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IDENTIFYING AND HANDLING ATTORNEY STRESSORS: THE PATH TO HEALTH AND WELL-BEING IN THE LEGAL PROFESSION

BY LAUREN CALVERT, ESQ.

We have all seen the headlines and know there is a problem:

- **18 percent** of attorneys are problem drinkers – almost twice the 10 percent estimated prevalence of alcohol abuse and dependence among American adults as a whole;
- **19 percent** of lawyers suffer from statistically significant elevated levels of depression, contrasting with depression estimates of 3 percent to 9 percent of individuals in western industrialized countries;
- **11.5 percent** of lawyers have reported having had suicidal thoughts at some point during their careers; and
- **Approximately 25 percent** of lawyers are workaholics, more than double the estimated 10 percent workaholic rate for American adults in general.¹

While the vast majority of lawyers and law students do not have mental health or substance use disorders, that does not mean they are thriving. Many lawyers, at best, feel ambivalent about their work; and different segments of the profession (e.g., new versus experienced lawyers or private practitioners versus those in public service) vary in their levels of satisfaction and well-being.² Encouragingly, many of the same attorneys who seem to be at risk also have the greatest access to, and resources for, therapy, treatment and other support through employer-provided health plans or increased personal financial means. However, these same professionals often experience difficulty articulating how to improve or maintain their own wellness.

Where do we go from here?

On August 14, 2017, the National Task Force on Lawyer Well-Being published its recommendations for “re-envisioning what it means to live the life of a lawyer” in *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*.³ The report’s recommendations focus on a handful of central themes, among them:

- Emphasizing that well-being is an indispensable part of a lawyer’s duty of competence;
- Educating lawyers, judges and law students on practical well-being issues; and
- Taking small, incremental steps to change how law is practiced and how to instill greater well-being in the profession.

In order to build well-being along these dimensions, there are specific strategies all stakeholders in the legal profession can follow and implement.

Stakeholder 1: Law Schools

While lawyers suffer from higher levels of anxiety and depression than the rest of the population, most do not enter law school with these mental health issues.⁴ Lawyers are taught never to show vulnerability and never to ask for help, as that is perceived as a weakness. This behavior is antithetical to the mindset needed for increased wellness or recovery. Law schools need to decrease the messaging that law students should hide their problems and avoid treatment while in law school. Working in tandem with state bars to ensure that law students will not be denied the ability to practice due to entering treatment is a start to eliminating this fear and stigma. After admittance to the bar, managing the debt many took on to finance their legal education also creates stressors for which most new lawyers are unprepared.⁵ Certainly this problem can and should be addressed proactively by higher education institutions with students prior to matriculation.

Stakeholder 2: Firm Management

A lawyer’s greatest asset is his or her reputation, so lawyers may worry that their problems will become known if admitted. The task force suggests that employers establish a confidential internal reporting procedure through which lawyers can seek help for themselves or express concerns about their colleagues’ mental health or substance abuse, without fear of adverse consequences. Supervisors can communicate their support for work-life balance by creatively accommodating non-work-related needs, being empathetic with juggling efforts and role-modeling work-life balance behaviors in their own lives. In sum, the “work hard, play hard” mantra of top law firms may be doing more damage than good. Firm leadership needs to understand that the same characteristics that make great attorneys can inadvertently lead to burnout, anxiety and substance abuse.

Stakeholder 3: State Bars and Regulators

Many lawyers tend to be introverts and prefer to work alone, relying on their own intellect over collaboration. However, this practice stands in contrast to the wellness and recovery mindset. In addition to encouraging assistance programs to educate lawyers about well-being, bar associations can improve their messaging to decrease the competitive atmosphere within the legal community, one that often increases anxiety and depression. Emphasizing or promoting activities centered on cooperation and compromise is one starting point. Regulatory and bar associations can also take simple measures to de-emphasize alcohol consumption at social events by providing coffee or dessert stations in addition to cocktail bars at their events. This change will foster more inclusiveness for lawyers whose religions or medical conditions prohibit drinking. In addition, bar associations can create a list of best practices for legal organizations and survey their members about lawyer well-being, according to the task force.

Practical Skills for Maintaining Wellness While Working in the Legal Profession

Most attorneys have been educated on the symptomology, science and warning signs of mental illness and addiction, with most solutions geared toward reactive measures. For instance, most attorneys are aware of the interface between impairment and ethical violations. Yet, verbalizing in concrete terms how one will maintain a work-life balance or what he or she will do to maintain or improve his or her wellness can be difficult. As defined by the national task force's report, well-being is "a continuous process toward thriving across all life dimensions," as identified by six key dimensions. For each of these, there are simple actions individual lawyers can take.

- 1. The Emotional Dimension:** recognizing the importance of emotions and developing flexibility regarding how and when emotions are expressed.
 - Rather than taking to social media to vent momentary frustrations,⁶ consider taking proactive measures to express your beliefs by supporting organizations seeking to effect the change you desire or by becoming involved in the political process.
 - Day One and Day Journal are diary and journaling apps that assist lawyers in recording and organizing their thoughts, ideas and emotions.
- 2. The Occupational Dimension:** cultivating personal satisfaction, growth and enrichment through your work.
 - Create mentoring relationships with new attorneys to enhance the lives of the next generation while reaffirming your own life lessons.
 - Delegate more responsibilities to junior associates, conferring more control and decision-making power to new attorneys, while freeing up more time for senior partners.⁷
- 3. The Intellectual Dimension:** engaging in continuous learning and challenging activities that promote ongoing development.
 - Consider expanding your core competencies and challenging yourself by taking on a pro bono case outside your practice area, such as a federal or appellate case, through your local legal aid center.
- 4. The Spiritual Dimension:** developing meaning and purpose in life.
 - The thought of meditation can strike fear into even the most seasoned litigators. Apps available on your smart phone like Headspace or Insight Timer make it easy.
- 5. The Physical Dimension:** striving for regular physical activity, good nutrition, sufficient sleep and recovery time.
 - Stick to a sleep schedule by going to bed and waking up at approximately the same time every night and morning. Most smart phones now have apps that will remind you when to start winding down.

- Interventions to increase physical activity are among the most effective strategies for preventing workplace depression.⁸ Start or join a softball league at your work, or walk during your lunch break if time is a constraint. Yoga, either traditional or with dolphins at the Mirage's Secret Garden or at Goat Yoga Las Vegas, offers mental benefits in addition to physical fitness.

6. The Social Dimension: fostering a sense of connection, belonging and a well-developed support network.

- Get matched with a volunteer opportunity at volunteermatch.org. You can even meet someone while donating your time with Single Volunteers Las Vegas at singlevolunteers.org/LV.

While there is not a single solution to counteract the pressures attorneys face, there are steps that we can all take to ease these stressors. Small, incremental steps are key to addressing the larger issue of attorney mental wellness. We can all be part of the solution. **NL**

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