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Mental Health Matters

Many firms are rife with stress. Ignoring the problem puts your employees and your firm at risk.



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Law firms are known for being demanding, stressful environments. Attorneys clock 60 to 70 hours per week, sacrificing time for themselves and their families to serve clients' needs and complete cases. They serve high-maintenance clients who command them to be on call 24/7, and do not take enough vacation time or breaks to recover. To keep up with the competition, they often have to work on multiple cases at once, as well as stay on top of the latest technology trends and best practices in the industry.

It's a lifestyle that can take its toll. A 2016 study in the *Journal of Addiction Medicine* of nearly 13,000 employed and licensed attorneys from 19 states revealed some startling information: Lawyers participate in "problematic drinking" at a rate that is 20.6 percent higher than other populations. About 28 percent of the lawyers reported suffering from severe depression, 23 percent said they were stressed and 19 percent said they had anxiety.

These findings aren't an anomaly. An ALM Intelligence survey of 200 law firms showed that half of all law firms reported that there was drug abuse occurring in their offices. A majority of firms reported that depression, anxiety and alcohol abuse are happening at their firms, and that the number one cause of these issues is stress and workload levels.

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Tina Willis, an Orlando personal injury attorney and owner of Tina Willis Law, says that law firms seem to be putting their lawyers’ mental health on the back burner. “I know lawyers given caseloads that are too high, splits or salaries that are too low, and tied to higher and higher caseloads, along with lawyers who are gaining weight, not exercising, often working when sick and rarely taking vacation time,” she says.

There is a high cost if law firm partners and managers don’t address these all too prevalent and alarming issues.

“The risk of doing nothing is that these kinds of impairment can impede the ability of lawyers, and ultimately of firms, being able to practice high quality law,” says Larry Richard, JD, PhD, of LawyerBrain LLC. “This goes to the heart of being competent lawyers, which, in turn, raises ethical issues. These issues absolutely must be addressed in order to ensure that clients’ needs are protected, and that firms’ reputations are protected — as well as for the more humane reason that the lawyers who are suffering need help and that alone should be enough reason to act.”

If law firm partners and legal managers want to help their lawyers who are suffering — or stop these issues from occurring in the first place — they can take the following steps.

RECOGNIZE THE PROBLEM

Many times, law firm partners and managers like to pretend that these problems aren’t occurring, or if they do, they don’t care to address them.

“I’ve certainly heard administrators say they’ve been told ‘Don’t ask ... if we don’t know, we don’t have to deal with it,’” says Teresa Walker, Chief Operating Officer of Waller Lansden Dortch and Davis LLP, and former ALA President.

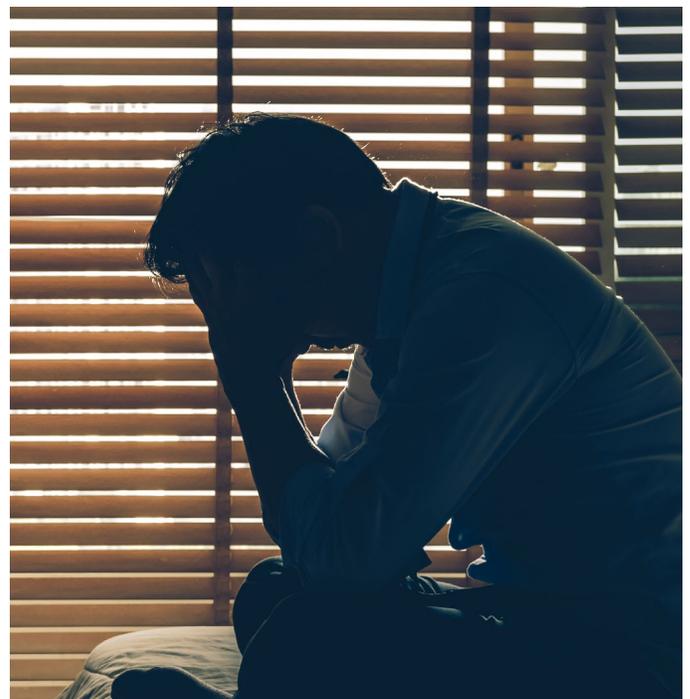
Mental health and substance abuse problems are certainly being talked about more in society in general. That said, firms have more work to do. “More attention is being paid by firms to these issues, but that’s not the same as effectively

addressing these concerns,” says Richard. “I think we have a long way to go.”

The first step is to recognize these problems and start taking action. Walker says that firms don’t keep track of their lawyers’ hours unless the hours are too low or it’s time to pay bonuses. Moreover, few firms track vacation time or whether their attorneys even take it. Firms need to ensure that lawyers are clocking in all their hours, but also not overworking themselves and taking advantage of allotted vacation hours.

According to Walker, firms also must realize that many of their attorneys are going to be type A personalities focused on achievement. Firm leadership should also have a close eye on younger associates who may be working too hard — and may not even recognize it in themselves.

