



# MENTAL HEALTH AND CORPORATE COUNSEL

Your Guide to  
Encouraging a Healthy  
Environment for Attorneys.



# MENTAL HEALTH AND CORPORATE COUNSEL

Are your attorneys doing alright? More leaders in the legal sector are asking themselves this simple but significant question. Long hours, demanding workloads, ongoing training, and other factors create stress and strain for those in the legal profession, but the added pressures of the last two years have exacerbated the problem.

As Assigned Counsel has learned from maintaining the morale and camaraderie of our own remote workforce, the solution isn't leaving attorneys to their own devices. It's taking an active interest in their overall well-being, both professionally and in their personal lives.

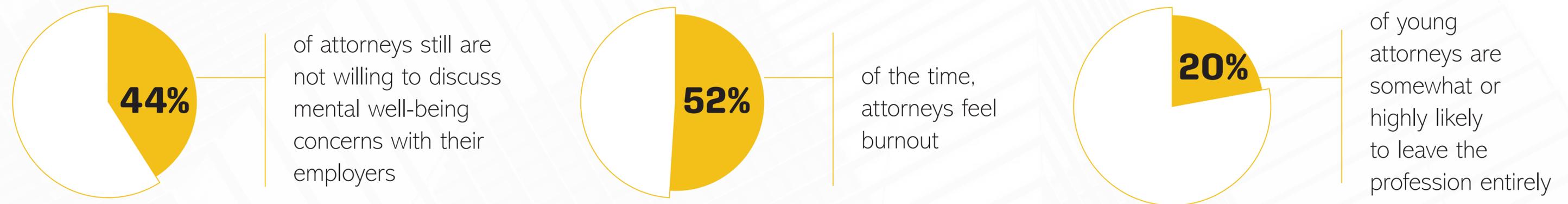
For General Counsel who are ready to do their part, this eBook can be a guide. Insights from our recruiters, General Counsel, and industry experts have helped us to identify ongoing barriers to creating a culture of mental care that helps attorneys address their stress, recover from their low points, and find some solace – all while protecting their privacy.

## **THE CURRENT STATE OF MENTAL HEALTH IN THE LEGAL INDUSTRY**

In the way that the pandemic revealed that remote work was feasible and hiring practices needed to change, it also demonstrated that lawyers' mental health, already at a breaking point, may have been pushed too far.

One year into the pandemic, a [survey](#) conducted by Krill Strategies of 2,863 licensed and practicing attorneys from California and Washington D.C. showed that roughly half of lawyers were dealing with some level of depression and anxiety and over half were indicating they participated in risky drinking behaviors. Working women, most of all, were struggling to offset the added pressure from COVID with the existing tension of never losing face in their professional and family lives.

More than just a U.S. problem, attorneys all over the globe are fighting to tread water – and hiding their distress while doing so. A report from the [International Bar Association](#) (IBA) revealed that 44% of attorneys still are not willing to discuss mental well-being concerns with their employers, worrying how revealing their struggles will negatively impact their career.



Even as people adjusted, COVID restrictions lifted, and return-to-the-office initiatives increased, attorneys felt little to no relief. In fact, there are indicators that attorney well-being has disintegrated further. [Bloomberg Law's Attorney Workload and Hours survey](#) from Q4 '21 unveiled a worrisome reality: the average attorney feels burnout on the job at least 52% of the time. Well-being and job satisfaction scores dropped simultaneously.

Patrick Krill JD, an expert on attorney addiction and mental health and the Founder of Krill Strategies, said this about the noticeable decline:

*Many lawyers are in a place of dysfunction at this point. Attorneys have been working harder over the last two years than they were prior to the pandemic when life was less stressful in and of itself. A lot of leaders thought things would get better with the return to office, but there is a lot of anxiety in the workforce about the change.* – Patrick Krill



As a result of these and other factors, it's not surprising that the IBA survey indicated that 20% of young attorneys are somewhat or highly likely to leave the profession entirely. This can create gaps in the talent pool ranging from in-house lawyers to law firm practitioners.

## **POSITIVE STRIDES ARE BRINGING US BACK FROM THE BRINK**

Fortunately, the legal sector is no longer turning a blind eye to these issues or treating suffering in silence as a badge of honor, thanks in part to several fundamental shifts in the mindset of industry leaders. One cause is that systemic prioritization of environment, social, and corporate governance (ESG) issues has broadened interest in employees' welfare. As a result, in-house departments are more attuned to their people, taking stewardship of attorneys' physical and mental health more seriously.

Furthermore, the pandemic burst the bubbles any legal leaders might have had, exposing a larger culture of anxiety, depression, or even substance misuse in the U.S. as people sought to deal with isolation, stress, or fear caused by life during COVID. As a result, more General Counsel are reevaluating working conditions that have been taken for granted for decades.

*I don't think that 20 years ago people were thinking about wellness and mental health. In fact, when I graduated from law school, people would take a job that was churn and burn. I recall the expectations for hours were excessive and that was a stressor early on.*

– Karen Davila, an experienced General Counsel



Although there has been a proliferation of mental health programs and resources compared to the market 20 years ago, there are still some shortcomings when it comes to widespread corporate adoption of these programs. In this regard, we offer four potentially valuable strategies.

## I. GAUGING THE MENTAL HEALTH OF YOUR TEAM

Unless you have been a vocal advocate about your attorneys' self-care all along, this entire process will start by establishing a baseline. As Karen Davila puts it, *"As an attorney, when your understanding of priorities and expectations decrease, your stress will increase."* Your job is to rectify that and assure clear communication of priorities and expectations to mitigate the stress for your attorneys.

