

# When it comes to lawyer mental health, ounce of prevention worth pound of cure

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Legal professionals are shining a light on mental health and general attorney well-being. However, the focus is almost exclusively on how to manage or mitigate stress and treat the ensuing mental distress. We are, in effect, merely treating symptoms.

The question that needs to be asked is whether the current law firm model of high billable hour quotas is compatible with lawyer mental health.

A recent global study asked lawyers and staff at law firms if the legal profession has had a negative impact on mental health, and over 75 percent of respondents said "yes." This striking and troubling statistic begs the questions: Why do so many lawyers feel this way, and what are we prepared to do about it?



Jonathan Baum

## CAUSE NOT IN SERIOUS DISPUTE

When reviewing a typical lawyer's career path at a law firm from first-year associate to equity partner, we can see that a 40-hour work week isn't possible. With the endless push to bill more and more hours, lawyers, especially at large law firms, are working like machines.

According to Bloomberg Law, the rate of work-induced mental collapse is alarmingly high, with attorneys feeling burned out in their jobs 48 percent of the time. In other recent mental health surveys, billable hour pressures were listed as the biggest issue when it comes to attorneys' well-being. Additionally, 30 percent of respondents reported hating their job.

This trauma is not limited to the United States. It has become a global issue. The National Study on the Health & Wellness Determinants of Legal Professionals in Canada conducted a study that focused, among other things, on the impact of billable hour requirements on lawyer well-being.

The long-term effects of the situation contained in the report suggest an existential issue for the profession. Among the conclusions was the following: "As billable hour targets increased, lawyers became less emotionally committed to their profession and their intention to leave it increased."

## RESOURCES MERELY PALLIATIVE

Given the high billable-hour quotas established by firms, many in the profession struggle with depression, substance abuse, divorce and even suicide.

In response, some law firms dedicate a range of resources to support their staff in their distress. Some offer wellness services such as support groups, mental health programs, or access to stress management apps.

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Organizations such as the Institute for Well-Being in Law provide a robust catalog of strategies for managing stress and improving mental health, while various "Lawyer Assistance Programs" provide confidential services and support to judges, lawyers and law students facing mental health or substance use issues.

One firm even brought in four "therapy dogs" to visit its hard-working associates. Another big firm honored World Sleep Day by handing its associates sleep-themed gifts, including branded silk eye masks.

Yet, there is no discernable effort to address the underlying factors causing burnout in the first place: excessive workloads and exorbitant billable-hour requirements. The current law firm model remains intact. It's as if drivers ed programs were limited to caring for accident victims.

## AN OUNCE OF PREVENTION ...

Before we can begin to look for a lasting solution, it's important to acknowledge there is nothing inherently urgent or critical in most lawyers' work. Attorneys are not ER surgeons who may be on call or SWAT teams brought in to negotiate with a hostage. Emergencies in law firms are rare, and deadlines can be managed with appropriate staffing.

While one might believe that the long hours are attributed to client demands, studies show that only 8 percent of attorneys feel that their clients have unreasonable demands.

Clients would hardly argue that the longer an attorney works the better product they will produce. After all, if you were a client, would you want a stressed-out, burnt-out, sleep-deprived, overworked lawyer working on your bet-the-company litigation or your public offering registration statement? Probably not.

If the causes of lawyer burnout and stress are evident and widely acknowledged, why aren't they addressed? The most obvious objection to any remedy is that it may reduce profitability. Wouldn't billable hours allocated among more lawyers raise the "cost of goods sold" and translate to less profit per partner?

Probably not, according to both OSHA and the World Health Organization. Each of these organizations has stated that workplaces with reduced stress are more productive and more profitable.

Setting the profitability issue aside, the current law firm model fails its main constituents: associates, partners and clients. Even if profitability were to take a hit, reducing high workload quotas would benefit lawyers and their clients.

What would a firm be willing to forgo in profitability in order for its lawyers to live without stress and be more productive? Would clients pay more for a better work product delivered by unstressed counsel?

The time has come to shift the focus from palliative care to preventative solutions. When firms create a safe and productive workplace for employees, key constituents win. Who among us would not want to work at or engage a firm that:

- Puts limits on how many hours its lawyers work
- Mandates vacations
- Rewards quality over quantity
- Staffs projects appropriately
- Offers flexible hours

A firm that embraces the above model will promote lawyer well-being, produce a better work product, improve responsiveness to client needs, attract and retain the best and brightest talent, attract and retain the best clients (especially those who have ethical sourcing standards), and likely increase profitability through greater productivity and lower disability-related absences.

It's time to have a discussion, at the very least, about this dangerous elephant in the room. The status quo is not sustainable and does a disservice to our key constituents. It renders the current law firm model and its stakeholders vulnerable to legal service providers and structures willing to address this issue.

It's only a matter of time before lawyers and clients begin to vote with their feet.

Jonathan Baum has more than 40 years of experience as a corporate, securities and finance lawyer, including many years organizing and managing legal teams. He spends time supporting the overall well-being and success of the legal community through Avenir Guild, an online portal where legal professionals can access resources and a community that empower their legal career at every stage. He can be contacted at [\[email protected\]](#).

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