“Young associates are fed to the lions in many firms and wind up working on multiple deals with multiple deadlines for multiple partners,” says Walker. “No one other than the associate typically knows what stresses a young associate



is under. And, any associate who has in mind becoming a law firm partner knows that the harder they work, likely the more work that comes their way. Everyone wants the ‘best and brightest’ lawyers on their deals. The more partners who know their work, the better their likelihood of being elected to be a partner.”

Lawyers also need to identify when they are going overboard and put their mental and physical health first and be cognizant of their own wellbeing. “[They have to] accept that they need to care about themselves, starting with the critical idea that money is not the only thing that they need in life,” says Willis. “Then they need to put that realization into action, by some combination of taking fewer cases, perhaps leaving a high-stress job and working fewer hours.”

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CHANGE THE CULTURE OF THE FIRM

Many firms today cultivate cultures where lawyers are expected to work long hours, including the weekends. But even research shows that working longer does not necessarily result in better results. According to one study by Draugiem Group, how many hours you work doesn’t have anything to do with productivity. What matters is how you structure your workday and how frequently you are taking breaks. For example, employees who work for 52 minutes and then take 17-minute breaks are much more focused than those who do not.

If law firm partners and managers want healthier, more productive attorneys, they should change their cultures, says Nora Riva Bergman, JD, and author of *50 Lessons for Lawyers: Earn more. Stress less. Be Awesome*. “The reality is that the ‘work late, work long, work weekends’ culture of most law firms is damaging to the attorneys, the staff members and ultimately to the clients they serve. There is a tremendous amount of research in the area of neuroscience, which demonstrates that unrelenting work and unrelenting stress related to that work is detrimental not only to our physical health, but to our brain function and cognition.”

Changing the culture involves modifying law firms’ idea of success, as well as their reward system. “Much about the profession is dependent solely upon the individual’s accomplishments, the sweat of their brow, how much business they generate, how many cases they win, who represents the biggest clients, etc.,” says Walker. “The compensation systems at many firms do not reward team play, firm management, training young associates [and] being innovative.”

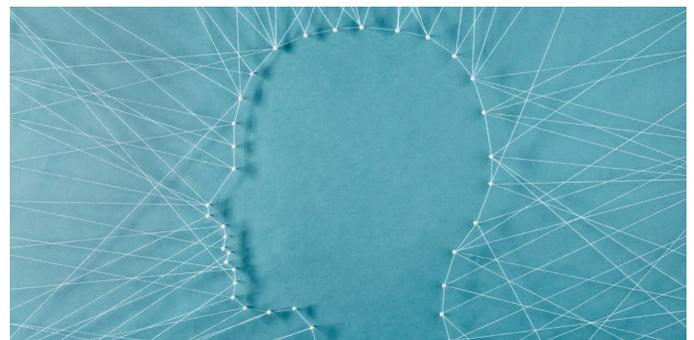
Along with shifting the culture, law firms also need to emphasize prevention on the individual and organizational level, according to Richard. Firms can teach individuals “simple but powerful cognitive strategies that build their psychological resilience and mental toughness, thereby allowing them to cope better with the day-to-day stresses of practicing law,” he says.

Richard says it starts at the organizational level, noting there must be a systemic, comprehensive, sustained, multimethod change process. “[This should include] new standards for appropriate behavior, cultivating activities and situations that foster positive emotions, strong role modeling by leaders, training of leaders and rank-and-file partners in the skills of how to foster human thriving amidst an atmosphere that naturally elevates the negative and so forth.”

GARNER THE SUPPORT OF HUMAN RESOURCES

Most law firms are self-managed, and according to Walker, there are limited, if any, managers who are professionally trained.

“Few lawyers went to law school to handle HR matters or to any school to manage or lead people,” she says. “Despite being extremely smart people, most law firm leaders and managers don’t have the training, and most of the time, don’t have the real-life experiences to recognize mental health issues in others.”



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The human resources department plays a critical role in promoting wellness and putting best practices into play. They can implement new mental and physical health initiatives, ensure lawyers are clocking in and out and taking vacation time, hold wellness workshops, and stress the importance of using sick and personal days when needed.

On an individual level, lawyers should be getting enough sleep (ideally eight hours every night), exercising regularly and eating well, says Bergman. “While these things are important, the law firm culture must be redesigned to support the individual.”

“Legal managers and HR need the support of their bosses,” says Willis. “But, if they have that support, then they just need

to recognize the importance of personal time, and flexibility and mental health. If the law firm has a culture that emphasizes quality of life, then the rest will follow.” ■

ABOUT THE AUTHOR

Kylie Ora Lobell is a freelance writer living in Los Angeles. She covers legal issues, blogs about content marketing, and reports on Jewish topics. She’s been published in *Tablet Magazine*, *NewsCred*, *The Jewish Journal of Los Angeles* and *CMO.com*.



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