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ON BALANCE

Lawyer Well-being: Let's Own This Problem

Whether or not you're one of the many lawyers currently beset by mental health or substance abuse problems, the time is now to promote psychological wellness in the profession and at your workplace.

PAULA M. DAVIS-LAACK



Challenge, change, and uncertainty are the new norm in today's legal profession. Busy lawyers are maxed out as they deal with the stress and pressure of a demanding profession, and law firms and organizations are looking for new strategies to attract and retain top talent. Lawyers just out of law school must be "practice ready," and the expectation is that they will be both capable technicians and ready to solve clients' complex problems by collaborating with other professionals (including nonlawyers) in an innovative way.

Mental Health and Substance Abuse Weigh Down Lawyers

In addition to the business-related pressures, many lawyers are struggling with mental health and substance abuse issues. A 2016 study sponsored by the American Bar Association Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation surveyed nearly 13,000 currently practicing attorneys and found the following:¹

- Of the lawyers surveyed, 21-36 percent are considered problem drinkers.
- Approximately 28 percent of survey respondents are struggling with some level of depression.
- Approximately 19 percent are struggling with anxiety.
- Younger lawyers in their first 10 years of practice and those working in private firms experience the highest rates of problem

Do You or Someone Close to You Need Help with Stress, Substance Abuse, or Mental Health? WisLAP Can Help. It's Confidential

The State Bar's [Wisconsin Lawyer Assistance Program \(WisLAP\)](#) provides confidential assistance to help lawyers, judges, law students, and their families cope with substance abuse, mental health,

Live 1

drinking and depression, which represents a shift from earlier research.

For many lawyers, the path to languishing starts in law school. Fifteen law schools and more than 3,300 law students participated in a 2016 survey of law student well-being, the key findings of which are as follows:²

- 17 percent of survey respondents experienced some level of depression.
- 14 percent experienced severe anxiety.
- 43 percent reported binge drinking at least once in the prior two weeks.

Task Force Response and Report

Given these data, a National Task Force on Lawyer Well-Being was formed, comprised of representatives of several entities within and outside the American Bar Association. In its newly released report, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* (the report), the task force proposed a slate of recommendations for law firms, law schools, regulators, the judiciary, bar associations, and professional liability insurance carriers.³



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While the vast majority of lawyers and law students do not have a mental health or substance use disorder, that does not mean they are thriving. According to the report, many lawyers feel ambivalent about their work,⁴ and different segments of the profession vary in their levels of satisfaction and well-being.⁵

The report defines *well-being* as “a continuous process toward thriving across all life dimensions” and identifies six key dimensions:

1. Emotional (recognizing the importance of emotions and developing flexibility in how and when emotions are expressed);
2. Occupational (cultivating personal satisfaction, growth, and enrichment in one’s work);
3. Intellectual (engaging in continuous learning and challenging activities that promote ongoing development);
4. Spiritual (developing meaning and purpose in life);
5. Physical (striving for regular physical activity, good nutrition, sufficient sleep, and recovery); and
6. Social (fostering a sense of connection, belonging, and a well-developed support network).

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READ “[Landmark Study: U.S. Lawyers Face Higher Rates of Problem Drinking and Mental Health Issues](#),” by Joe Forward (*Wisconsin Lawyer*, Feb. 2016)

Ways All Stakeholders Can Promote Well-being

To build well-being along these dimensions, there are key strategies all stakeholders in the legal profession can follow and implement.

Acknowledge the Problems and Take Responsibility. The profession can’t solve a problem it isn’t willing to acknowledge. Other industries cite this as an important starting point. In an effort to reduce levels of burnout at Mayo Clinic, researchers and providers said that acknowledging and assessing the problem was a crucial first step within the organization.⁶

Demonstrate a Personal Commitment to Well-being. Any type of wide-scale change requires buy-in and role modeling from leadership. Law firm and organizational leaders should be encouraged to talk about ways they demonstrate well-being in their own lives.

Talking about your own struggles isn’t easy, but it’s a good way to facilitate help-seeking behavior in others.

Facilitate, Destigmatize, and Encourage Help-seeking Behaviors. This is key, and it’s really tough. When I burned out, I refused to tell anybody for fear of being singled out and identified as the “weak one.” So while I understand that mindset, I know it isn’t helpful. I could have received help much sooner, but I

stress management, and other conditions that can negatively impact your personal and professional lives. Get help before it’s too late.

WisLAP Contact Information:

24-hour helpline: (800) 543-2625
WisLAP Manager [Mary Spranger](#) (800) 444-9404 ext. 6159
WisLAP Coordinator [Matthew MacWilliams](#) (800) 444-9404 ext. 6151

waited until I was getting near-daily panic attacks when my options were more limited. Talking about your own struggles isn't easy, but it's a good way to facilitate help-seeking behavior in others.

Foster Collegiality and Respectful Engagement Throughout the Profession. Chronic incivility depletes the legal profession's one true resource – its people. Collegiality, on the other hand, fosters psychological safety – the feeling that the work environment is trusting, respectful, and a safe place to take risks.⁷ When lawyers don't feel psychologically safe, they are less likely to seek or accept feedback, experiment, discuss errors, and speak up about potential or actual problems.

Provide High-quality Programs About Well-being. Stakeholders should start teaching lawyers and law students about well-being topics that have a sound research efficacy, including:

- Work engagement and how to prevent burnout;
- Stress and how to recover and recharge in a healthy way;
- Resilience and cognitive reframing techniques;
- Mindfulness and other contemplative practices;
- Leader development training;
- Developing more work-related control and autonomy;
- Work-life integration (and what to do when work and life conflict); and
- Meaning and purpose.

Support a Lawyer Well-being Index to Measure Progress. Creating such an index would be in line with other initiatives recognizing that success should not be measured only in economic terms. The data collected could help to counter the profits-per-partner metric that has been published in the legal profession for several decades.

Conclusion

The report concludes in an important way: “As a profession, we have the capacity to face these challenges and create a better future for our lawyers that is sustainable. We can do this – not in spite of – but in pursuit of the highest professional standards, business practices, and ethical ideals.”

Endnotes

¹ Patrick R. Krill, Ryan Johnson & Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10(1) J. of Addiction Med. 46-52 (2016).

² Jerome M. Organ, David B. Jaffe & Katherine M. Bender, *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66(1) J. of Legal Educ. 116-56 (2016).

³ You can [download a copy of the report here](#).

⁴ David L. Chambers, *Overstating the Satisfaction of Lawyers*, L. & Soc. Inquiry 1-21 (2013).

⁵ Jerome M. Organ, *What Do We Know about the Satisfaction/Dissatisfaction of Lawyers? A Meta-Analysis of Research on Lawyer Satisfaction and Well-Being*, 8(2) U. of St. Thomas L. J. 225-74 (2011).

⁶ Tait D. Shanafelt & John N. Noseworthy, *Executive Leadership and Physician Well-Being: Nine Strategies to Promote Engagement and Reduce Burnout*, 92(1) Mayo Clinic Proc. 129-46 (2017).

⁷ Christine Porath, *How Rudeness Stops People from Working Together*, Harvard Bus. Rev., Jan. 20, 2017.