

BigLaw's Mental Health Stigma Shows Signs Of Fading

By Erin Coe

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Thomas Bond was at the top of his career when something started to feel off.

In his early 50s, he was growing a sizable workers' compensation practice at Marshall Dennehey Warner Coleman & Goggin PC when he began having trouble sleeping at night and concentrating at work.

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He also felt a profound sense of sadness. Yet he had every reason to be happy: He took pride in being high up in the firm's management structure and coming home to a fulfilling family life, with a wife and four kids.

While keeping his worries to himself, Bond tried to pull it together. He exercised regularly, read books on cognitive therapy and worked on staying positive.

But to his dismay, the symptoms grew worse. His appetite disappeared. He lost weight. When clients called to ask him questions, he referred them to others in the workers' compensation group. The law articles he used to dictate off the top of his head became impossible to craft.

One day, Bond left work early and checked himself into an emergency room. The diagnosis came quickly: severe depression. He thought his career was over.

"I tried so hard to handle it myself and was so profoundly unsuccessful," Bond said. "There's good reason for others to get medical and psychological attention early on and not be ashamed of having

what is an illness. It's not a character flaw at all."

Despite his initial worries, Bond still had a bright future as a lawyer. When he disclosed his condition, the firm's managing partner encouraged him to take paid time off and kept his diagnosis confidential. Medication improved his symptoms, and Bond returned to work a month later.

He stayed at the firm for 16 more years and is currently of counsel at O'Hagan Meyer, an insurance defense firm.



Thomas Bond paints at his home in North Wales, Pennsylvania. Art is one way he manages his depression, he said. (Jeannie O'Sullivan | Law360)

Like Bond, many attorneys have illnesses that aren't necessarily obvious to the naked eye but can be debilitating nonetheless. A mental impairment that "substantially limits one or more major life activities" is considered a disability under the Americans with Disabilities Act.

The law prohibits firms from discriminating against lawyers on the basis of a disability, though lawyers themselves don't always think of a mental health condition in this way. However, to potentially receive an accommodation under the ADA, lawyers must disclose their mental illness — a step many have been reluctant to take for fear of negative career consequences.

But experts who spoke with Law360 in connection with our special report on disability inclusion in the legal industry say a cultural shift is beginning to break down some of the stigma surrounding mental illness in the legal sector, as more lawyers share their personal stories, more law firms prioritize attorney well-being, and more industry groups take action.

Decades ago, most law firms lacked any outlet to help attorneys who were facing personal problems, said Cole Finegan, a regional managing partner in Hogan Lovells' Denver office.

"What we're learning is that's not healthy in the long term," he said. "Everybody can't just tough it out. And firms are starting to reflect that."

Staying Under Wraps

Recent studies have helped shed light on the prevalence of lawyers with mental health conditions.

In one of the most comprehensive reports, the American Bar Association's Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation **surveyed** nearly 13,000 attorneys, finding in 2016 that 28 percent have some level of depression.

Compare that to a study by the Substance Abuse and Mental Health Services Administration, which found in 2016 that less than 7 percent of U.S. adults had at least one major depressive episode in the past year.

The problem is there can be a disconnect between what the ADA allows and what happens at some firms because the pressures of being a lawyer at certain firms may discourage attorneys from raising ADA issues, particularly if they involve mental disabilities, said Ronald Honberg, senior policy adviser at the National Alliance on Mental Illness.

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Robert Gonzales

Chair of the ABA's Commission on Disability Rights

To request an accommodation under the ADA, lawyers must disclose their mental illnesses, and if asked, provide medical documentation. Law firms will then review whether the adjustment can be made without undue hardship.

"The burden is squarely on the individual to disclose, and a lot of people are reluctant to disclose because they perceive it will have negative ramifications on their career advancement and how they

are treated in the workplace," he said. "It's pretty daunting for lawyers, especially at a time when they may not be doing so well."

And at certain firms, staying silent may seem like the only option.

"Oftentimes, as soon as a lawyer mentions 'mental illness,' that's the kiss of death at a law firm," said Robert Gonzales, chair of the ABA's Commission on Disability Rights. "Firms are concerned about their clients. And then there's the fear of dealing with somebody who may not be all there."

However, more law firms are bringing mental health expertise in-house and encouraging lawyers to talk openly about stress.

Firms and industry groups say ignoring attorneys' struggles with mental illness isn't good for lawyers — or for business. They're taking steps to prevent mental health issues from turning into problems and help attorneys feel more connected to each other in what can be a brutally demanding and often isolating profession.

Younger lawyers also are accelerating changes at law firms as they demand greater flexibility in how they work and remain vocal that they aren't interested in clocking 100-hour workweeks or sacrificing their mental and physical well-being for the sake of their career.

"Millennials are pushing the older generations and saying, 'Wait a minute, we want quality of life. We want meaningful time with family. We want autonomy. And we want to be treated with respect,'" said Terry Harrell, chair of an ABA working group aimed at advancing well-being in the legal profession.

Turning the Ship

Some law firms appear to be getting the message.

Hogan Lovells, for example, started offering on-site mental health counseling for lawyers and all of its employees in its Washington, D.C., and New York offices in 2016 and has since expanded the confidential service to its Baltimore and Denver offices. It plans to offer counseling in its Louisville office next.

Recognizing that the stressors lawyers face tend to be a combination of physical, financial and emotional concerns, Hogan Lovells also offers services such as financial counseling, weight-loss coaching and a healthy-eating program. And each of its offices is equipped with a wellness room for attorneys to take a break or meditate.

