’d walk away in the grocery store or pretend they didn’t see us. What would they say? The move gave us and our kids a fresh start.

Grief symptoms generally lessen in intensity and frequency over time. So that helps. I now more frequently remember the good memories over the disabling ones. But I’m not going to lie. There are parts missing. Like ever feeling safe again in the way I did before. I’ve learned that the worst, indeed, can happen, and happen randomly. I catastrophize. I’ll always feel weird inside in some ways. Grief changes you. And changes you permanently at some level. You learn to live with the new normal. But it is difficult to scrape the bottom and not scar.

One surprising upside is an odd resiliency. For me, it is borne out of knowing nothing could possibly hurt as badly as Kevin’s loss. Like, bring it on. You can’t hurt me worse than where I’ve been. And that is oddly buoying.

## 10. Give back to honor the deceased and their name and spirit.

One of the best things my wife, Nancy, and I did in navigating our grief was to give back in a way that honored Kevin's spirit. After his bone marrow transplant, even though he was feeling unwell, Kevin planned an ice cream party for all the nurses on his floor, elaborately planning the event for shift change to celebrate and include all. He was a special kid in that regard, the way he looked out for kids at school and again through his illness at Children's.

Following that lead, Nancy and I worked to sponsor events and charitable organizations focused on the mission to help others. Night walks with lighted balloons to fundraise for cancer research, an endowed fund in his name for pediatric research, and the support of several small organizations in Portland that focus on helping others. Kevin's siblings participate in choosing recipients, and we have turned some of the otherwise awful milestones into celebrations in his spirit. These events help. We stay close to his memory in his name and support others in the process.

My other favorite recovery step was recommended by a tattoo artist. When I tearfully asked for a tattoo to honor Kevin, the artist misunderstood the circumstances and encouraged me to wait, noting that breakups can be hard and that my feelings might change over time. When I explained that this was in my son's memory, he pushed me to go home and to find something meaningful that Kevin had written to me and to bring it back. That handwriting, Kevin's printed name and a drawing he made on a Father's Day card, is now proudly tattooed on my right shoulder—a permanent memory of the imprint Kevin made on my life.

## Conclusion

For what it is worth, my grief journey continues. I'm thankful for the counselors at the OAAP and for Kyra Hazilla, who encouraged me to write my story and to join their six-week Grief and Loss Support Group for Lawyers who have experienced the death of someone significant in their lives. The group gives participants a chance to understand and express the difficult feelings that are a part of grief and loss. The next one kicks off in February.

For those in need, I hope to meet you there and to support each other in our journeys. I also encourage you to write to me if I can ever be of assistance to you. I'm not a trained counselor. But if you have endured a difficult loss, I've been in shoes like yours and will listen to and support you in your sacred journey. ●

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