

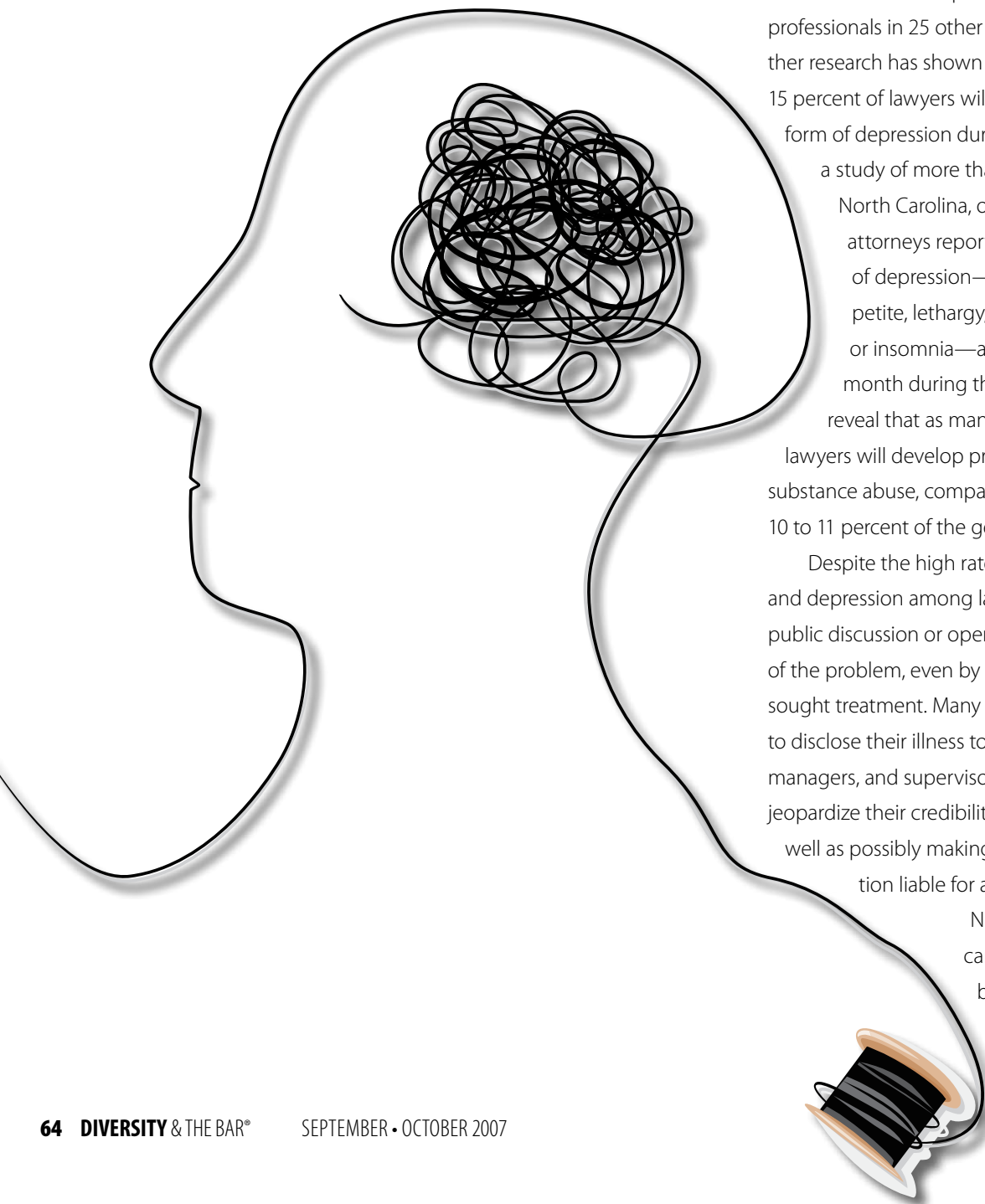
# Mental Health in the Legal Profession

By Scott Mitchell

**M**ental health problems are common in the legal profession. Research has shown that lawyers are prone to stress-related illnesses, including burnout, insomnia, clinical depression, gambling addiction, and substance abuse.<sup>1</sup> In a 1990 study, researchers at Johns Hopkins University found that lawyers had three times the rate of clinical depression compared to professionals in 25 other occupations. Further research has shown that approximately 15 percent of lawyers will encounter some form of depression during their careers.<sup>2</sup> In a study of more than 2,500 lawyers in North Carolina, one out of every four attorneys reported clinical symptoms of depression—such as loss of appetite, lethargy, suicidal thoughts, or insomnia—at least three times a month during the past year.<sup>3</sup> Surveys reveal that as many as 18 percent of lawyers will develop problems related to substance abuse, compared to approximately 10 to 11 percent of the general population.<sup>4</sup>

