



WHITE PAPER

HIGH EXPECTATIONS, HIGH STRESS: HOW THE LEGAL INDUSTRY STRUGGLES TO MANAGE WORK DEMANDS

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ABSTRACT

Brought on by daily pressures of work and family, sudden negative changes or traumatic situations, we all know that stress is something felt by everyone from time to time. Residual effects from stress overflow into professional performance, relationships, and home life. Each situation and coping method are unique depending on the individual, however one common theme exists:

Gone untreated or unaddressed, stress has the power to carry extreme physical and mental risks.

According to the *American Psychological Association* in 2018, behind money and personal relationships, job stress is the next leading source of stress for American adults. Increased levels of work-related stress have escalated progressively over the past few decades as a result of high demands, deadlines, competition and performance goals.

Research also suggests that professionals with hectic, stressful jobs are more likely to dwell on obstacles such as career repercussions or social

stigmas for accessing treatment, which can exacerbate depression.¹ Rather than seeking help early, the result is that many wait until their stress-related symptoms are so severe that they interfere with daily functioning.

PROBLEM STATEMENT

Using the legal profession as an example, we'll explore the impact of stress on the industry and the solutions being proposed as a result. As research shows, lawyers prove to be the ideal professionals to examine, as they are among the most overstressed and overworked.

Recent studies have shown that too many lawyers and law students experience chronic stress and high rates of depression and substance use, both of which are incompatible with sustaining a successful legal profession dedicated to client service and public trust.² These implications could have dramatic effects on many lawyers' basic competence and the ability to execute their responsibilities.

The problems facing legal professionals reinforce how our society is at a crossroads, and our culture must be more focused on making work/life balance a priority as a means of combating work-related stress. Keeping mental health and the idea of wellness in mind, it's obvious that the negative consequences for not seeking support or creating a shift in our thinking can be dangerous.

BACKGROUND

PHYSICAL & MENTAL EFFECTS OF STRESS

Stress has an effect on one's body, behavior and mental health. According to the Mayo Clinic, people may have stress-induced health symptoms such as headaches, insomnia, digestive issues, and muscle

¹ P. W. Corrigan, S. B. Morris, P. J. Michaels, J. D. Rafacz, & N. Rüsç, Challenging the Public Stigma of Mental Illness: a Meta-Analysis of Outcome Studies, 63 PSYCHIATRIC SERV. 963 (2012).

² P. R. Krill, R. Johnson, & L. Albert, The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys, 10 J. ADDICTION MED. 46 (2016).

pain without even realizing it. Chronic stress symptoms that are not addressed can lead to a number of even more serious health problems such as high blood pressure, heart disease, obesity and diabetes.

Stress can also lead to mental health disorders such as depression, anxiety and alcoholism.

THE STRESS OF BEING A LAWYER

Today's lawyers work longer and harder than many other professionals and 50+ hour work weeks seem to be the norm. Along with the usual tasks of billing hours and tight deadlines, a highly competitive environment has forced lawyers to spend more time on client development and business management activities. Throw in rising business pressures, shrinking staffs, evolving legal technologies, and insurmountable law school debt, it's no wonder that practicing law is one of the most stressful jobs out there.

About a quarter of lawyers are workaholics, which is more than double that of the 10% rate estimated for U.S. adults generally.³

As a result, the stress and demands of the legal field have fueled high levels of career dissatisfaction among members of the bar, and sadly, depression and suicide are common among lawyers.

- 44% of those recently surveyed by the *American Bar Association* said they would not recommend the profession to a young person
- Depression is very high in attorneys at 28% versus 8% in the general public⁴

Additionally, American attorneys have higher rates of drinking problems than any other group, including the general public. Based on 12,000+ American lawyers by the *American Bar Association* and Hazelden Betty Ford Foundation, *The American Society of Addiction Medicine* reported:

³ A. M. Brafford, *Building the Positive Law Firm: The Legal Profession At Its Best* (August 1, 2014).

⁴ American Bar Association (ABA) Commission on Lawyer Assistance Programs and Hazelden Betty Ford Foundation.

