



LEGALLY SPEAKING

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The Mental Clutter Lawyers Carry

Why Spring Cleaning Rarely Reaches the Places That Matter Most

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Special to Minnesota Lawyer

Every spring, people begin cleaning the things they can see. Closets are emptied. Garages are reorganized. Storage bins are labeled. Old paperwork is finally thrown away after sitting untouched for years. Law offices participate in the ritual too. Files are stacked neatly. Desks are cleared. Email folders are reorganized with good intentions and usually very temporary success. Someone inevitably decides this will finally be the year they achieve inbox zero, only to discover by Tuesday afternoon that the legal profession has other plans.

Spring cleaning creates the feeling that life is becoming more manageable. There is satisfaction in visible organization. A clean desk feels productive. An organized office creates the appearance of control. Lawyers, perhaps more than most professionals, are drawn to that feeling because so much of the work itself involves managing pressure, deadlines, personalities, and uncertainty. The problem is that the clutter creating the greatest exhaustion in the legal profession is rarely sitting in a pile on top of a desk. More often, it is sitting quietly in the back of the mind.

The legal profession carries an extraordinary amount of invisible clutter. It appears in the form of unfinished conversations, unanswered questions, assumptions that have never been confirmed, difficult client discussions that continue getting postponed, and uncertainty that quietly follows lawyers and judges from one matter to another. Unlike paper clutter, mental clutter does not remain confined to one location. It follows people into hearings, mediations, depositions, negotiations, and courtrooms. It follows them home at night. It lingers during dinner conversations and resurfaces at 3:00 in the morning when the mind suddenly decides it would be helpful to revisit an issue that seemed manageable twelve hours earlier.

Part of what makes this so difficult is that lawyers become exceptionally skilled at functioning while carrying it. The profession rewards people who can absorb enormous amounts of pressure without visibly slowing down. Lawyers continue appearing productive, prepared, responsive, and composed even while carrying significant mental strain beneath the surface. Over time, however, lingering uncertainty begins to affect communication, patience, judgment, and decision making in subtle but important ways. The danger is not



DEPOSIT PHOTOS

simply that lawyers are stressed. The danger is that mental clutter gradually becomes so normalized within the profession that many people stop recognizing how much unnecessary space it occupies in their thinking every single day.

The work beneath the work

Most people looking at the legal profession see visible pressure. They see hearings, filings, deadlines, client demands, trials, negotiations, and overflowing calendars. Those responsibilities are real, demanding, and unavoidable, but they represent only part of the workload lawyers and judges carry every day. Beneath the visible work exists another layer of constant mental management that receives far less attention and, in many ways, creates far greater exhaustion over time.

Legal practice requires people to carry uncertainty for extended periods of time while continuing to function at a high level professionally. A lawyer reviews a mediation brief and immediately senses that meaningful settlement authority may not be present, yet nobody addresses the issue directly before mediation begins. An attorney believes discovery responses are incomplete but delays the phone call because the conversation is likely to become contentious and time consuming. Counsel continues building strategy around assumptions that have never actually been clarified because there never seems to be the right moment to address the issue directly.

These situations are incredibly common in legal practice, and they create a surprisingly significant mental burden because the human mind does not respond well to ambiguity. When questions remain unanswered, lawyers continue revisiting them mentally whether they intend to or not. They prepare for possibilities that may never occur. They rehearse conversations that have not happened. They analyze risk based on assumptions that have never been confirmed. They attempt to build strategy around uncertainty while simultaneously trying to project confidence and control to clients, opposing counsel, and the court.

The result is a constant low level cognitive burden that accumulates quietly over time. Lawyers often leave the office physically done with the workday while mentally continuing conversations that have not yet occurred and attempting to solve problems that remain undefined. That reality helps explain why many lawyers feel mentally exhausted even on days when nothing particularly dramatic happened. The exhaustion is not always caused by visible conflict or crisis. Often, it comes from carrying unresolved issues from file to file without ever fully creating direction around them.

Lawyers are trained to carry it

Part of the challenge is cultural. Lawyers are trained from the beginning of their careers to tolerate pressure and continue functioning through it. Judges

are expected to manage enormous responsibility calmly, professionally, and without visible frustration. The profession rewards people who appear composed, responsive, productive, and capable of handling significant volumes of conflict without visibly slowing down. Over time, many lawyers become so accustomed to carrying stress and uncertainty that they stop recognizing how much mental space unresolved issues are consuming.

At the same time, many lawyers practice within professional environments that place tremendous value on collegiality, professionalism, and maintaining productive working relationships. Particularly in Minnesota, there is often a genuine effort to avoid creating unnecessary friction. Lawyers do not want to appear overly aggressive. They do not want to damage relationships with opposing counsel they may work with repeatedly throughout their careers. They do not want to escalate conflict prematurely or create tension where cooperation may still be possible. Those instincts are often rooted in professionalism, emotional intelligence, and good judgment.

The difficulty is that professionalism sometimes becomes confused with avoidance. Lawyers soften questions that need to be direct. Difficult issues are hinted at rather than clearly addressed. Assumptions go unconfirmed because everyone believes there will be time to deal with them later. Conversations capable of creating immediate understanding are postponed because the timing never feels ideal or because the discussion itself feels uncomfortable.

This dynamic appears constantly throughout legal practice. A lawyer may know a client has unrealistic expectations about settlement value but continue delaying the harder conversation because there is hope the case will develop differently. Counsel may recognize early in litigation that discovery responses are insufficient yet continue exchanging formal written correspondence rather than having the direct conversation that would clarify the disagreement more efficiently. During mediation, lawyers may spend hours negotiating around authority limitations that should have been identified before anyone ever arrived at the table.

