



# Can Holistic Attorneys Help Prevent and Resolve Burnout?

by KATHERINE J. POHLMAN, RN, MS, JD

**H**olistic law is the practice of law as a healing profession. It involves helping clients see and understand that they are whole just as they are—that their brokenness is not a defect, but rather, an opportunity for healing. You may hear other terms used to describe this type of practice: integrative, collaborative, transformational, or comprehensive law; therapeutic jurisprudence; restorative justice; and preventive law, to name a few. Not all attorneys who practice this type of law use the same methods or language, but most share a common holistic philosophy, which involves

viewing legal matters in the totality of what is happening for clients in terms of body, mind and spirit (Wright, 2013). Because of that, these attorneys are well-positioned to help nurses prevent and resolve burnout and compassion fatigue.

## When Burn Out Brings Legal Crisis

As a holistic attorney who represents nurses facing disciplinary charges brought by the board of nursing, I work with many nurses suffering from burnout and compassion fatigue. Some nurses who face possible discipline by the board of nursing made a single decision that led to allegations—perhaps a medication

error or professional judgment that caused significant patient harm or even death. However, the vast majority find themselves before the board due to a series of less-than-sound decisions and poor performance. Ultimately, someone—perhaps an employer or dissatisfied patient—files a complaint with the board of nursing. Often, burnout underlies that series of decisions.

For nurses who do not quite meet the criteria for burnout before becoming involved in a legal proceeding, the experience may be what tips the balance. Choosing a holistic attorney who can zealously represent their interests and

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address the underlying burnout can help avoid the re-traumatizing that so often occurs during the legal process. A reputable holistic attorney makes referrals as needed to other practitioners who can help with stressors contributing to burnout, including therapists, financial planners, parenting specialists, career counselors and others. Most will also offer suggestions for self-care resources, for example, mindfulness classes, guided imagery or breathing techniques, which can help nurses learn how to develop resiliency and effectively respond to stress in their lives.

Since most boards of nursing making disciplinary decisions seek evidence of remorse, responsibility, re-education and remediation or restitution, a holistic approach not only humanizes the legal experience and promotes resiliency, but it also achieves a better outcome with respect to discipline. In my practice, I attempt to predict what the board might want to see from nurses in terms of change. I then encourage nurses to make those changes, or at least put them in motion, *before* appearing in front of the board.

## Telling the Whole Story

When faced with any kind of legal proceeding, most people initially experience many feelings, including powerlessness, guilt, shame, fear—even panic. Some resort to coping mechanisms like denial, anger or blaming, which usually hinder, rather than help them work through the situation. Holistic attorneys support nurses as they re-frame the legal experience, encouraging them to ask, “*What lesson might I learn from what has happened?*” rather than “*Why did this happen to me?*” By viewing the experience as an opportunity, a nurse can transform

trauma into resiliency and growth. While the required learning may include regaining competency in a particular skill or technique, it also involves learning a new way of viewing and responding to stress. Through re-framing, nurses learn to shift their paradigm—and thus, their experiences—moving from a place of powerlessness to one of empowerment.

Nurses must tell the truth when responding to board inquiries, but with the support of holistic attorneys, they can share their stories in a way that makes meaning and promotes healing. Although nurses know that their attorneys are their advocates, many initially withhold details due to shame. Holistic attorneys encourage nurses to experience the vulnerability inherent in the situation and open to the idea of letting go of the shame. I routinely recommend that nurses watch Brené Brown’s TED Talks on shame (2012) and vulnerability (2010). As nurses work with their attorneys on their written responses to the board, they learn that the attorneys are there not to judge them, but to help them heal and thus, start to reveal more details in each meeting. It’s often the first time nurses tell the whole story without fear of being judged.