Despite the high rates of drug addiction and depression among lawyers, there is little public discussion or open acknowledgment of the problem, even by those who have sought treatment. Many attorneys do not wish to disclose their illness to employers, clients, managers, and supervisors because it might jeopardize their credibility and reputation, as well as possibly making their firm or corporation liable for a poor work product.

Nevertheless, lawyers can take certain steps both to avoid these problems and to



handle them once they have taken hold. *Diversity & the Bar*<sup>®</sup> spoke to two experts about mental illness in the legal profession to learn more about the following questions.

- What aspects of the profession or the legal workplace predispose practitioners to mental health problems?
- How can attorneys avoid negative situations that cause or contribute to depression, substance abuse, or stress-related illnesses?
- What services are available for those who experience difficulty and need assistance?

## How Practicing Law Encourages Dysfunction

"In large law firms, antisocial behaviors are often rewarded," says Andy Imparato, president and CEO of the American Association for People with Disabilities (AAPD), explaining that rewards in the form of bonuses or promotions are available only to those who meet unreasonable expectations regarding their flexibility and commitment. AAPD is the nation's largest membership organization promoting the political and economic empowerment of people with all types of disabilities. Imparato is also an attorney who was diagnosed with a bipolar disorder shortly after graduating from law school. He sought treatment from a psychotherapist and experienced episodes of depression and low energy, alternating with episodes of high energy and excessive self-confidence. His illness did not hamper his career, as he held positions as a policy adviser, staff attorney, and a nonprofit executive focusing on disability advocacy. Instead of being secretive about his diagnosis, Imparato has been open about his condition, and uses his experiences as a source of credibility and strength for his work on behalf of people with all types of disabilities. His candor is an example to other lawyers who are suffering from mental health problems and are unsure of what to do.

Frequently, according to Imparato, isolation from social or personal networks may exacerbate stress or underlying dispositions for anxiety, depression, or mood fluctuations.

In the article "Addressing Mental Illness in the Legal Workplace" (*Diversity & the Bar*, May/June 1995), Imparato noted several contributing factors in the legal profession that can lead to high rates of mental illness, including the following:<sup>5</sup>

- Time constraints and deadlines;
- The high stakes involved, including loss of property, freedom, and even life;
- The high expectations of expertise and success;
- The constant scrutiny and critical judgment of a lawyer's work from opposing counsel or the courts;
- The inherently conflict-driven nature of the legal process;
- The threat of malpractice;
- A tendency to assume a client's burdens;
- The demise of professional cordiality and camaraderie;
- The strain that a lawyer's advocacy skills can create when applied to personal relationships;
- The group norms or culture in a law firm expectations, such as high billable hours; and
- The depletion of energy that comes from high demands at work.

Dr. Standish McCleary, a lawyer-turned-psychologist who has been practicing psychotherapy for 20 years, believes that "Over time, attorneys habituate to overdoing it and to the high workload. It's like telling yourself, 'I'll get back to you later,' but later has a way of never happening." Eventually, Dr. McCleary says, attorneys are overloaded with work and may neglect personal relationships, causing them to become emotionally numb and to develop compulsive, counterproductive habits in an effort to cope.

Imparato commented that women lawyers who sacrifice having children are more likely to become partner. Additionally, their marriages can suffer because of the billable hours requirements, frequent travel, and the need to counter the perception that they are less committed due to their domestic responsibilities (such as care of children or elderly parents). The toll of these sacrifices can lead women attorneys to substance abuse or depression.



