

Crisis Highlights Need For Lawyers To Manage Stress

By Shannon Henson

Law360, New York (June 19, 2009) -- The economic downturn has caused some lawyers — who are already at statistically greater risk for suicide and depression because of their profession — to suffer anxiety and stress, sometimes with tragic results. However, consultants say law firms and attorneys themselves can take steps to alleviate the pressure.

Lawyers and consultants said firms should strive to be as transparent as possible with their attorneys because uncertainty is the most stressful aspect of the recession for many professionals. Meanwhile, legal industry watchers said it would behoove attorneys to be as proactive as possible and to try to remain positive.

Daniel Lukasik, managing partner of Cantor Lukasik Dolce & Panepinto and the voice behind the Web site Lawyers with Depression, noted that numerous medical studies show attorneys suffer from depression at a much higher rate than people in other professions.

Attorneys tend to be perfectionists, overachievers and people who look for external affirmations of success, he said.

If they also have a genetic risk for depression or a traumatic history and are thrown "in a very stressful, confrontational workplace, it is the perfect storm for someone to develop depression," Lukasik said. "Then what happens when someone loses their job? It's the last straw."

Not only are lawyers at high risk of depression, Lukasik and others said, they are unlikely to ask for help.

"There is a tremendous stigma," Lukasik said. "There's an expectation on lawyers, especially lawyers at large firms, to be super people. They are impervious to problems. They aren't the ones with problems, they are the problem-solvers."

Since attorneys are at a high risk for depression and work in stressful situations even in a good economy, lawyers are now facing potentially unparalleled mental and emotional challenges.

There is a "crisis in terms of pandemic clinical depression existing at every level at almost every law firm," said Jerry Kowalski of law firm consulting company Kowalski & Associates.

Kowalski cited anecdotes about suicide and divorce and said the offices of cardiologists and psychiatrists were teeming with attorneys.

Attorneys aren't just struggling with the loss of their jobs or worrying that they will be the

next one to be laid off. Many who aren't on the chopping block are suffering from "survivors' guilt" and may be under additional work stress to fill the void of the lawyers who have been laid off, said Kathleen Brady of Brady & Associates Career Planners LLC.

"I think the stress too is just generally higher because the old rules don't seem to apply any more," Brady said. "Historically, firms never fired first-years, and now first-years are being laid off."

Legal consultants agreed with Brady that the uncertainty is causing a great deal of stress in the industry. But she and others said law firms could try to abate that stress factor by being open and honest with their employees.

"Rumors just exacerbate the stress level," she said. "It's difficult for firms when it involves personnel issues, but in this economy, as much as they can share about the fiscal health of the firm will lessen anxiety."

Kowalski said virtually all law firms were guilty of not being transparent, a problem made worse in the Internet era.

"Firms are afraid to discuss with candor what the thinking is and what options are being considered because they know that within three minutes it will appear on some blog. But they need to stop being afraid and understand that opening up the discussion and making things more transparent enhances the law firm's reputation and standing."

At the same time, many lawyers are learning about the inner workings of their firms from the media, said Deborah Epstein Henry, president of Flex-Time Lawyers LLC.

"That's a really big problem," she added.

Douglas Richardson, head of the Richardson Group and an adjunct consultant with Shannon & Manch LLP and Altman Weil Inc., said that when firms communicate with their attorneys, they should aim to do so face-to-face.

"An e-mail or a memo isn't enough," he said. "At the practice group or office leader level, there should be very intense and frequent communication about how a firm is doing and the steps the firm is going to take. It does not even have to be good news to reduce stress. Young people are cynical, so they are not looking for that. But they want information on how much risk they face."

Aside from increased communication, consultants said, senior members of law firms need to be educated about the warning signs of when associates and partners are suffering from anxiety and depression and may need help.

Richardson said lawyers don't often trust human resource employees and are reluctant to utilize employee assistance programs. He said senior attorneys should be taught to

"recognize when people are stressed and having trouble coping."

Knowing when someone needs help is tricky because people display stress differently, he said. But if an attorney displays a dramatic change in behavior, a partner may be able to help by reaching out and asking specific questions about whether the attorney is sleeping well and if they feel they are struggling to manage their hours.

Lukasik said the signs of trouble are very specific, starting with a lack of concentration, which leads to a drop in productivity. Firms should be educated on what resources, such as lawyer assistance programs, are available, he said.

Assisting attorneys who are struggling and trying to understand the source of their anxiety is not only the right thing to do — it also has an impact on the bottom line, Richardson said.

"It pays off practically," Richardson said. "Less absenteeism, fewer junk hours, fewer instances of poaching work from other lawyers. There's a business case to be made. It's not just humanitarian."

Both laid off and still employed attorneys can also take steps to minimize their anxiety, consultants and others agreed. Henry advised that attorneys who are fearful of losing their jobs should get up to speed on the practice areas that are busier right now or take continuing legal education courses.

"The other thing they can do rather than just sitting at their desks waiting for the phone to ring is to use their time to do nonbillable work they normally don't have time for," Henry said. She advised that lawyers write articles or speak publicly, which are opportunities to get some nonbillable visibility.

In addition to career steps and lawyer assistance programs, Lukasik said, therapy and medication may help. Exercising and starting a "gratitude journal" can also be tools to fight depression.

"Lawyers are pessimists as opposed to optimists, and they can't turn it off," he said. "They are used to seeing the problems in every situation. There's a strong correlation between depression and pessimism. Keeping a journal can turn the thinking around."

Lauren Wachtler, a partner with Mitchell Silberberg & Knupp LLP and chair of the New York Bar Association's Lawyers In Transition Committee, said the bar's programs had encouraged laid off attorneys to embrace their situation rather than apologize for it. Lawyers should take care of themselves, just tackling maybe one task a day they've been dreading.

One positive aspect of the situation, Wachtler pointed out, is that everyone is "in the same boat. It's not 'Woe is me,'" she said.

In the end, the downturn may give many attorneys a chance to retool their career or redirect their energies, she added.