

Equipoise — myth or reality? | AJ Jakubowska

By **AJ Jakubowska**

Law360 Canada (March 14, 2024, 10:49 AM EDT) -- I recently rejoined a private Facebook Group for family law lawyers, and I quickly noticed some topics are evergreen. Work/life balance is one of them. Many new and mid-range lawyers ask: is there such a thing? How do you achieve it? When is it reasonable to expect it? Many senior lawyers like me still ponder it, albeit quietly, and in some instances wonder what other fork taken along the road of our practice might have found us in a different spot today.

Can we ever achieve that sweet spot when we work enough to provide comfortably for our families and fulfil our intellectual needs while, at the same time, maintaining a life outside of work — a life with family time, play time, proper sleep and nutrition? Can we truly work to live and not live to work? And where it is written that it should be one and not the other?



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The York Region Law Association hosted a fabulous judges' dinner on Feb.29. The theme of the evening: "Balance." With more than 160 lawyer-attendees and 20 judges, the beautiful dining venue buzzed with camaraderie, and many took the opportunity to talk about life and not "shop."

We were also treated to several judges sharing with us their thoughts and experiences around the perennial topic of work/life balance. Refreshingly, we were left with the idea that our profession demands a work ethic that can make this goal elusive. No one wore rose-coloured glasses about it, and one judge even suggested that it might be more apt to aspire to harmony between competing pressures that present themselves as life rolls along, rather than balance.

I have searched for equipoise, defined as the balance of forces or interests, since 1996, when I was called to the Bar. I have talked about it with many of my colleagues over the years, sometimes while sobbing or furtively stuffing my mouth with a makeshift meal, as if eating while trying to meet a deadline was a sin. I have mentored many junior lawyers desperately trying to understand why they are overwhelmed.

On several occasions since 1996, I have visited the emergency departments of local hospitals asking for help in calming my racing thoughts, and wondering how many more days in a row I was capable of working. Many people came to my aid, including senior mentors who made me realize I was not alone. My experiences were not unique. I believe I live a balanced life today but it took determined effort and time.

I am sharing with you my observations and reflections on the issue of work/life balance over the last 28 years:

1. **It is in the eye of the beholder** — how much room we make in our life for work, as opposed to all the other activities that make us human, is unique to each person. Some people thrive on working – that is when they achieve true "flow." I am not one of those people but I know many who are. For some lawyers, working six days a week is the norm, and they accept that schedule happily. Others need more time away from our profession – that separation from lawyering is essential to their well-being.

As a junior lawyer working at a firm of "old salts" like me, you may experience a collision of

definitions for work/life balance. In 2024, it is more acceptable to seek it, even fight for it. I felt less able to expect it in the early years of my practice.

2. It has different meanings depending on where we are in our practice — in my experience, with seniority comes more ability to control one's workload but that is not always the case. For example, partners at a firm employing a small army of juniors face particular pressures, and may find themselves sacrificing "me" time to pursue the goal of a profitable partnership.

If you went out on your own, like I did, you know what it takes to get a private practice off the ground, and what it takes to keep it running. The responsibilities of managing a business compete with lawyering and personal time. If you are a salaried lawyer, you do not have control over how much work you handle day to day.

3. It is what you make it — over time, and as my stone gathered more moss along the road of family lawyering, I realized that work/life balance is a choice in many ways, and that we must demand it of ourselves, and make a conscious effort to achieve it. Again, how we define it is up to us. I understand when you say you do not have time to take a vacation. You are too busy. I have said that before, and many times.

The reality is that we must all take time off. Doing so is essential to our well-being, to our ability to represent our clients with care and competence. You may not be able to leave the office for two weeks but even a long weekend away from lawyering can calm down frayed nerves and offer some much-needed perspective. Working holidays are a fool's-game: you are just working from another location. You need to detach. Learning to distinguish what must be done now from what can be done at the end of the week is key, and so is creating realistic timelines for ourselves and our clients.

4. What is your end game? — There must be synergy between your definitions of work/life balance and success. If your goal is to be managing partner at a firm by the time you are 30 then you will need to adjust your expectations for work/life balance. If you work to live, and you insist on devoting reasonably equal amounts of your time to lawyering and other pursuits, the word "no" is likely a more frequent feature of your vocabulary, as it should be in the first place.

If earning a lot of money is your main goal, be prepared to work long hours unless you are a diamond cutter who sits on a tropical beach and with a single tap of a little tool can cleave a diamond into just the right number of pieces.

On the very day I wrote this piece, I chatted with a colleague of my vintage who shared excitedly at the very start of our conversation that she was taking six days off to go to a spa in Arizona. I retorted with "*I am proud of you*", "*well-done*" and "*good on you.*" It goes to show that the elusive balancing act never ends, no matter how senior we are. She has a very busy practice but has learned over the years of the importance of carving out time, for her mental and physical health. Equipoise in practice.

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