## Behaviors that Make Attorneys Susceptible to Mental Illness

"Lawyers have a preference for thinking and intellectual abstraction," observes Dr. McCleary. "Concepts, ideas, principles, rules, and laws take the place of feelings." Their training, according to Dr. McCleary, disconnects them from their own subjective experience and can truncate their emotional life. Efforts to avoid feelings of suffering can lead to persistent and uncontrollable drinking, drug addiction, or gambling. Dr. McCleary thinks that most attorneys believe they can control their habits, even when their coworkers and loved ones may be informing them otherwise. Denial and eventual deterioration in work product can lead to disciplinary action by the state or local bar association, which can lead to public embarrassment to the firm and the attorney as well as monetary damages.

Personality factors can also contribute to how attorneys react to heavy workloads and high expectations. Imparato points out that many attorneys are ambitious, and strive to outperform the objective to meet command-performance aspects of a fast-paced workplace. The pressure to meet expectations from managers and partners, competition for important clients, and daily confrontation that are a part of advocacy (e.g., trials, opposing clients, juries, judges, justice officials), combined with a predisposition for performance-related anxiety and no apparent outlet for their stress, exacerbate personality tendencies for anxiety, depression, or psychotic illness.

According to Dr. McCleary, when the first signs of addiction or depression appear, a highly skilled attorney who is used to being in control and cannot afford to jeopardize his or her reputation and credibility with clients and managers may ignore the condition, believing that he or she can control the symptoms or denying that it is a serious problem that requires treatment. By the time the practitioner's

work product deteriorates and his or her behavior shows ostensible impairment, those affected may become even more defensive and wary of seeking treatment.

According to Dr. McCleary, the sacrifice of lost time with family, the driving ambition to meet expectations, stubborn refusal to seek treatment (due to mistaken beliefs about being in control), and applying skills at home that are better left in the office all help sustain the high rates of mental illness among lawyers.

## How to Avoid Common Problems

Preventing or mitigating the effects of the onset of burn-out, stress-related illness, substance abuse, or depression is a necessary step that most attorneys need to learn. Dr. McCleary and Imparato recommend following these steps to prevent or mitigate mental illness.

1. Decide early which is more important: career success or personal fulfillment. Rainmakers often sacrifice marriage, children, or other aspects of family life to meet or exceed expectations of billable hours and deadlines. Every career plan should include a long-term goal (three to five years) and specify the experiences and values that will enhance the process of achievement. Attorneys should ask themselves what they really value and how they can maintain a successful career while also achieving personal goals.
2. Do not become isolated from important social and personal relationships. Everyone relies on interpersonal connections for support and advice. Maintain healthy relationships with friends, spouses, and family to sustain mental health and balance professional and personal responsibilities.

3. Listen to other people. Frequent interpersonal conflict or suggestions for behavior change are signs of an underlying problem. Pay attention to the advice of co-workers and managers, because their comments could contain valuable information about how to change troublesome interpersonal habits.
4. Beware of the “golden handcuffs.” An expensive lifestyle requires a sizeable salary—common in established law firms and corporations but rare in careers that offer more flexibility, control, and work/life balance. Many times, attorneys want to open a smaller practice or start a small business but cannot do so because of their expenses, education-related debt, existing lifestyle, and the costs of self-employment. Maintain a financial way of life that allows alternative employment in case the work environment becomes more stressful than it is worth.
5. Do not “be a lawyer” with your friends and family. The language, attitude, and analytical filter of an attorney who argues a case is skeptical, judgmental, and seeks objective proof. The same communication patterns at home may completely destroy personal relationships. Listen, and remember to save time for hobbies that sustain work/life balance and personal support.
6. By training, practitioners operate at a high level of intellectual abstraction that is analytical and disconnected from personal emotions. While this allows attorneys to represent a variety of clients, it can severely damage well-being. Take time to develop and maintain a routine of stress-relief techniques that help avoid substance abuse or chronic depression.  
Mentally healthy lawyers do better work. Even so, the business model of law firms and law departments requires employment practices that can result in work/life imbalance,

increasing the potential of mental illness in the workplace. The need to find balance and maintain peace of mind requires each attorney to find the right mixture of meeting both personal goals and professional obligations—a task that is the respon-

sibility of every lawyer and cannot be left to a firm or law department's management. **DB**