- Attorneys in America have a drinking problem with over 20% drinking at levels considered “hazardous, harmful, and potentially alcohol-dependent,” - this rate among licensed attorneys is three times higher than among the general public rate at 6.8%
- Male attorneys have higher rates of drinking problems than women at 25.1% to 15.5%
- The highest rates were for attorneys under the age of 30 at 31.9% and junior associates at 31.1% - this rate may be partly due to the trend of young Americans to be heavy drinkers, but also from the high stress level of being a young attorney in a highly competitive field

Given the complexity and depth of their responsibilities, lawyers cannot afford to struggle mentally and emotionally. At least one author suggests that 40 to 70% of disciplinary proceedings and malpractice claims against lawyers involve substance use or depression, and often both.⁵

THIS PROFESSION MAY, “DRIVE PEOPLE CRAZY”

Harrison Barnes is one of the world’s most respected and sought-after legal recruiters and has written extensively about the negative effects stress has on lawyers.

“The law attracts motivated individuals, but the profession often enslaves them. It gives many people the illusion of success and progress when, in fact, they are completely in chains. Most of the attorneys I know would tell you they are in chains.” says Barnes.

Barnes recalls that in the past decade, his recruiting firm would execute an online personality test for promising candidates whose first interview went well. Special software would generate a detailed 10+ page single-spaced assessment about the person with insights such as what the person was like psychologically, how they would get along with others, and how they viewed the world.

⁵ 11D. B. Marlowe, Alcoholism, Symptoms, Causes & Treatments, in STRESS MANAGEMENT FOR LAWYERS.

After reviewing the results from numerous candidates, one theme was consistent for Barnes and his recruiting team:

A majority of the lawyers they screened exhibited emotional and psychological red flags.

A staff member on Barnes' team recalls: *"I am not sure what is going on, but all of the attorneys we are interviewing are turning out to have serious emotional problems. I would not recommend hiring any of them."*

Over the years, Barnes noted a few takeaways from the online test:

- One person (an attorney from a major New York law firm) was "ready to explode," according to the test. Years later, Barnes read that this same lawyer was being accused of attempted murder
- Another person (an attorney from a major San Francisco law firm) said he would, "likely break the law if they believed it was justified." Ten years later, Barnes read that this same person was being convicted of attempting to smuggle illegal aliens across the border from Mexico under the seat of a Lincoln Continental

Barnes recalls, "Reading the results the software was generating was like sitting in a psychiatric hospital reading reports about mentally disturbed patients."

Barnes' staff also found that many of the attorneys they tested and eventually hired had been practicing law for the least amount of time, whereas the more seasoned applicants who had been practicing law the longest were almost universally eliminated after taking the test.

"I believe that the legal profession has a special set of stress factors that—quite literally—may 'drive people crazy,' states Barnes.

Like Barnes, Patrick Krill, an attorney, alcohol & drug counselor, author, advocate, and thought leader, has done extensive research about the perils of the industry and the negative effects on lawyers.

“The legal industry tends to prioritize success and accomplishment over things like balance, personal well-being, health, etc,” says Krill. “Attorneys go through training where they are taught to work harder, play harder, and assume the role of a tough, capable and aggressive professional without personal weaknesses or deficiencies. Heavy drinking, lack of balance and poor self-care are entirely normalized. That’s the behavior that young lawyers see being modeled all around them, and throughout the profession,” he continues.

NOT JUST AFFECTING LAWYERS

The pressures from the profession start early, as the high stress is not just impacting practicing attorneys, but law students as well. In 2016, 15 law schools and over 3,300 law students participated in the *Survey of Law Student Well-Being*⁶, which found:

- 17% experienced some level of depression
- 14% experienced severe anxiety
- 23% had mild or moderate anxiety
- 6% reported serious suicidal thoughts in the past year
- 43% reported binge drinking at least once in the prior two weeks and nearly one-quarter (22%) reported binge-drinking two or more times during that period
- One-quarter fell into the category of being at risk for alcoholism for which further screening was recommended

THE AMERICAN BAR ASSOCIATION HAS TAKEN ACTION

The current climate in the legal profession has not gone unnoticed, prompting *The American Bar Association* to form the *National Task Force on Lawyer Well-being* in August 2017.

