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ANALYSIS

‘There’s a Lot of Backlog to Address’: Why Mental Health in the Legal Profession Is Getting Worse

ALM's annual Mental Health Survey shows unexplored trauma from the pandemic coupled with emerging issues of economic uncertainty and billable pressures are combining to hinder mental health improvements in law firms.

May 18, 2023 at 05:00 AM

🕒 11 minute read

Mental Health



Dan Roe [↗](#)
Reporter

Editor's note: Along with this analysis of our fourth annual Mental Health Survey, you can explore the data in [this detailed infographic](#). The full data set is on [Law.com Compass](#).

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At no point in the history of law firms has mental health and wellness been talked about as much as it was in the past three years. Since then, half-hearted initiatives have become fully staffed positions. The most cutthroat law firms in the country are offering mindfulness sessions, hiring guest speakers to talk about exercise and nutrition, removing alcohol from firm events and training their staff on supporting each other's mental well-being. Many firms signed their lawyers up for therapy apps and some even brought therapy and wellness professionals in-house. For institutions that ask employees to give everything to their work, law firms certainly seem to care a lot more than usual about how people are doing.

The question hanging over all of this is one whose answer may be too early to call, but which ought to be investigated anyway: Why aren't people feeling any better?

That's the unfortunate implication within our 2023 survey of mental health in the legal profession, which asked nearly 3,000 lawyers a host of questions about their mental wellness and how it related to their law firms' policies and culture. Incidences of mental health issues went up slightly, even if attorneys said their firms were offering more help and slowly destigmatizing the subject.

A cynic's take would be to write off law firm's mental health efforts as lip service, a thinly veiled effort to keep up with the times while continuing to demand most of their employees' waking hours. Some lawyers surveyed felt that way, while high billable requirements and an inability to log off remained the most common complaints by far. How much progress can be made on mental health without changing that system depends on who you ask, but no one seems terribly optimistic.

However, it could also be too early to tell how effective law firms' recent mental health efforts will be. For one thing, mental health consultants note the glacial pace of change in law firm culture, urging some appreciation for the fact that mental health and therapy are easier to talk about today than five years ago. The pandemic also caused trauma that many people haven't yet been able to address, says Laura Mahr, the lawyer turned mental health coach and consultant behind Conscious Legal Minds. "There's a lot of backlog to address," says Mahr. "Many of us are experiencing new mental health challenges brought about from living through the past few years of intense stress and unknowns. Most of us have unprocessed grief from all kinds of losses we experienced during the pandemic, which can exacerbate the stress and mental health conditions some were already dealing with pre-pandemic."

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No Reprieve From Stress and Anxiety

In this year's survey, 71.1% of lawyers surveyed said they had anxiety, an increase of 5% from 2022. Similarly, 38.2% said they were depressed, up from 35% in 2022. The number of lawyers who said they had another mental health issue more than doubled to 31.2% in 2023 from 14.6% in 2022.

In a new set of questions this year tracking other signs of mental stressors, a majority of lawyers surveyed displayed a negative outlook on their careers and personal lives. More than 50% said they felt a sense of failure or self-doubt, lost emotion, felt increasingly cynical and negative, and had decreased satisfaction and sense of accomplishment. Meanwhile, more than 60% said they had physical or mental overwhelm or fatigue, felt moody or irritable, exhausted, or struggled concentrating. Roughly a third of lawyers said they felt helpless, trapped, detached, or alone in the world.

The profession's perception of itself also got worse: 63% thought mental health and substance abuse problems were worse in the legal profession, up from 55% the prior year. Roughly one in two lawyers said they knew colleagues who were depressed or had another mental health issue, while 44% said they knew co-workers who struggled with alcoholism. And nearly 15% said they knew someone in the profession who died by suicide in the past two years.

Asked about the sources of their mental health struggles, lawyers blamed their firms and the nature of the profession itself. More than three-quarters said their work environment contributed to their mental health issues, while the top reasons firms hurt lawyers' mental health included billable hour pressures, always being on call, lack of sleep and client demands.

Although lawyers recognized their law firms' efforts to improve mental health resources and destigmatize conversations about mental health, our survey still showed a lack of trust when it came down to lawyers asking their firms for help. Compared with the past few years, lawyers aren't feeling any more comfortable using mental health and substance abuse programs, educational programs, extended-leave policies, or on-site wellness professionals. "It would be used as grounds for termination," said one attorney at an Am Law 50 firm in response to a question about why they wouldn't take extended leave.

The Billable Albatross

Considering where we go from here, it would be disingenuous to lay out all of the levers law firms could pull to fix their peoples' mental health as they were of similar size and impact. Instead, we'll start by acknowledging the elephant in the room: billable hours. More than any other factor, lawyers responded to our question about what needs to change in the legal profession with scathing indictments of firms' high billable hour requirements and similar unwillingness to say no to clients. "The billable hour model needs to go and the always on/responsive culture needs to go. There will be no improvement without fixing those two things," said another Am Law 50 firm associate.

The neuroscience behind the ubiquity of lawyers' hatred of the billable hour is simple. Stress will always be a part of an adversarial profession such as the law, says Mahr. The culture of Big Law adds expectations of perfectionism and threats of humiliation over mistakes. "That is something that keeps us in a state of apprehension and tension, and we go through our days with very little education about how to regulate our nervous systems and take care of ourselves."

