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ANALYSIS

Who Is Responsible for Protecting Lawyers' Mental Health?

"Human nature is responsible," said Florida State University College of Law professor Lawrence Krieger. "If you look at history, there has been a persistent problem that has plagued mankind forever, and it's called greed. It can be greed for money, greed for power, greed for prestige—but it's greed."

March 21, 2024 at 05:00 AM

6 minute read

Attorney Work Life Balance

Dan Roe
Reporter

What You Need to Know

- While law firms aren't without any responsibility, lawyers must look after themselves when the profession falls short.
- Breaking the cycle requires psychological flexibility—something that doesn't always come naturally to lawyers who are taught to think logically about other people's problems.
- Finding joy in your work should always come before compensation if being happier is the goal.

The legal profession affected [Vanessa Ford](#) and [Gabe MacConaill](#) in similar ways.

Ford, an M&A partner at Pinsent Masons in London, had just attended a celebratory lunch after finishing the sale of Everton FC when she was struck by a train during an acute mental health crisis last September. The deal caused her to work 18-hour days, Ford's husband told the coroner, and coincided with an increase in her alcohol consumption.

In 2018, Sidley Austin partner MacConaill died by suicide shortly after his firm's client, Mattress Firm, filed for Chapter 11 bankruptcy protection. The filing put immense pressure on MacConaill, who, according to his widow Joanna Litt, was left short-staffed after the departures of a mentor, a fellow partner and a key associate.

"He said he couldn't quit in the middle of a case," Litt wrote in a 2018 [American Lawyer](#) [column](#). "The irony is not lost on me that he found it easier to kill himself."

In recent conversations across the legal press, on LinkedIn, and within professional groups, lawyers are again wondering what can be done to prevent another tragedy. Could law firms offer more mental health resources or reduce the pressure they put on attorneys? Could clients be more understanding, exchanging rapid turnaround times for happier and healthier outside counsel? Could attorneys themselves become more resilient to the stressors of working in Big Law?

Asked who should take responsibility for lawyers' mental health, Florida State University College of Law professor Lawrence Krieger, a former litigator who has co-authored studies and written books on lawyer mental health, pointed to attorneys themselves.

"Human nature is responsible," Krieger said. "If you look at history, there has been a persistent problem that has plagued mankind forever, and it's called greed. It can be greed for money, greed for power, greed for prestige—but it's greed."

Krieger and other attorney mental health experts interviewed for this story didn't absolve law firms of responsibility altogether, but noted that firms are nothing but a collection of lawyers who have all of the same flaws and fears as the firm's individual associates, counsels and partners.

"We're talking about the American Dream in a sense," Krieger continued. "You become wealthy and powerful and all that. It's supposed to lead to happiness. When it doesn't, we call it addiction. It becomes a compulsive behavior, it becomes self-defeating and it basically destroys a person. So that's the problem with Big Law."

The Problem With Greed

To be clear, Krieger emphasized that some lawyers have no problem with Big Law. For those who truly love the work and have the bandwidth in their personal lives to log massive hours, there's no problem with stacking a pile of

money at a big firm.

However, in a [2015 study](#), of more than 7,000 lawyers titled "What Makes Lawyers Happy?: A Data-Driven Prescription to Redefine Professional Success," Krieger and co-author Kennon Sheldon, a professor of psychological sciences at the University of Missouri, found that larger, more profitable firms tended to employ attorneys with worse mental health.

By external measures, the most "successful" lawyers were among the most miserable.

"There's no reason why you couldn't have 1,000 people in a law firm and have everybody be delighted and happy all the time, but the system is set up for greed," Krieger said. "Greed means there's never enough because this is supposed to make me happy and it's not working anymore, so I'll keep working and trying to work more because it worked in the past."

Work is something lawyers are great at. While average billed hours hover just below 2,000 annually for the Am Law 100, 34 firms in a cohort of 95 Am Law 200 firms had at least one lawyer bill more than 3,000 hours last year, according to data submitted by law firms to the American Lawyer. One lawyer even billed 3,790 hours last year.

Another 44% of firms had a lawyer bill between 2,500 and 3,000 hours, while just 21% of firms didn't exceed 2,500 billed hours for a single attorney.

Granted, billed hours are an imperfect surrogate for attorney stress—some lawyers are able to work more, or want to—but lawyers continuously place billable hours, in addition to always being on-call, at the heart of their sources of stress.

Stress is basically just fear, Krieger said. Our evolutionary counterparts needed more adrenaline and cortisol to outrun a tiger in the same way the fight-or-flight response helps us hit our deadlines. High billable requirements, lean staffing models and a focus on profitability keep lawyers in a fearful state, and that fear ultimately starts to search for a release, he said.

"Once you get into that, the addictions take over," he said. "When you're living in fear all of the time, you're constantly looking for relief, and you're going to find it one way or another. People mostly end up looking in the wrong places."