## Recognizing Opportunity & Re-Prioritizing

Holistic attorneys routinely invite clients to recognize opportunities that have been created as a result of their legal challenge. For example, one of my nurse clients feared suspension of her license due to a medication error that resulted in a patient’s death. As we prepared her response, she realized how burned out she had become working full-time, plus repeatedly succumbing to the pressure to

accept unexpected double shifts because she was behind on her mortgage. She discovered that she longed to stay home with her four small children, which would require downsizing from the brand-new home furnished by the interior decorator and selling the cabin, as well as one or both of the two luxury cars the family owned.

The unwelcome legal challenge offered this nurse the opportunity to re-assess her priorities, examine her beliefs and values—and change them. She was then able to make more intentional choices about her life and nursing practice. By engaging in a reflective process that she may not have undertaken at that point in her life prior to the legal challenge, she found meaning in what she had initially experienced only as a crisis. Viktor Frankl (1963) described the importance of meaning-making during crisis in his famous quote, “*Everything can be taken from a man but one thing: the last of the human freedoms—to choose one’s attitude in any given set of circumstances, to choose one’s own way*” (p. 104).

## Choosing to Forgive

Holistic attorneys can help clients find in their hearts the ability to forgive others (coworkers, supervisors, etc.) involved in the legal situation, as well as ask forgiveness from those harmed—possibly in person if the healthcare system embraces transparent communication, apology and early resolution. Increasingly, employers are recognizing that apologizing to patients is not only the “right” thing to do, but that it can actually reduce malpractice claims and help prevent burnout. If direct apology is not possible, nurses may benefit from writing letters of apology,

*continued on page 24*

even if risk managers advise against actually sending the letters. I have also suggested that nurses engage in forgiveness rituals, and have on occasion participated. Doing so can help free up blocked energy and facilitate moving forward.

Holistic attorneys help nurses narrate what happened in a manner that puts their professional practice decisions, actions or omissions in context, which allows the nurses to see that they were doing the best they could at the moment, given the multiplicity of other factors involved. Through that lens, they can forgive and find compassion for themselves, which is essential if they will ever again be able to experience compassion for their patients. When nurses find it particularly difficult to let go of self-condemnation, they may benefit from further forgiveness work, such as special training or workshops focused on emotional healing and forgiveness.

Self-forgiveness often proves one of the greatest challenges on the healing journey, since the formation of professional identity includes the internalization of an expectation of perfection (Deppoliti, 2008)—something that puts professionals at risk for burnout. Data establishes the link between burnout and poor patient outcomes (Cimiotti, Aiken, Sloane, & Wu, 2012),

but much more needs to be done to prevent and address burnout. Far too many nurses deal with the constant suffering they face—and their perceived inability to relieve it—by shutting off to their feelings. Eventually, they find they have bit-by-bit shut off to themselves to the point of denying their own humanity—and they have no idea how to find their way back. It's a path that often leads to burnout.

I often share quotes with my clients to illustrate important healing concepts. One of my favorites is an excerpt from Leonard Cohen's song *Anthem* (see sidebar). It eloquently speaks to the importance of releasing the expectation of perfection in order to reclaim your own humanity. It's something my clients face head-on, since licensure allegations by their very nature shatter the illusion of perfection. If nurses can allow that illusion to crumble and see themselves as human and subject to error, they can finally move forward with healing. It's embracing their own humanity that ultimately helps heal the burnout and allows nurses to again offer patients their presence, which is the essence of compassion.

*“Ring the bells that still can ring  
Forget your perfect offering  
There’s a crack in everything  
That’s how the light gets in.”*

Excerpt from *Anthem* (Strange, Cohen, & Crooks, 1992)

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**Katherine J. Pohlman RN, MS, JD** is a registered nurse, attorney and holistic coach whose passion is advocating for, counseling and coaching healthcare providers regarding their legal rights, practice, and professional and personal well-being. As an integrative practitioner, she brings heart and mind to the art of practice—whether providing legal, coaching or consulting services—and encourages her clients to view their challenges as opportunities for transformation.

