

Law Firms Must Prioritize Mental Health In Internal Comms

By **Elizabeth Ortega** (May 4, 2022, 2:30 PM EDT)

It was late 2013 and Florida litigator Richard Sharpstein had just won a highly coveted award for his legal acumen.

He was a respected and admired lawyer, and his influence was undeniable. But just within a few days of receiving his honor, he died by suicide. This larger-than-life mensch left the legal community bewildered. The various unanswered questions linger and the void still stings. How did he not ask for help?

Sadly, his fate is not isolated. Loss of attorneys to suicide remains a challenge.[1]

According to the Dave Nee Foundation, lawyers in the U.S. rank 5th occupationally in suicide rates and are 3.6 times more likely than other professionals to experience depression.[2] Again, what is preventing these brilliant minds from asking for help?

The legal industry is about high-action, high-pressure moments. In the best of times, law is an exacting taskmaster that makes lawyers especially vulnerable to trauma. There are clients, judges and partners to please. There are deadlines with serious consequences to meet.

Given the ubiquity of those stressors, mental wellness should become a higher focus of internal law firm communications. Efforts to achieve it should be viewed as equal in importance to competitive salaries and the range of strategies aimed at striking and maintaining balance. After all, a sound mind is just as important as a gym-fortified body.

The most sought-after legal talents are loyal to firms that make them feel they're part of something larger than themselves. These advocates are embedded in the fabric of the firm that has been carefully woven from multiple threads, including members from all levels such as receptionists, paralegals, business development professionals, etc.

An example is the increasing popularity of environmental, social and corporate governance initiatives. Lawyers who consider themselves global citizens are working with corporate clients to extend and reinforce social responsibility.

As law firms look to retain competitive advantage in the talent and salary wars, they should beware that there are built-in obstacles to attorneys' ability to cope with tragedies such as sudden death that need to be recognized before they can be addressed.



Elizabeth Ortega

Lawyers may be fluent in legalese, but when it comes to talking about trauma and their own reactions, they struggle to find the right words. Without the proper training, why wouldn't they?

Alas, after the mass isolation of the two-plus years we've all endured, we're just starting to measure^[3] the erosion of physical and mental fitness that quietly took hold when the world changed in March 2020. As a society we're pulling back the curtain and revealing the desperation that festered behind it along with an amazing and inspiring hoard of resolve and resilience.

As we herald health and wellness month in May,^[4] we can work with this resilience. It gives us hope that we can overcome, provided we have the will to be mindfully introspective, be ready to arm ourselves with wellness techniques, and work diligently to devise solutions and preventive strategies.

The traditional structure of BigLaw firms, with their compartmentalization into silos, or worse, competitive fiefdoms, is an inherent challenge to mental wellness. A recent report described the questionable guidance of a senior partner to juniors in his department after the death of one of their peers: Work harder, faster.^[5]

Firms must recognize that partners and senior lawyers are managers, first and foremost, who lead by example. They should be tasked with building an emotional infrastructure and safe space that can withstand the vicissitudes of life and randomness of death.

Start with treating each other as a fellow human. Treat everyone — senior partners, juniors and staff — with the same respect and the same way you would like to be treated. Simple, really.

The firms that are the most successful at this take the time and invest the effort to construct and disseminate internal action plans^[6] that provide variations of the below-listed type of support:

- Have ongoing, confidential programs with services such as readily accessible counseling, 24/7 phone support, in-person sessions and online stress management with a couple of mandatory tryout sessions;
- When a traumatic event such as a colleague's death occurs, immediately make available reinforcements and grief specialists, and allow for remote follow-up with psychologists;
- Keeping in mind the privacy and other needs of family survivors as well as clients, break the tragic news in a way that is sensitive and honest;
- Appoint a coordinator to ensure the consistency of internal and external messaging, someone with the emotional intelligence to balance the desire for open and honest communications with an understanding of reputational effects and cultural and religious sensitivities; and
- Above all, work to create an empathetic and compassionate environment in which all feel safe to express feelings of grief, anger, guilt, confusion and dismay.

Below are effective communication techniques law firm management can follow to express support and genuine care when engaging attorneys facing anxiety, stress or burnout, or those looking to simply keep themselves in mental equanimity.

Managers should encourage open dialogue by asking attorneys to describe their emotions before, during and after work.

For example, try to have them express the following:

"I often go to work feeling _____."

"At work I often feel _____."

"When I finish the day I often feel _____."

Once situations are identified, talking about them paves the way to alternatives.

Rather than asking lawyers to stop stressing, ask: "How are you stressed? What is making you uneasy?"

This could elicit responses such as: "I'm feeling anxious or stressed because I have a doubled caseload. I haven't taken a day off in three months."

Then, managers can vocalize needs that could change the situation.

For example, ask: "What is it that you need from your peers? Do you need to communicate more often? Do you need to decrease your workload? Do you need time off?"

The response may help determine changes that may be needed, such as, "I need emails to stop coming in the middle of the night so that I don't wake up overwhelmed. I won't respond to emails until 7 a.m. I will take one day off."

Next, focus on resources. Ask if there is a safe person they would like to talk to.

Their response may be, "I can safely talk about my stressors without feeling flawed, defective or weak. The person I can trust with this conversation is ____."

Lastly, reinforce strategies they can use to address the issue at hand.

For example, ask about when they feel stress levels are under control, and how they process issues.

You may learn: "I go to the gym when I'm emotionally drained and need a boost, but finding the time with so many deadlines is challenging. When I get a full night sleep, I'm less agitated. When I watch my diet, I feel good."

Encourage them to amplify and repeat what helps them.

Conclusion

Talking about problems big and small and asking for help can go a long way toward mental wellness. Law firm managers should make clear to the attorneys and staff members they oversee that they are not alone. There is a community prepared to listen and ready to be present.

Elizabeth Ortega is principal at ECO Strategic Communications.

The opinions expressed are those of the author(s) and do not necessarily reflect the views of the firm, its clients, or Portfolio Media Inc., or any of its or their respective affiliates. This article is for general information purposes and is not intended to be and should not be taken as legal advice.

[1] <https://abovethelaw-com.cdn.ampproject.org/c/s/abovethelaw.com/2022/02/partner-response-to-tragic-loss-of-associate-strikes-core-of-how-biglaw-struggles-with-death/?amp=1>.

[2] <http://www.daveneefoundation.org/>.

[3] <https://www.ibanet.org/New-IBA-report-sets-out-principles-for-dealing-with-mental-wellbeing-crisis-in-the-legal-profession>.

[4] <https://www.daysoftheyear.com/days/lawyer-well-being-week/>.

[5] <https://abovethelaw-com.cdn.ampproject.org/c/s/abovethelaw.com/2022/02/partner-response-to-tragic-loss-of-associate-strikes-core-of-how-biglaw-struggles-with-death/?amp=1>.

[6] <https://www.thelawyer.com/how-law-firms-react-to-death/>.