To Thrive, Lawyers Must Decouple Success From Happiness

So what is a miserable Big Law attorney to do, quit and pursue a career in public interest?

Yes, actually—public interest lawyers were the happiest cohort in Krieger's study, despite being the least "successful," according to external measures such as income and prestige. Short of that, the hard truth is that lawyers who don't enjoy the work they do will continue being unhappy, Krieger said, so finding joy in your work should always come before compensation if being happier is the goal.

For lawyers who like their area of practice but don't like the workload or their firm's politics, asking for a reduced hours schedule or moving to a different firm could make the difference.

Making the change is tough, and it gets tougher the longer you practice.

Breaking the cycle requires psychological flexibility—something that doesn't always come naturally to lawyers who are taught to think logically about other people's problems.

"If somebody like Vanessa Ford is standing next to a rail track and feeling helpless, there's no flexibility there," said Mike Lubofsky, a lawyer and licensed psychotherapist who sees attorneys. "That's a terrible place to be. When people are suicidal, they don't see any other way."

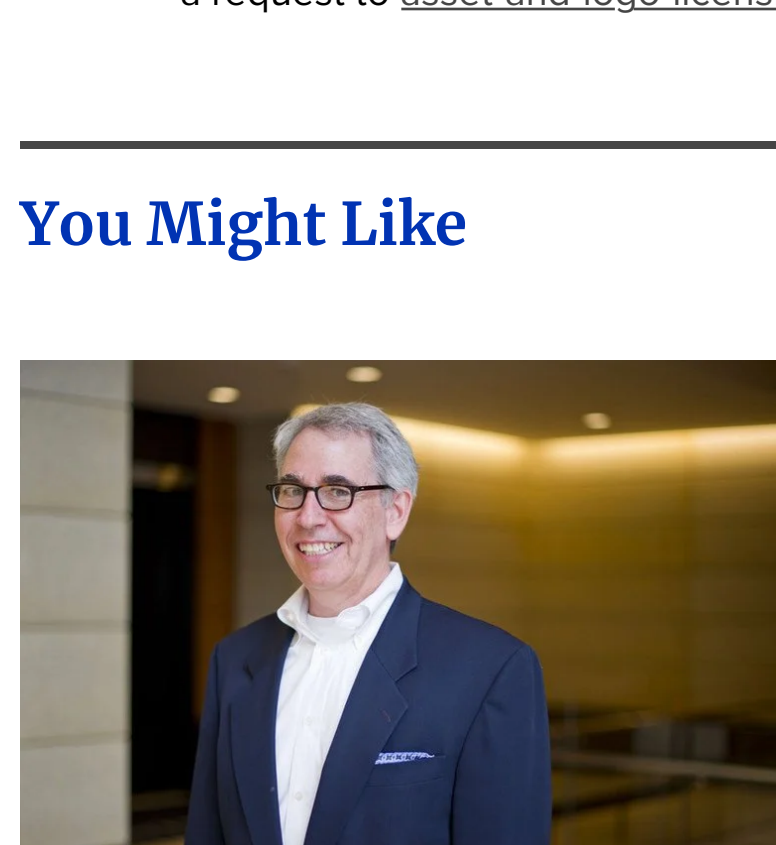
In addition to removing themselves from situations and law firms that hurt their mental health, attorneys can help themselves by letting go of outcome-based goals on a regular basis. Mindfulness, meditation and therapy can help with that, Lubofsky said, although attorneys and law firms must be intentional about setting aside time to practice psychological flexibility to make a difference.

"Even if things don't change within a law firm, you can aspire to cultivate that psychological flexibility so that when you're with your family on the weekend, you can be present," Lubofsky said. "Then you're able to pivot to work, as opposed to a constant hum in the background, wondering when the other shoe is going to drop."

