The Ethical Case for Going Offline: What I Learned From a Week Away

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Daniel J. Siegel of Law Offices of Daniel J. Siegel. Courtesy photo

For the first time in my legal career, I did something that should not have seemed particularly remarkable.

I went on vacation.

I have taken many vacations in my too many years of practice. But this was different.

It wasn't a lawyer's version of a vacation. It wasn't the kind of vacation where you change your physical location but bring the office with you. It wasn't the kind of vacation where you sit beside a pool checking Outlook, answering emails from the beach, taking a client call before dinner, and periodically reassuring yourself that nothing catastrophic has happened while you have been away.

I mean a real vacation.

For an entire week, I disconnected from my office. Completely.

I did not read my email. I did not check to see whether something important had arrived. I did not respond to clients. I did not monitor what everyone else in the office was doing. I did not periodically look at my phone and think, "I'll just take care of this one thing."

I disconnected.

And after practicing law for decades, I discovered something I probably should have learned years ago: the world continued to turn without me.

My clients survived. My office survived. The courts survived. There were no professional catastrophes awaiting me when I returned.

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More important, for the first time in longer than I can remember, I experienced what it actually means to be away from work.

It was cathartic.

We Have Redefined 'Vacation'

Technology has changed almost everything about practicing law, much of it for the better. We can work from virtually anywhere. We can communicate instantaneously. We can retrieve files from our homes, hotel rooms, airports, and, unfortunately, beaches.

But the ability to work anywhere gradually became the expectation that we should work everywhere.

There was once a natural separation between work and home. Lawyers left the office, and unless there was an emergency, most matters waited until the next business day. Mail arrived once a day. Clients could not send a message at 11:37 p.m. and reasonably wonder why the lawyer had not responded by midnight.

Then came email, smartphones, cloud computing, text messaging, messaging platforms and remote access. We eliminated the physical boundaries of the office without creating new psychological ones.

As a result, many lawyers are never truly off duty. We may leave the office, but the office never leaves us.

I was certainly guilty of that.

On prior vacations, I checked email. I responded when I believed a response was necessary. I monitored matters. I stayed involved. I told myself that this was what responsible lawyers do.

I am no longer convinced that it is.

Ethics Does Not Require 24/7 Availability

Lawyers have ethical obligations to their clients. We must provide competent representation. We must act with reasonable diligence and promptness. We must communicate adequately with our clients.

But none of those obligations says that a lawyer must be continuously available.

Pennsylvania Rule of Professional Conduct 1.3 requires “reasonable diligence and promptness,” and its comments contain an observation that deserves considerably more

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attention than it receives: a lawyer's workload must be controlled so that every matter can be handled competently.

That principle is usually discussed in the context of excessive caseloads. But its implications are broader.

Competence and diligence require lawyers to manage their practices sustainably.

Similarly, Rule 1.4 requires lawyers to keep clients reasonably informed and to respond promptly to reasonable requests for information. The comments recognize that an immediate substantive response is not always feasible; in appropriate circumstances, the lawyer or a staff member can acknowledge the communication and advise when a response can be expected.

The rules speak in terms such as "reasonable" and "prompt". They do not say instantaneous.

That distinction matters.

We have allowed technology to alter our perception of our ethical obligations. Because we *can* receive an email at any hour of the day or night, we sometimes behave as though we have an ethical obligation to read it at any hour.

We do not have that ethical obligation.

We have an obligation to structure our practices so that client matters are handled competently, deadlines are met, emergencies can be addressed, and clients receive appropriate communication.

Those obligations can coexist with a lawyer taking a week off. Indeed, I have come to believe that they must.

Work-Life Balance Is an Ethics Issue

I am not suggesting that the Rules of Professional Conduct contain a provision titled "Vacations." They do not.

Nor am I suggesting that taking a week at the beach is itself an ethical duty.

The point is more fundamental.

Ethical lawyering requires human beings who are capable of exercising judgment, concentrating, communicating effectively, recognizing problems, managing deadlines, and making thoughtful decisions.

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Chronic exhaustion does not improve any of those abilities.

The ABA has increasingly addressed lawyer well-being as connected to professional responsibility, including the risks that burnout and chronic stress pose to competence, communication, and professional judgment. That connection makes intuitive sense.

