

Well-Being in Law: A Global Call to Action



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➤ Selon l'Organisation Mondiale de la Santé, le bien-être existe lorsque *« l'individu prend conscience de ses propres capacités, peut faire face aux stress normaux de la vie, peut travailler de manière productive et fructueuse, et est capable d'apporter une contribution à sa communauté. »* Notre profession juridique est confrontée à une crise de bien-être qui menace notre capacité à exercer et à servir efficacement le public. Cet article identifie les défis auxquels nous sommes confrontés et les mesures concrètes que les individus, les employeurs et les barreaux peuvent prendre pour améliorer le bien-être.

➤ Según la Organización Mundial de la Salud, existe bienestar cuando *« el individuo se da cuenta de sus propias capacidades, puede hacer frente a las tensiones normales de la vida, puede trabajar de forma productiva y fructífera, y es capaz de hacer una contribución a su comunidad. »* Nuestra profesión jurídica se enfrenta a una crisis de bienestar que amenaza nuestra capacidad para ejercer eficazmente y servir al público. Este artículo identifica los retos a los que nos enfrentamos y las medidas concretas que los individuos, los empleadores y los colegios de abogados pueden adoptar para mejorar el bienestar.

Well-being is an essential issue of our time. To be a good lawyer, we must be a healthy lawyer.

Our profession, however, is experiencing a well-being crisis that is a cause for global concern. We are not thriving. Members of our legal community have elevated rates of substance use and other mental health issues well above the general population. Younger lawyers, women, ethnic minorities, and those with disabilities experience the largest impact. Women are leaving the profession at a rate greatly exceeding that of men. The pandemic has only exacerbated these challenges. In some areas of the world, like Ukraine, the basic needs of survival eclipse everything else.

The critical work of lawyers is jeopardized when we are not thriving or we face mental health conditions or substance use disorders. Our well-being may impair our ability to practice law and competently represent clients.

Unfortunately, due to stigma and fear of losing our license, we have been reluctant to seek help. This raises the risk of disciplinary grievances, malpractice claims, and the betrayal of public trust in the legal profession.

Well-being in law, however, is a team sport. This issue is so big one person cannot do it alone. Fortunately, we've already got teams across the globe uniquely positioned to do something – bar organizations, legal employers, and other stakeholders. This is the opportunity for us to make the difference for legal professionals and the public we serve.

What is Well-Being

Well-being is a continuous process whereby lawyers seek to thrive across all life's dimensions – emotional, occupational, intellectual, spiritual, physical, and social. According to the World Health Organization, a state of well-being is when

“the individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to his or her community.” Well-being goes beyond the absence of mental ill health to the perception that life is going well.

Current Challenges

Lawyers, law students, and judges suffer from elevated rates of depression, anxiety, and stress that may be compounded by substance use disorders and mental health issues. In the United States, the 2016 study by the Hazelden Betty Ford Foundation and the American Bar Association’s Commission on Lawyer Assistance Programs showed that legal professionals struggle with anxiety, depression, suicidal thoughts, and problematic substance use disorders at a rate of three times that of the general population¹. Newer lawyers are most at risk. Studies focused on law students and judges show similar results².

These findings are not unique to American lawyers. A 2021 global well-being survey indicates that lawyers’ levels of well-being are below the global average in every regional forum, with a disproportionate impact on the young, women, ethnic minorities, and those with disabilities³. The most frequently cited factors impacting well-being are stress, high workload, work/life balance, the working culture/environment, and physical or mental health issues. When experienced, the top four factors having the most negative impact on well-being are workplace harassment and bullying, unrealistic time pressures, the demand to hit targets, and the inability to take breaks.

The pandemic has only amplified our profession’s global well-being crisis. The ABA’s 2021 Practice Forward survey revealed that the pandemic has resulted in increased substance use and other mental health concerns⁴. Respondents found it harder to keep work and home life separate, felt overwhelmed and stressed, thought their day would never end, and had trouble taking time off from work. These feelings were more pronounced for women, lawyers of color, and younger lawyers, particularly those with young children.

Indeed, well-being challenges during the pandemic exacerbated the alarming attrition of women lawyers. One study found one-quarter of all women contemplated leaving the profession due to mental health concerns, compared to 17% of men⁵. Predictors of attrition include overcommitment to work, an imbalance between effort and reward, work-family conflict, and workplace permissiveness toward alcohol.

There is now a growing consensus that more needs to be done to address well-being in law. We must create a cultural shift in the profession and make well-being an urgent, strategic priority for the legal profession.

Opportunities

It is challenging, of course, to create cultural change in a profession that glorifies hard work at the expense of our own health. We consider sleepless nights a badge of courage. We are shamed for asking for help. We are judged as lazy for taking care of ourselves. We are labeled “weak” for admitting that we are anxious and stressed. But what’s at stake is our own vitality and workability – and that of our colleagues, teams, and organizations. Well-being impacts lawyer competence, ethical behavior, and client service in every sector of the legal profession.

All of us can take steps to enhance our own well-being and that of others. This involves education, policy change, and seeking support for ourselves and giving it to others.

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Recommendations for individuals

- Demonstrate a commitment to our own well-being
- Join a well-being committee or create one so we have support
- Get 7.5 to 9 hours of sleep per day, which is the most important thing we can do to enhance our physical and mental health

Recommendations for employers

- Establish a well-being committee to promote well-being throughout the organization
- Assess employees’ well-being to identify issues and initiatives
- Establish policies and practices to promote well-being
- Provide training on well-being

1. <https://lawyerwellbeing.net/the-report/> - Patrick Krill, Ryan Johnson & Linda Albert, “The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys”, 10 J. ADDICT. MED. 46 (2016).

2. Jerome M. Organ, David B. Jaffe & Katherine M. 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); David Swenson, Joan Bibelhausen, Bree Buchanan, David Shaheed & Kathryn Yetter, “Stress and Resiliency in the U.S. Judiciary”, 2020 J. PROF. LAW. 1, (2020).

3. <https://www.ibanet.org/Mental-wellbeing-in-the-legal-profession>.

4. Scharf, S., Liebenberg, R., with Gallagher, N. and Peery, D. “Practicing Law in the Pandemic and Moving Forward: Results and Best Practices from a Nationwide Survey of the Legal Profession”, American Bar Association (April 2021) (hereinafter, the “Practice Forward Report”), available at: <https://www.americanbar.org/content/dam/aba/administrative/digital-engagement/practice-forward/practice-forward-survey.pdf>.

5. Anker J, Krill PR (2021) “Stress, drink, leave: An examination of gender-specific risk factors for mental health problems and attrition among licensed attorneys”. PLoS ONE 16(5): e0250563. doi:10.1371/journal.pone.0250563.