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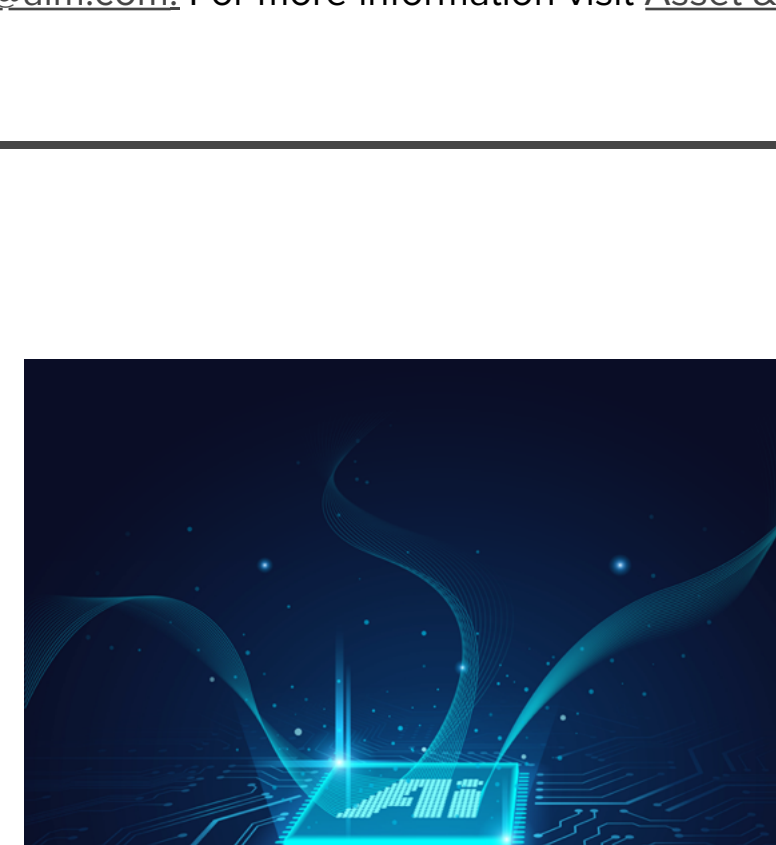
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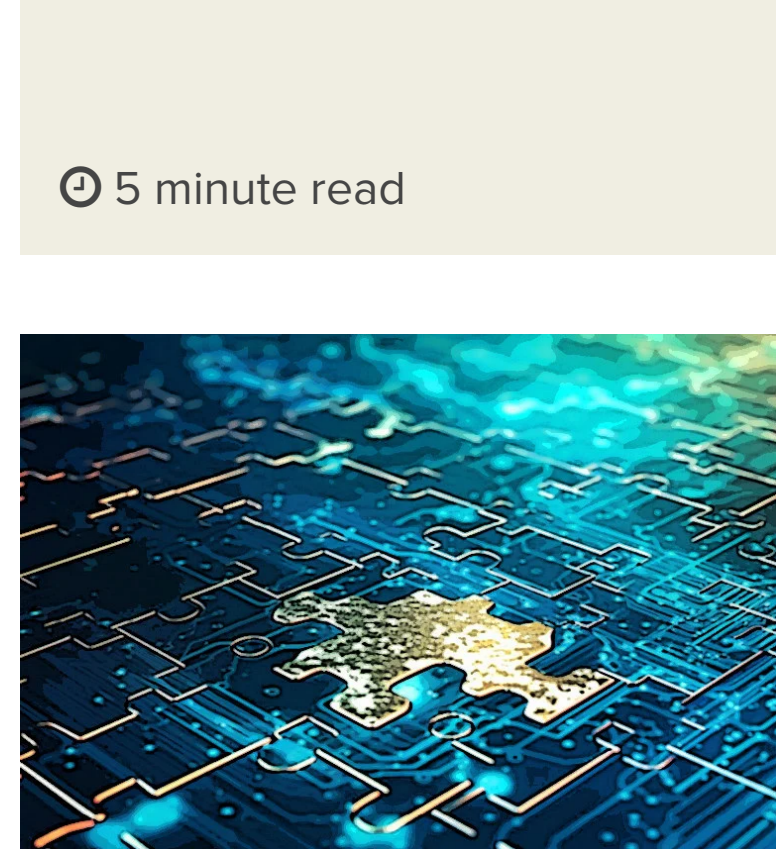
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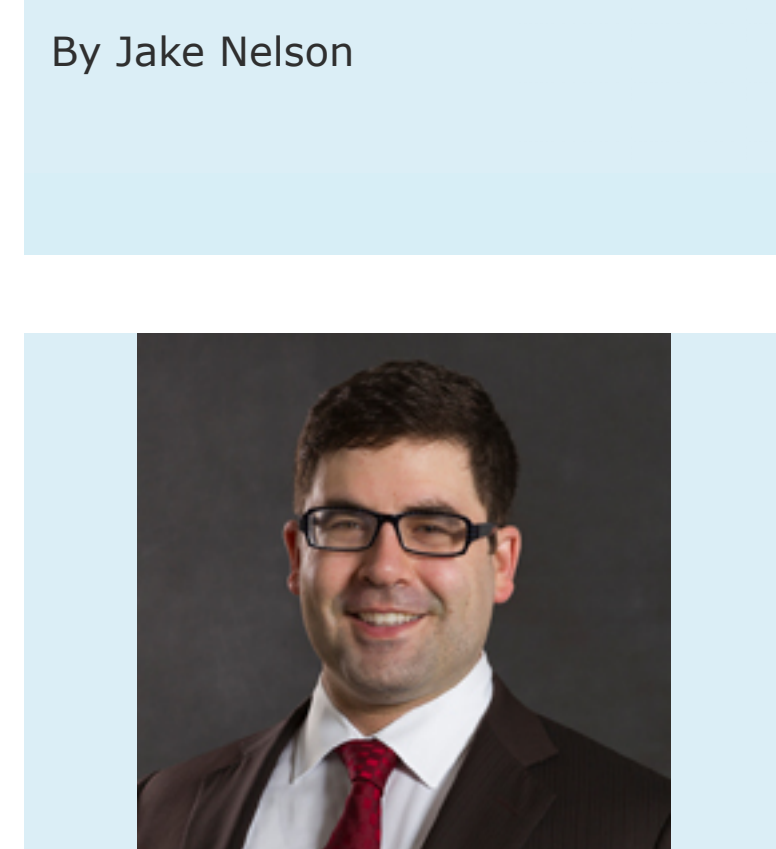