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*Scott Mitchell is a freelance writer and researcher for MCCA and corporate law departments. Previous work includes the*

## A Summary of State Programs for Lawyers:

**ALABAMA:** Lawyer Assistance Program, 334/834-7576, jmlleslie@alabar.org

**ALASKA:** Lawyer Assistance Committee, 907/264-0401, oregand@alaskabar.org

**ARIZONA:** Member Assistance Program, 602/340-7334, 800/681-3057 (24-hour crisis line), diane.ellis@staff.azbar.org

**ARKANSAS:** Lawyers Helping Lawyers, 501/782-7294, rharrison@lcalaw.com

**CALIFORNIA:** The Other Bar, 800/222-0767 (24 hours), lggaal@aol.com; State Bar of California, 415/561-8200

**COLORADO:** Lawyers Health Program, 800/432-0977 (in-state only); 303/825-7076 (24 hours), lcrispelle@aol.com

**CONNECTICUT:** Lawyers Concerned for Lawyers, 860/623-9835, william.c.leary@snet.net

**DELAWARE:** Lawyers Assistance Committee, 302/995-7001 (24 hours), nachama@aol.com

**DISTRICT OF COLUMBIA:** Lawyer Counseling Program, 202/347-3131 (9 a.m. to 5 p.m. and answering machine), lphillips@dcbbar.org

**FLORIDA:** Florida Lawyers Assistance, Inc., 800/282-8981 (national, 24 hours), fla-lap@abanet.org

**GEORGIA:** Drug & Alcohol Resource Center, 800/289-0201; lawyer assistance committee, 770/429-1499, swsm@mindspring.com

**HAWAII:** Attorney & Judges Assistance Program, 808/531-2880 (24 hours), pager 808/574-9491

**IDAHO:** Lawyers Concerned for Lawyers, 208/454-2531, wellness1@worldnet.att.net

**ILLINOIS:** Lawyers Assistance Program, 800/527-1233, illap@mindspring.com

**INDIANA:** Judges and Lawyers Assistance Program (JLAP), 866/428-5527 (24 hours), seisenha@courts.state.in.us

**IOWA:** Lawyers Helping Lawyers, 800/243-1533, hughgrady@home.com

**KANSAS:** Impaired Lawyers Assistance Committee, 913/573-2992, amcdonald@wycokck.org

**KENTUCKY:** Lawyers Helping Lawyers, 502/564-3795

**LOUISIANA:** Alcohol & Drug Abuse Committee, 800/354-9334 (24 hours), louisianalap@worldnet.att.net

**MAINE:** Alcohol and Substance Abuse Committee, 207/786-3173, kee@mymailstation.com

**MARYLAND:** Lawyer Counseling Program, 410/685-7878 (24 hours), 800/492-1964 x252, rvincent@msba.org

**MASSACHUSETTS:** Lawyers Concerned for Lawyers, Inc., 617/482-9600 or 800/525-0210, bonnie@lclma.org

**MICHIGAN:** Lawyers & Judges Assistance Program, 517/346-6306, 800/996-5522, blivingston@michbar.org

**MINNESOTA:** Lawyers Concerned for Lawyers, 651/646-5590, bkngigge@mncl.org

**MISSISSIPPI:** Lawyers and Judges Assistance Program, 800/593-9777 (24-hour confidential hotline), bdaugherty@msbar.org