Without the ability to disconnect fully, lawyers who are constantly wrapped up in their work won't process their emotions and work through stressors in a healthy way, says Mike Lubofsky, a lawyer who started in Big Law before getting his master's in psychology and becoming a psychotherapist for lawyers. "You have to cut back billables to 30 hours a week, with a number of hours allocated for physical and mental health. Until that happens, there's no way to effectuate any change," Lubofsky says. "To bill that many hours is all-consuming. There's no way you're going to be able to have a balanced life, and that's where the lip service comes in."

Similar to billable hours, lawyers also say their firms' failure to push back on unreasonable client demands eroded their mental health as well. While lawyers aren't feeling as under-resourced as they did last year, nearly two-thirds thought their firm didn't know when to tell impatient clients "no."

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A substantial number of lawyers also feel uncomfortable taking the precious time off they're allotted. Just 28.1% of lawyers surveyed said they used all of their vacation time, and only 31.1% said they could fully disconnect while on holiday. Among their top reasons for not taking advantage of time off: not letting work pile up, missing billable time, demanding clients, and—for nearly half of attorneys who skipped vacation time—personal feelings of guilt.

What Else Firms Can Do

Short of reducing billable hours and pushing back on client demands in a way that supports well-rounded human beings—which has always been an option, foreign as it may seem—Big Law firms are focusing more attention and resources on their lawyers' mental health than ever before. Whether attorneys will view firms' efforts as valuable resources or posturing in the wellness-oriented world of Gen Z depends on how they go about it.

Even if firms don't reduce billable hours, Big Law firms could do a better job of communicating their high expectations to candidates and young attorneys. "Many firms don't have formalized training programs to help lawyers appreciate the importance of billing at a high level for the firm's survival or a standardized process written out for the firm's employees to follow and conform to," says Kristen Corpian, a former Greenberg Traurig associate who quit Big Law to launch Miami boutique CORPlaw. "Ultimately, if you don't understand a process, why it's important, and how to do it right—however your company defines 'right'—then you are just left to swing and miss, which leaves attorneys feeling uncertain and angry at the process overall."

One of the things the legal profession did well during COVID, according to attorneys and mental health experts, is open a dialogue about mental well-being in the first place. More than half of lawyers said they felt COVID and its impact opened up mental health discussions within their firms, and slightly more lawyers than pre-pandemic said they felt comfortable raising mental health and substance abuse concerns within their firms (although more than 40% said they still felt uncomfortable raising those issues).

"In a profession that fosters perfectionism, it can be difficult to feel safe and comfortable enough to access mental health-related services, even if they're put in front of us," says Mahr. "There is a threat, whether real or imagined, that we might not get promoted, or we might lose our job or not get a bonus if we aren't 100% on our game 100% of the time. Historically, there has been a stigma in the field of law around getting mental health support. Many of us have come to believe that we will be seen as inferior, the weak link on the team, if we admit we need help, so we protect ourselves by pretending nothing is wrong."

However, rising comfort levels with peer-to-peer conversations about mental health haven't necessarily hit the law firm level. The number of lawyers who said they felt comfortable using their firms' mental health benefits, educational programs and leave policies hasn't changed much in the past few years. And of all his clients who work in Big Law, Lubofsky says none has been referred by their firm. Most try to avoid telling their firm altogether, and those who do often end up waiting until they're in a position where they intend to leave anyway.

Existing benefits plans may leave gaps in mental health care, too. One recent client of Lubofsky left his firm after suffering from burnout because the firm needed to see a medical accommodation before allowing the lawyer to work part time. “What I would have suggested to them is for an allowance to be made for this individual to exercise more, take time for self-contemplation, quiet time, but they didn’t ask me,” Lubofsky says.

Mental health practitioners such as Mahr take a multifaceted approach to coaching law firms, starting with leadership and working through the entire staff. Mahr’s coaching and training focuses on teaching lawyers to regulate their nervous systems throughout the day. “The tools I teach are based in neurobiology and neuroscience and are designed to regulate the nervous system, switching you from a dysregulated nervous state to a regulated nervous state,” Mahr says. “When your nervous system is regulated, your cognitive functioning is optimized, and that’s imperative in the legal profession.”

When trying to get buy-in from leadership, mental health pros espouse the benefits of rest and relaxation for the brain of an attorney. “Work product and creativity will be better if you allow yourself and your associates to set boundaries around availability after hours,” says former practicing attorney and clinical psychologist Traci Cipriano. “Professional liability risks are also a very real concern when lawyers do not take care of their mental and physical health.”

In addition to encouraging firm leadership to take ownership of mental health initiatives and training, consultants also urge law firms to bring crucial resources and practitioners in-house. Lubofsky notes the in-house psychologist at the fictional hedge fund in Showtime’s “Billions,” a show about the lives of uber-stressed masters of the universe. “They should have mental health professionals on staff—they have money for that,” Lubofsky says. “You do check-ins for one hour, two hours to talk about mental health, and internally that creates a shift where it becomes more accepted.”