Eventually, however, the cost of delayed communication arrives.

Hearings become longer than necessary because the actual dispute was never clearly identified in advance. Discovery disagreements evolve into

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expensive motion practice after weeks of frustration because nobody picked up the phone early enough to clarify expectations directly. Mediations stall because parties arrive carrying fundamentally different understandings about authority, expectations, or objectives that should have been discussed before the session ever began.

In many of these situations, everyone involved is working hard. That is rarely the problem. The problem is that communication was delayed at the exact moment greater understanding would have prevented unnecessary complication. What could have been resolved in a 15-minute conversation gradually evolves into months of additional stress, expense, procedural activity, and frustration for clients, counsel, and courts alike.

Activity is not the same as clarity

One of the easiest traps in legal practice is mistaking activity for progress. Lawyers know how to stay busy. Emails are answered. Drafts are revised. Research is completed. Calendars are managed. Discovery is exchanged. Hearings are scheduled. Mediation statements are prepared. From the outside, the case appears active, organized, and productive. Internally, however, the central uncertainty driving the file may remain completely unresolved.

There are cases where counsel spend months developing arguments around issues that were never clearly defined in the first place. There are mediations where parties negotiate numbers for hours while the true barrier to settlement remains entirely unspoken. There are client relationships where lawyers continue gathering information long after they already know the difficult conversation that ultimately needs to occur. In each of these situations, substantial work is being performed, yet the issue most responsible for creating tension and uncertainty remains untouched.

The profession often rewards constant motion, but motion does not necessarily create understanding. In fact, some of the busiest files are often the ones carrying the greatest amount of unresolved tension. Lawyers recognize this feeling immediately when they experience it. A person can spend an entire day working intensely on a case and still feel mentally unsettled because the real issue has not been addressed directly. The unanswered question continues occupying mental space regardless of how many other tasks are completed around it.

Part of what makes mental clutter so deceptive is that activity creates the feeling of control. Lawyers are problem solvers by training, so movement itself often feels productive. Completing tasks provides reassurance that progress is occurring. Yet there is an important difference between managing activity and creating focus. A lawyer can respond to emails all day long while still avoiding the one conversation capable of resolving the uncertainty creating the greatest mental strain.

What mediators see

Mediators often see the impact of poor communication more clearly than anyone else in the process because mediation tends to expose the conversations that never occurred earlier in the life of the case. Parties arrive carrying months, and sometimes years, of assumptions, frustrations, and misunderstandings that have quietly shaped the direction of the litigation long before anyone enters the mediation room.

It becomes apparent quickly that many disputes are no longer driven solely by legal disagreement. Frustration develops because expectations were never clarified. Settlement authority was assumed rather than confirmed. Risk was interpreted differently by each side without meaningful discussion ever occurring. Lawyers and clients spend substantial time reacting not only to the legal dispute itself, but also to the confusion and tension created around it.

Mediators also see how exhausting this becomes for lawyers. Fatigue appears more quickly when communication has deteriorated over time.

Positions harden when people spend months interpreting motives instead of clarifying expectations directly. In some cases, the emotional weight created by lingering tension becomes just as significant as the legal issues themselves. By the time the parties arrive at mediation, the dispute may already be carrying layers of frustration that developed simply because important conversations were delayed too long.

One of the most interesting aspects of mediation is how quickly movement can occur once clarity is finally created. Sometimes the legal issues themselves have not changed significantly at all. What changes is that someone finally asks the direct question, addresses the misunderstanding, clarifies expectations, or acknowledges the concern sitting beneath the surface the entire time. When that happens, parties often stop reacting to assumptions and begin responding to actual information. That shift alone can dramatically change the direction of a negotiation.

Communication creates space

The interesting thing about mental clutter is that relief often comes from surprisingly ordinary moments. A lawyer finally makes the difficult phone call. A mediator asks the direct question everyone has been avoiding. Counsel clarify authority before mediation instead of discovering limitations halfway through the process.

Those moments create immediate mental space because clarity reduces cognitive burden. Once uncertainty is addressed directly, lawyers no longer spend energy attempting to manage every possible interpretation or outcome internally. Even difficult information is often easier to carry than unresolved uncertainty.

When communication finally becomes direct, the atmosphere often changes quickly. Movement begins because people are finally responding to the actual issue instead of the assumptions surrounding it. Nothing about the legal merits necessarily changed in that moment. The facts did not suddenly improve. The law did not shift. What changed was understanding, and under-

standing is often what removes mental clutter.

Spring cleaning for the legal profession

Spring cleaning for lawyers and judges should involve more than organizing physical space. It should also include identifying the unfinished conversations occupying mental space unnecessarily, the assumptions that have never been confirmed, and the issues everyone senses but nobody addresses directly. Some files continue creating exhaustion not because they are unusually complex, but because uncertainty has been allowed to linger unresolved for far too long.

The practice of law will always involve pressure. It will always involve responsibility, complexity, and difficult decisions. Those realities are part of the profession itself. Mental clutter, however, is often something different. Many times, it is uncertainty disguised as legal complexity.

For lawyers and judges who spend their professional lives helping others navigate conflict, uncertainty, and decision making, there is value in recognizing how much mental energy is consumed simply carrying unresolved issues forward. The profession asks people to think clearly under pressure. That becomes significantly harder when lingering uncertainty quietly occupies space in the background of every file, conversation, and decision.

Sometimes the most productive thing a lawyer can do is not another hour of drafting, researching, or preparing. Sometimes it is simply having the conversation that should have occurred weeks earlier.

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