**MISSOURI:** Lawyers' Assistance Program, 800/688-7859 (24 hours and answering service), molap@mobar.org

**MONTANA:** Lawyers Helping Lawyers, 888/385-9119, joanbnewman@hotmail.com

**NEBRASKA:** Alcohol & Drug Abuse Committee, 402/475-6527, rallan@nebar.com

**NEVADA:** Lawyers Concerned for Lawyers, 702/455-4827, GRAHAMR@co.clark.nv.us

**NEW HAMPSHIRE:** Lawyers Assistance Committee, 603/224-6942, jonnh@aol.com

**NEW JERSEY:** Lawyers Assistance Program, 800/246-5527 (24 hours), njlap@aol.com or Bill Kane at BARRISTER1@aol.com

**NEW MEXICO:** Lawyers Concerned for Lawyers, 505/242-6845, 800/860-4914 (24 hours, in-state only), stratvert@aol.com

**NEW YORK:** Lawyers Helping Lawyers, 800/255-0569 (24 hours, nationwide), lap@nysba.org

**NEW YORK CITY:** New York City Lawyer Assistance Program, 212/302-5787 (24 hours), etravis@abcny.org

**NORTH CAROLINA:** Positive Action for Lawyers, 800/720-7257, nclap@bellsouth.net

**NORTH DAKOTA:** State Bar of North Dakota, 701/746-7366 (daytime), 701/775-3701 (evenings)

**OHIO:** Lawyers' Assistance Program, Inc., 800/348-4343 (24 hours), smote@hmbc.com

**OKLAHOMA:** Lawyers Helping Lawyers, 800/346-7889, mirandolaw@dellnet.com

**OREGON:** Oregon Attorney Assistance Program, 503/226-1057, 800/321-6227, michaelsoaap.org

**PENNSYLVANIA:** Lawyers Concerned for Lawyers, 888/999-1941 (helpline), 800/335-2572, lclpa@epix.net

**RHODE ISLAND:** Confidential Assistance Program, 401/421-5740, riba2@ids.net

**SOUTH CAROLINA:** Lawyers Caring About Lawyers, 803/252-3663

**SOUTH DAKOTA:** Lawyers Concerned for Lawyers, 605/771-0275, mccahren@iw.net

**TENNESSEE:** Tennessee Lawyers Concerned for Lawyers, 877/424-8527, tnlap@aol.com

**TEXAS:** Texas Lawyers Assistance Program, 800/343-8527, 512/463-1453 (voicemail), afoster@texasbar.com

**UTAH:** Lawyers Helping Lawyers, 801/753-7400

**VERMONT:** Lawyer Assistance Program, 800/633-0028 ext. 52, WbbrReis@aol.com

**VIRGINIA:** Lawyers Helping Lawyers, 800/838-8358, 804/644-3212 (confidential voicemail), valhl@vba.org

**WASHINGTON:** Lawyers Assistance Program, 206/727-8265, barbarah@wsba.org

**WEST VIRGINIA:** Lawyer Committee on Assistance and Intervention, 304/233-1974, tindert@wvbar.org

**WISCONSIN:** Lawyers Concerned for Lawyers, 608/764-5844, 800/254-9154, llandmann@wisbar.org

**WYOMING:** Lawyers Assistance Committee, 307/778-7663

Creating Pathways to Success:® Myth of the Meritocracy—A Report on The Bridges and Barriers to Success in Large Law Firms and Not Just a Regular Guy, published in this magazine in 2001.

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## NOTES

1. John W. Clark, Jr., "We're From The Bar and We're Here to Help You," *GPSOLO Magazine*, Vol. 21(7), Oct./Nov. 2004, at [www.abanet.org/genpractice/magazine/octnov2004/werefromthebar.html](http://www.abanet.org/genpractice/magazine/octnov2004/werefromthebar.html).

2. Andrew Imparato, "Mental Illness in the Legal Workplace," *Diversity & the Bar* (May/June 2005).

3. *Id.*

4. Clark, Jr., *supra* note 1.

5. *Id.*

## Resources for Dealing with Mental Illness

If you or someone you know is the victim of depression, substance abuse, or burnout, help is available. The following are several warning signs that may suggest impairment:

- Insomnia;
- Loss of appetite or weight loss;
- Increased irritability;
- Mood swings;
- Substance abuse;
- Lack of energy; or
- Out-of-control behavior despite repeated attempts to stop.

For more information on where to get help for alcoholism, drug addiction, gambling, depression, burnout, or stress, visit the following web sites:

- ABA Commission on Lawyer Assistance Programs—[www.abanet.org/legalservices/colap/home.html](http://www.abanet.org/legalservices/colap/home.html)
- Alcoholics Anonymous—[www.alcoholics-anonymous.org](http://www.alcoholics-anonymous.org)
- National Institute on Drug Abuse—[www.nida.nih.gov](http://www.nida.nih.gov)
- Center on Addiction and Substance Abuse—[www.casacolumbia.org](http://www.casacolumbia.org)
- National Alliance for the Mentally Ill—[www.nami.org](http://www.nami.org)