I would never suggest that a lawyer handle more matters than they can competently manage. Yet we often celebrate a professional culture in which lawyers are perpetually connected, perpetually responsive, and perpetually working.

There is something inconsistent about that.

Rest is not the opposite of professionalism.

Sometimes it is what permits professionalism to continue.

The Anxiety of Disconnecting

What surprised me most about this vacation was not how difficult it was to stay away from email. It was how strange it felt.For lawyers who have spent years constantly connected, checking email becomes almost reflexive. You reach for the phone without consciously deciding to do so. There is a persistent feeling that something may be happening somewhere that requires your attention.

- What if a client needs me?
- What if there is an emergency?
- What if someone overlooked something?
- What if something comes in that cannot wait?

Those concerns sound responsible. Sometimes they are.

But they can also mask another assumption: Nobody can handle this except me.

For most of us, that is not true.

If our practices cannot function for five business days without our personally reading every email, that is not evidence of our indispensability.

It may be evidence of a practice-management problem. That realization was one of the most useful lessons of my vacation.

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Disconnecting Requires Planning

The lesson is not that lawyers should turn off their phones on Friday afternoon and disappear. Although, to be honest, I disconnect every night when I go upstairs to the bedroom. Anyone who really needs me will find me, but not through email or my cellphone.

A genuine vacation requires preparation.

Deadlines must be identified and addressed. Clients whose matters require attention should know that the lawyer will be unavailable. Someone must be responsible for reviewing communications that could involve emergencies or time-sensitive issues. Staff must know what to do and whom to contact. Solo practitioners need contingency arrangements appropriate to their practices.

I did all of that. And I work with a staff I trust completely.

Technology can help rather than undermine this process. Shared access to appropriate matter information allows another lawyer or staff member to respond when necessary.

The goal is not simply to stop reading email.

The goal is to create a system in which you do not need to read it.

That is an important distinction.

A lawyer who spends an entire vacation worrying that something is being missed has changed locations but has not truly disconnected. A lawyer who has organized the practice so that important matters will be identified and addressed can actually step away.

And that, in itself, is good law-practice management.

What Happened When I Came Back

Then the vacation ended. I returned to the office.

Emails were waiting for me. There was work to be done. There were people to call and matters requiring my attention.

In other words, it looked remarkably like every other Monday.

What was different was me.

I felt—and looked—refreshed in a way that I had not expected. I had experienced multiple consecutive days during which I was not mentally moving between vacation and law practice.

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I was simply on vacation.

There is something extraordinarily restorative about giving your brain permission to stop processing professional problems for a meaningful period of time.

It also provided perspective.

Lawyers can easily allow the practice of law to consume their identities. We are trained to be responsible for other people's problems. We are rewarded for being responsive. We measure days in tenths of hours and accomplishments in completed tasks.

Eventually, perpetual busyness begins to feel normal.

It should not.

Take the Week

I recognize that not every lawyer has the same ability to disconnect. A solo practitioner faces different challenges from a lawyer in a 500-lawyer firm. A lawyer in the middle of trial cannot simply disappear. Certain practices have emergencies that genuinely require immediate attention.

There will always be reasons why this week is not convenient.

There will always be deadlines.

There will always be another email.

There will always be clients who need something.

If we wait for the moment when nobody needs us, and nothing is pending, many lawyers will never take a real vacation. That is why the solution is not finding a week when the practice does not need attention. The solution is to build a practice capable of attracting attention from someone other than you.

For me, it took far too long to learn that lesson.

After decades of practicing law, I finally spent a week away from my office without reading a single email.

Nothing terrible happened—quite the opposite.

I came back reminded that lawyers are not machines, that accessibility is not the same thing as professionalism, and that taking responsibility for our clients does not require surrendering

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every boundary between our professional and personal lives.

We regularly advise clients to take prudent steps today to avoid problems tomorrow.

Perhaps we should take our own advice.

Take the vacation.

Prepare your office. Protect your clients. Arrange coverage.

Then turn off the email.

For one week, be somewhere other than the office – not merely physically, but mentally.

Your clients will survive.

Your practice will be there when you return.

And you may discover, as I did, that disconnecting from the practice of law for a few days can make you better prepared to return to it.

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