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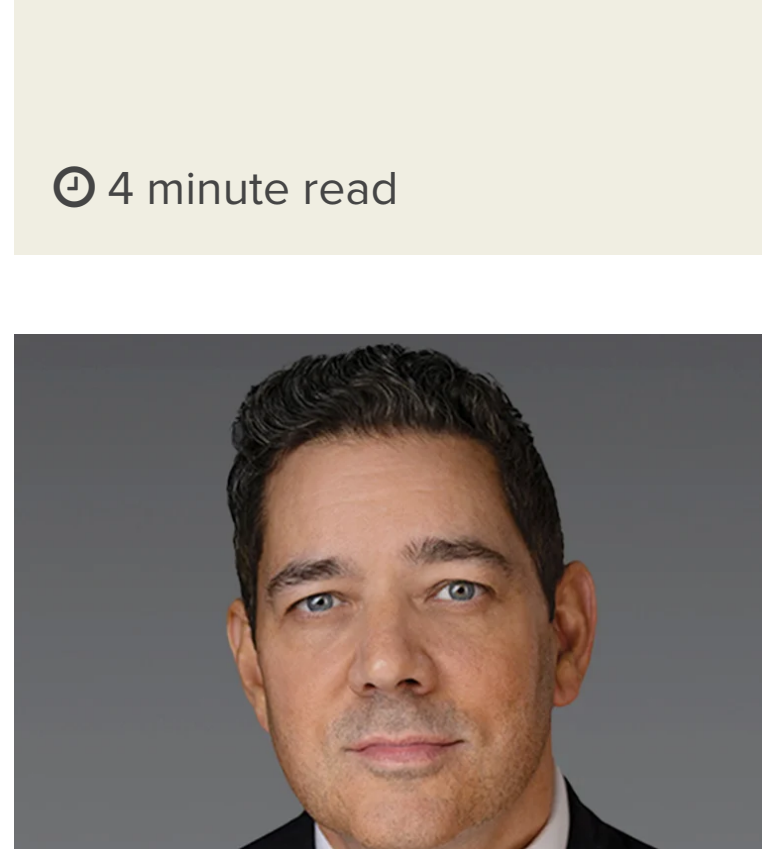
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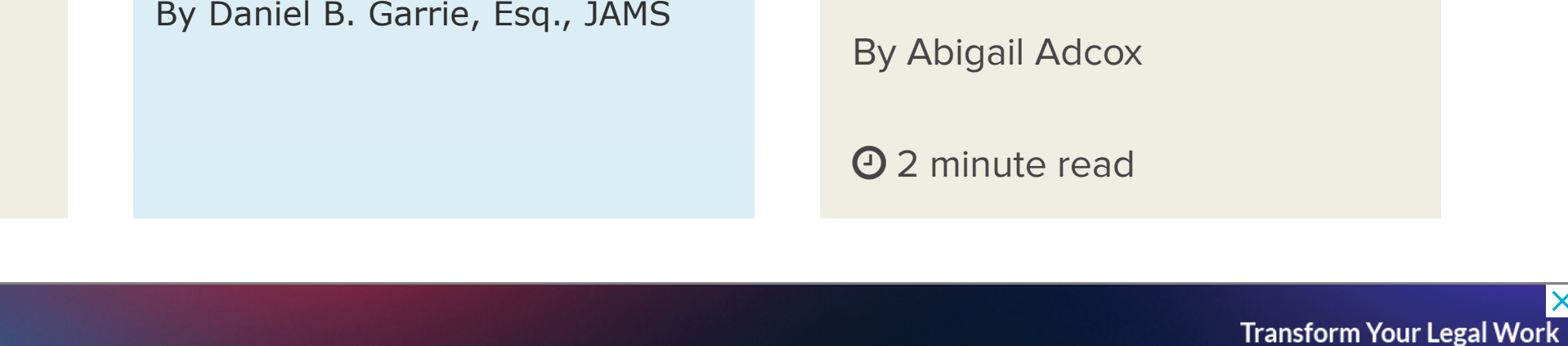
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