

Lawyer Well-Being: Sleep — an amazing breakthrough for lawyers

By: Robin M. Wolpert ◉ March 5, 2019 🗨️ 0

AMAZING BREAKTHROUGH!

Scientists have discovered a revolutionary new treatment that makes you live longer. It enhances your memory and makes you more creative. It makes you look more attractive. It keeps you slim and lowers food cravings. It protects you from cancer and dementia. It wards off colds and the flu. It lowers your risk of heart attacks and stroke, not to mention diabetes. You'll even feel happier, less depressed, and less anxious. Are you interested?

—Matthew Walker, *Why We Sleep*

Last year, I heard a remarkable interview on MPR of neuroscientist Matthew Walker. Dr. Walker has dedicated his entire career to understanding sleep. According to Walker, getting less than eight hours' worth of sleep per day makes me unhappy, ugly, stupid, and sick. It increases my chances of dying in a car crash and getting cancer, diabetes, cardiovascular disease, and Alzheimer's. And it makes me worse at sex. So I read the book, *Why We Sleep*. And I tell everyone I know about it.



Robin M. Wolpert

To be a good lawyer, you have to be a healthy lawyer. According to Walker, the best thing we can do for our health and work performance is sleep. Sleep gives us the ability to learn, retain information, make logical decisions, and navigate social interactions with calm and ease. (id. at 7) With appropriate sleep strategies, we can enhance our performance, efficiency, and creativity in work, athletics, and music (and teach our kids the age-appropriate strategies too).

This is the first of two articles on the subject of sleep and lawyer well-being. This article explores why we sleep and the startling results of not getting enough of it. The second article makes the case for incorporating the neuroscience literature into the field of lawyer well-being. We should update the recommendations of the ABA and National Task Force on Lawyer Well-Being to include "prescribing sleep."

Shakespeare was right: Sleep is 'the chief nourisher in life's feast'¹

Why and how does sleep impact our health and well-being? Sleep is a memory aid—both before learning, to prepare your brain to make new memories, and after learning, to cement those memories and prevent forgetting. (id. at 109) There are two completely different types of sleep — non-rapid-eye-movement (NREM) sleep and rapid-eye-movement (REM) sleep.

NREM sleep: During NREM sleep, the long-range brain waves of deep sleep move memory packets of recent experiences from a short-term, more fragile storage area to a safer long-term storage site. (id. at 52) This helps us solidify memories and regain access to memories that could not be retrieved before sleep. (id. at 116) NREM sleep discerns what memories need to be kept or forgotten, discarding the irrelevant information. (id. at 122)

REM sleep: REM dream sleep strengthens neural connections, giving us wisdom, creativity, emotional resilience, and emotional intelligence. (id. at 52) REM sleep takes newly minted memories and begins collating them with the entire back catalog of our life's autobiography, building a more accurate model of how the world works and sparking new creative insights. (id. at 53, 75) The dreaming of REM sleep is like overnight therapy. (id. at 206) REM sleep dissolves the painful sting of difficult, even traumatic, emotional episodes we have experienced during the day and offers emotional regulation and resolution when we awake the next morning. (id. at 207) With sufficient REM sleep, we have the power to decode and

discern overt and subtle micro-expressions with exactitude, permitting appropriate social interactions and decision-making. (id. at 216-17)

The impact of short sleeping

What happens when we have less than eight hours of sleep per night? The recycle rate of a human being is around 16 hours. (id. at 140) After 16 hours of being awake, the brain begins to fail. (id.) Humans need more than seven hours of sleep each night to maintain cognitive performance. (id.)

Critically, the brain does not work like a bank or credit card system. The brain can never recover the sleep it has missed. (id. at 138) The brain is incapable of this. Period.

If we sleep seven hours per day for just 10 days, the brain is just as dysfunctional as it would be after going without sleep for 24 hours. (id. at 140) Getting three full nights of recovery sleep is insufficient to restore performance back to normal levels. (id.) What's more, the human brain cannot accurately sense how sleep-deprived it is when sleep-deprived. (id.) Walker says, "With chronic sleep restriction over months or years, an individual will actually acclimate to their impaired performance, lower alertness, and reduced energy levels." (id. at 137)

Staying up late or getting up earlier than normal disproportionately impacts your REM and NREM sleep. Say you go to bed at midnight, but instead of waking up at 8 a.m., you must wake up at 6 a.m. for an early morning meeting or athletics practice. (id. at 146) You are not just losing 25 percent of your sleep, you are losing 60 to 90 percent of your REM sleep. (id.) This is because most of your REM sleep occurs in the late-morning hours of your sleep cycle. Alternatively, if you go to bed late (at 2 a.m. instead of midnight), and wake up at 8 a.m., you are losing a significant amount of NREM sleep because the majority of your NREM sleep occurs early in your sleep cycle. (id.)

Signs of insufficient sleep

How do you know if you are routinely getting enough sleep? Walker says we should ask ourselves two questions. First, after waking up in the morning, could you fall back asleep at 10 or 11 a.m.? If the answer is "yes," you are likely not getting sufficient sleep quantity and/or quality. (id. at 35) Second, can you function optimally without caffeine before noon? If the answer is "no," then you are most likely self-medicating your state of chronic sleep deprivation. (id.)

Even if you are giving yourself plenty of time to get a full night of sleep, next-day fatigue and sleepiness can still occur because you are suffering from an undiagnosed sleep disorder. There are more than one hundred such disorders, the most common of which are insomnia, sleep-disordered breathing or sleep apnea, which includes heavy snoring. (id. at 36) More than 40 million Americans suffer from insomnia. (id. at 242)

Stay tuned

I hope this information is enough to spark your curiosity about the impact of sleep on your health. The next article provides more specific information about the relationship between sleep and well-being — including cognitive performance, mental health, and physical health. The next article also provides tips and sleep strategies. In the meantime, I ask you to consider how "prescribing sleep" can create a well-being breakthrough for you and the profession.

Footnote

1. Macbeth, Act 2, Scene 2.

Robin M. Wolpert is chair of the Lawyers Professional Responsibility Board.