"It's about creating a culture where it's OK to say, 'I'm having a tough time,'" said Allison Friend, the firm's chief human resources officer. "By dealing with it practically and early on, it doesn't become something hard to deal with later."

After associate Michael Christopher Starr took his life in 2013, Akin Gump Strauss Hauer & Feld LLP has actively sought ways to remove the stigma around mental health, said Sally King, the firm's chief operating officer.

Most recently, it began piloting on-site behavioral health assistance in its D.C. office in April, and the counselor's on-site schedule has remained full ever since, King said. The counselor also facilitates seminars on well-being. The firm is working to expand the service in the U.S.

The firm also has a wellness program, which includes in-office health screenings and ways to earn points to offset insurance costs and encourage healthy lifestyles. In addition, this year, it set up an anonymous hotline so lawyers can notify the firm's general counsel if they are concerned about colleagues.

"If people are having a stressful moment, we want them to deal with it effectively, not stick their heads in the sand," King said. "Our goal is to provide a very supportive environment and create a resilient workforce so that we're not hit with surprises."

Orrick Herrington & Sutcliffe LLP also has taken steps to inspire wellness within its ranks.

It offers "agile working" options, such as remote and flexible arrangements, a wellness program, mindfulness and meditation workshops, and in-house career coaches who can provide confidential support with managing mental health issues or stress.

It's also piloting a program to make it easier for attorneys to receive feedback about how they're performing, and another one that allows lawyers to check in with junior attorneys on how they're feeling about workloads. The firm has also tried to be more thoughtful about holding events that don't always involve alcohol, such as paddleboarding trips.

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Dan Lukasik

creator of Lawyers With Depression

While it's "not a retreat center," Orrick recognizes mental and physical wellness can't be separated from performance, said Siobhan Handley, its chief talent officer. Programs like these also lead to more cohesive teams, higher retention rates and better client service.

Proactive efforts are a refreshing change for those used to seeing firm managers simply react when a crisis hits.

Bree Buchanan, director of the Texas Lawyers' Assistance Program and co-chair of the National Task Force on Lawyer Well-Being, said she can't count the number of times she's been on the phone with a group of managing partners talking about another partner whose work is suffering because of a severe alcohol problem or mental illness.

"Those partners would rather have dental surgery than deal with this," she said. "There can be confusion and embarrassment by others in the firm about how to talk to this person."

Many are finding new ways to address these types of situations to create better outcomes for all involved.

Dan Lukasik, who created the website Lawyers With Depression in 2007, has been practicing law for 30 years and currently serves as the director of the workplace well-being program for the Mental Health Association of Erie County in Buffalo, New York.

One Manhattan commercial litigation firm sought out his advice after an important rainmaker's billable hours declined because of trouble managing a mental health condition.

In years past, Lukasik said, there would have been three possible outcomes: The lawyer would have left the firm; he would have gone on private disability; or the firm would have fired him.

But this time, the firm and Lukasik came up with a more constructive solution.

The firm adjusted the rainmaker's salary while giving him flex time and support in getting treatment. This move recognized the attorney needed help while also acknowledging it made sense from a business standpoint for the firm to retain a prominent rainmaker.

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Getting Involved

The recent mental illness studies in the legal community also have served as a wake-up call for lawyer groups.

The data has led to **the creation** of the National Task Force on Lawyer Well-Being, which includes the ABA as well as representatives from the National Organization of Bar Counsel and the Association of Professional Responsibility Lawyers.



Joseph Milowic III, a partner at Quinn Emanuel Urquhart & Sullivan LLP, outside his firm's office in New York. (Kevin Penton | Law360)

The task force issued a **report and recommendations** in 2017, urging legal industry leaders to start addressing the addiction, alcoholism and mental illness that exist in the profession by offering counseling and enacting policies to support attorneys.

Influenced by that report, the ABA House of Delegates passed a resolution last year to reduce mental health and substance-abuse disorders and to promote the well-being of lawyers, judges and law students.

In addition, a model law firm policy for dealing with attorney impairment, known as Resolution 103, was proposed before the ABA Board of Governors earlier this month, but it was withdrawn to incorporate additional comments by various groups to ensure it can be implemented by legal

employers of different sizes and types. It is likely to be reviewed at the January meeting of the House of Delegates in Las Vegas.

"Some people have the sense that lawyers' mental or physical health is their own business, not the firms' responsibility," Harrell said. "But slowly we are educating people that if they care about the bottom line of the business, the research is clear that healthy, engaged workers are more productive."

While it's encouraging that law firm managers are starting to openly grapple with mental health within their ranks, some say more work needs to be done to change how mental illness is viewed among attorneys.

After having his first bout of major depression 10 years ago, Joseph Milowic III got on medication and has since climbed the ranks to partner at Quinn Emanuel Urquhart & Sullivan LLP in New York.

He said he's gone through cycles of high productivity and short ruts where he isn't as motivated or loses some interest. Sometimes he notices his depression coming on subtly, like when he's listening to songs on the streaming service Pandora and feels like putting a "thumbs down" after each one.

Lawyers often work in teams on cases, he said, and when an attorney comes down with a physical illness, the team members pick up the slack. He hopes that one day mental illnesses will receive similar treatment.

"I don't think people with depression or mental ailments want special opportunities," said Milowic, who has co-launched The KnowTime Group, an online support network for lawyers. "There are challenges with these health issues, but they shouldn't define who we are."

*Erin Coe is a feature reporter who co-wrote **this special report**. She last wrote about the stresses that can come with **lawyering with children**. Editing by Jocelyn Allison, Jeremy Barker and Katherine Rautenberg.*