“Lawyers, judges and law students are faced with an increasingly competitive and stressful profession. Studies show that substance use, addiction and mental disorders, including depression and thoughts of suicide—often unrecognized—are at shockingly high rates. As a consequence, *The National Task Force on Lawyer Well-being*, under

⁶ J. M. Organ, D. Jaffe, & K. 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 J. LEGAL EDUC. 116 (2016).

the aegis of CoLAP (the ABA Commission on Lawyer Assistance Programs) has been formed to promote nationwide awareness, recognition and treatment,” writes David R. Brink, former President of *The American Bar Association*.

The report states, “Depression, anxiety, chronic stress, burnout, and substance use disorders exceed those of many other professions. We have ignored this state of affairs long enough. To preserve the public’s trust and maintain our status as a self-regulating profession, we must truly become “our brothers’ and sisters’ keepers,” through a strong commitment to caring for the well-being of one another, as well as ourselves.”

The National Task Force on Lawyer Well-being continues on to explore the concept of well-being and how this applies in the context of being a lawyer. Through its research and consultations with other prominent well-being definitions and social science research, they state, “We define lawyer well-being as a continuous process whereby lawyers seek to thrive in each of the following areas: emotional health, occupational pursuits, creative or intellectual endeavors, sense of spirituality or greater purpose in life, physical health, and social connections with others. Lawyer well-being is part of a lawyer’s ethical duty of competence. It includes lawyers’ ability to make healthy, positive work/life choices to assure not only a quality of life within their families and communities, but also to help them make responsible decisions for their clients. It includes maintaining their own long-term well-being.”

Quite simply, to be a good lawyer, one has to be a healthy lawyer.

The National Task Force on Lawyer Well-being created the following recommendations, which revolve around five core steps intended to build a more sustainable culture within the field:

1. Identifying stakeholders and the role that each of us can play in reducing the level of toxicity in our profession
2. Ending the stigma surrounding help-seeking behaviors

3. Emphasizing that well-being is an indispensable part of a lawyer's duty of competence
4. Expanding educational outreach and programming on well-being issues
5. Changing the tone of the profession one small step at a time

Throughout the report, the Task Force lays out a number of suggestions for the industry to transform cultural change in a profession that has always been, and will remain, demanding. A few include:

1. Stressing the importance of seeking support regarding matters of well-being and work/life balance
2. Establishing lawyer assistance programs to meaningfully reduce lawyer distress, enhance well-being, and change legal culture
3. Encouraging leaders to create and support change through their own demonstrated commitment to core values and well-being in their own lives and supporting others in doing the same
4. Devoting more resources to well-being, including instruction in recognizing mental health and substance use disorders as well as navigating the practice of law in a healthy manner
5. Take steps toward minimizing the stigma of mental health and substance use disorders

SOLUTION(S)

The industry statistics coupled with the efforts conducted by *The National Task Force on Lawyer Well-being* serve as crucial indicators of the widespread epidemic pervading the legal profession.

While the Task Force puts forth numerous improvement opportunities and solutions in its report, a few universal themes exist:

- 1. Seeking support and appropriate leadership are paramount for managing stress**

2. The right type of assistance can and will help lawyers and other professionals manage the pressures that come from their highly demanding industries

Regardless of what stage in their legal career - law student, practicing attorney or partner - the right type of support and leadership can help lawyers combat stress and help them achieve the following:

1. Find meaningful work
2. Re-focus on work-life balance
3. Explore a new type of leadership

FIND MEANINGFUL WORK

Research has found that feeling that our lives are meaningful is important for physical and psychological wellness, and provides a buffer against stress.

The same can be applied to lawyers. For many, an important part of building a meaningful life is through meaningful work. Experiencing meaningful work means that we believe that what we do matters and has value.

