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Decision Fatigue in Legal Practice

When Every Decision Feels Overwhelming

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Founders of Professional Mind Resilience Institute (PMRI)

Legal professionals are required to make decisions continuously. Some are complex and strategic. Many appear small and routine. Taken together, they place sustained demand on the cognitive systems responsible for judgment, prioritisation, and self-regulation.

During high-pressure periods, practitioners often report a subtle but consistent experience: decisions take longer, judgment feels less certain, and even minor choices require disproportionate effort. This is frequently attributed to workload or stress. Cognitive science offers a more precise explanation: **decision fatigue**.

Understanding decision fatigue is critical, not only for individual performance, but for maintaining professional standards and managing firm-level risk.

Decision-making is a finite cognitive resource

Research in cognitive psychology demonstrates that decision-making draws on limited mental resources. Each decision, regardless of size, consumes cognitive energy. As this energy is depleted, the brain becomes less effective at evaluating options, resisting impulsive responses, and sustaining nuanced judgment.

In legal practice, where accuracy and sound reasoning are essential, this has direct professional consequences. As decision fatigue increases, practitioners are more likely to:

- default to familiar or low-effort options
- delay decisions unnecessarily
- become more reactive to external demands
- experience reduced tolerance for complexity

These effects occur even in highly experienced professionals and are largely invisible in real time.

Why legal practice accelerates decision fatigue

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Legal work is uniquely decision dense. A single day may require choices about drafting, prioritisation, client communication, procedural steps, delegation, settlement posture, and risk exposure. Many of these decisions are made under time pressure and interruption.

Importantly, it is not only major decisions that contribute to fatigue. Repeated micro-decisions, whether to respond now or later, how to phrase an email, whether a matter is urgent, how to reorder tasks quietly drain cognitive capacity.

In environments where responsiveness is expected and interruptions are frequent; decision fatigue accumulates rapidly. By late afternoon, the cognitive system responsible for judgment is operating under strain, even if working hours have not been excessive.

The impact on judgment and professional standards

Decision fatigue does not typically result in obvious mistakes. More often, it produces **subtle degradation** in professional performance.

These effects may include:

- increased reliance on habitual approaches rather than considered analysis
- less precise drafting and review
- diminished strategic thinking
- inconsistent client communication
- avoidance of complex decisions late in the day

From a firm perspective, these patterns increase the risk of rework, supervision strain, and inconsistent outcomes. Over time, they also contribute to professional exhaustion and disengagement.

Why working longer does not solve the problem

When decision fatigue sets in, the instinctive response is often to work longer hours to “catch up”. This approach misunderstands the nature of the problem.

Extending the working day does not restore cognitive capacity. It often deepens depletion. Judgment, unlike effort, does not improve with endurance. In fact, prolonged cognitive strain increases the likelihood of shortcuts, errors, and reactive decision-making.

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This is why decision fatigue should be understood as a **cognitive risk**, not a time management issue.

Reducing decision fatigue through work design

Decision fatigue is not eliminated through motivation or discipline. It is reduced through structure.

Evidence-informed approaches include:

- reducing unnecessary daily decisions through standardised processes
- batching routine decisions to preserve capacity for complex work
- clarifying response expectations to limit reactive decision-making
- protecting periods of low-decision, high-focus work
- aligning complex decisions with periods of higher cognitive energy

These measures do not reduce professional autonomy. They protect it by preserving the cognitive resources required for sound judgment.

Decision fatigue as a firm-level concern

At firm level, widespread decision fatigue affects more than individual frustration. It undermines consistency, efficiency, and professional reliability.

Firms that recognise decision fatigue as a structural issue are better positioned to:

- maintain judgment quality under pressure
- reduce avoidable rework and inefficiency
- support effective supervision
- protect senior decision-makers from chronic depletion
- sustain performance during peak demand periods

Treating decision fatigue as part of professional risk management allows firms to move beyond reliance on individual endurance and toward systems that support consistent, high-quality legal work.

Conclusion

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Legal practice requires continuous decision-making under pressure. When cognitive capacity is depleted, judgment does not fail dramatically. It degrades quietly.

Recognising decision fatigue as a predictable consequence of decision-dense work allows legal professionals and firms to design structures that protect judgment, accuracy, and professional standards. In a profession where decisions carry real consequences, preserving the capacity to decide well is not optional. It is foundational.

About the Authors:

Sonja Cilliers is an advocate of the High Court of South Africa. She was admitted as an attorney of the High Court in 2001 and, after practicing as an attorney for several years, did pupillage and became a member of the Pretoria Society of Advocates in 2005. Sonja has been in practice, as attorney and advocate for an aggregate of 24 years, and obtained extensive experience in litigation in various fields of the law; including contractual law, banking law and litigation, corporate law, family law, insurance law and personal injury law. Sonja completed her B(Proc) (1998), LLB (1999) and LLM (contractual law) (2003) degrees at the University of Pretoria. She is qualified as an AFSA trained Arbitrator and Mediator and obtained the one-year diploma from AFSA in Arbitration and Mediation in 2003.

Maryke Groenewald is a transformation coach with a passion for facilitating personal and professional growth. She holds an Honours in Psychology, a BCom in Behavioral Sciences, and certifications in Master Transformation Coaching, NLP Practitioner, and Neuro-Coaching. Maryke combines her diverse skill set and experience to help individuals unlock their full potential. Maryke has been coaching and training individuals for over 10 years. She frequently does group training and coaching for corporate teams and universities.