Studies show that meaningfulness plays an important role in workplace well-being and performance, and may be the strongest predictor of work engagement.⁷

Quite often we stray from what constitutes meaningful, especially as it relates to work, but finding the right type of support can help realign and redefine what matters and how work can correspond to your values.

RE-FOCUS ON WORK-LIFE BALANCE

⁷ A. M. BRAFFORD, POSITIVE PROFESSIONALS: CREATING HIGH-PERFORMING, PROFITABLE FIRMS THROUGH THE SCIENCE OF ENGAGEMENT. (American Bar Association, forthcoming November 2017.); D. R. May, R. L. Gilson, & L. M. Harter, The Psychological Conditions of Meaningfulness, Safety and Availability and the Engagement of the Human Spirit at Work, 77 J. OCCUPATIONAL & ORGANIZATIONAL PSYCHOL. 11 (2004).

The stress of chronic work-life conflict can damage well-being and performance. Studies both in the US and internationally have found that in the legal field, work-life conflict was the strongest predictor of lawyer burnout and that preoccupation with work was the strongest predictor of depression.⁸

Seeking the appropriate help and guidance as it pertains to finding balance can make all the difference for lawyers. An outside party can take a higher level view and then offer solutions to achieve balance.

EXPLORE A NEW TYPE OF LEADERSHIP

Throughout its report, *The National Task Force on Lawyer Well-being*, cites the importance of “Leader Development and Training Leader” as being critically important for supporting lawyer well-being and optimal performance. It states, “Low-quality leadership is a major contributor to stress, depression, burnout, and other mental and physical health disorders. Even seemingly low-level incivility by leaders can have a big impact on workers’ health and motivation.”

Leadership makes all the difference, and studies show that positive leadership styles contribute to work engagement, high performance, and job satisfaction.⁹

To effectively combat and manage work-related stress, it takes a different kind of leadership to offer the right shift in perspective. The best person to offer guidance, support and feedback would ideally be separated from the daily grind of being an attorney, BUT does understand ambition and has experienced high pressure, demands, and stress.

⁸ V. Hopkins & D. Gardner, The Mediating Role of Work Engagement and Burnout in the Relationships Between Job Characteristics and Psychological Distress Among Lawyers, 41 N. Z. J. PSYCHOL. 59 (2012)

⁹ A. Amankwaa & O. Anku-Tsede, Linking Transformational Leadership to Employee Turnover: The Moderating Role of Alternative Job Opportunity, 6 INT’L J. BUS. ADMIN. 19 (2015); J. Perko, U. Kinnunen, & T. Feldt, Transformational Leadership and Depressive Symptoms Among Employees: Mediating Factors, 35 LEADERSHIP & ORG. DEV. J. 286 (2014); M. Y. Ghadi, M. Fernando, & P. Caputi, Transformational Leadership and Work Engagement, 34 LEADERSHIP & ORG. DEV. J. 532 (2013).

CONCLUSION

Work demands are here to stay, however a distinct approach and mindset are needed to tackle and sustain the pressures that come particularly from high-powered, high-demand industries. As illustrated by the current climate of the legal profession, a disregard for the negative effects of chronic stress are simply not sustainable.

Professional success should not come at the expense of your mental health and well-being, and regardless of what stage you are in your career, it's never too late to seek support and solutions.

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Visit our website at www.defyandhustle.com.

From Noreen Ehrlich, Creator of the Defy & Hustle Blueprint:

“After many years as an executive in Manhattan’s lucrative private equity and real estate worlds, I was thriving in these highly stressful, highly demanding environments. Yet, while I was “successful,” my personal life took a toll because I was burnt out, unfulfilled and quite simply, exhausted. I finally had enough and gave myself the break I needed. With determination and much inner work over many years, I developed solutions and tools to help professionals manage stress and achieve a healthy balance in life and work.

Defy & Hustle Business Solutions was created to help other high-demand practitioners clarify their goals, streamline their efforts, and stand out from a sea of competitors with less effort.

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