Another way to think of it is that you can't help restore the well-being and engagement of your people if you don't put serious effort into learning about their chronic feelings of stress and anxiety. That means conducting assessments and striking up candid conversations with your in-house attorneys to see which of the signs of burnout, mental health issues, and substance misuse they are exhibiting.

There are a variety of assessments – ranging from the [Burnout Assessment Tool \(BAT\)](#) to more [informal surveys](#) – that can help to start gauging how attorneys feel. These allow managers to directly ask about their employees' day-to-day situations and explore feelings of exhaustion, mental distance, emotional impairment, and even cognitive impairment.



Often responses are measured on a five-point frequency scale (1 meaning never and 5 meaning always). Here's a glimpse at how the questions for this type of assessment often look:

### Possible Assessment Questions

	NEVER	RARE	SOMETIMES	OFTEN	ALWAYS
	1	2	3	4	5
<i>I look forward to my work.</i>	<input type="radio"/>				
<i>When I finish work for the day, I have energy for my family and friends.</i>	<input type="radio"/>				
<i>My boss helps me to manage stress.</i>	<input type="radio"/>				

Though a questionnaire can create a low-pressure way for attorneys to share feelings, there's something to be said for the revelatory potential of a one-on-one conversation. Using your regular conversations with each attorney as a dialogue to discuss their bandwidth, on-the-job stress, ongoing training, personal challenges, and other stressors can reveal sentiments that a five-point scale cannot.

Treat this process as a discussion rather than a formulaic check-in and your attorneys will feel valued in a way that can boost your workplace morale. If you want to support your abilities to appraise how your people are feeling, it would be helpful to consult with mental health professionals for tips on how to spot unspoken issues.

*I would not say this is formal programming, but taking an interest in the personal lives of the people of your team is critical to establishing an open dialogue concerning stress and the pressures attorneys are facing. How are they doing? What are they feeling? What is their workload? What do they need to accomplish their jobs? What are their thoughts about how the team is running? Yes, we have work to do and we all had our jobs, but our people need to support each other.*

– Karen Davila



## II. FINDING THE RESOURCES THAT ARE RIGHT FOR YOUR ATTORNEYS

You do not have to care for your attorneys' well-being alone. There are a wealth of resources that can help law departments maximize budgets as they help in-house team to minimize or mitigate their underlying stress. The challenge is narrowing down your options and finding programs that are the most effective for your team. Here are some standouts to consider:

### **Lawyer Assistance Programs (LAPs)**

Since 1976, lawyer assistance programs have provided 100% confidential resources for attorneys, judges, law students, and their families dealing a variety of issues ranging from alcohol misuse and stress to depression and anxiety. The [Directory of Lawyer Assistance Programs](#) shows that all 50 states, Washington D.C., Puerto Rico, and the Virgin Islands have their own local LAPs (there are even resources for international attorneys), making it easy to obtain help close to home or wherever attorneys are working in the world.

Though these resources are common knowledge, attorneys often need a nudge or support from leadership to get them to take a bold leap and use these confidential services. When you help attorneys navigate their mental health or substance misuse issues, you have an opportunity to show them there's no shame in asking for help and guidance through the process.

## **Lawyers Depression Project**

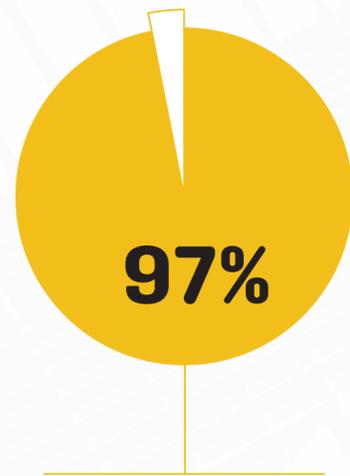
Sometimes, one of the biggest steps you can take is to help your attorneys feel like they're not alone. The [Lawyers Depression Project](#) is a grassroots campaign run by a group of legal professionals who have made it their mission to break the stigma around discussing mental health.

They host a confidential forum, run a bi-monthly peer-to-peer support group, and publish blogs where attorneys share their personal stories about depression, anxiety, bipolar disorder, OCD, eating disorders, trauma, sexual abuse, addiction, and other mental health conditions. Attorneys can take solace in the fact that their information will remain confidential, but the attorneys running the program are unafraid of addressing their own issues, destigmatizing these crucial conversations.

## **In-House Programs**

Often, employee assistance programs (EAPs) are highlighted as an asset for corporations to aid their employees with the range of personal and work-related problems. For the most part, this type of resource is widely available and managed by corporate HR leaders or executives.

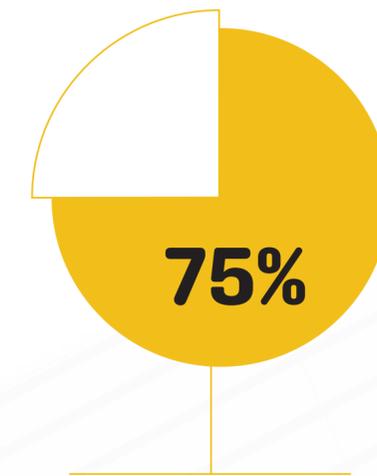
The [International Employee Assistance Professionals Association](#) says that 97% of companies with over 5,000 employees, 80% of companies with 1,001 - 5,000 employees, and 75% of companies with 251 - 1,000 employees have EAPs. The trick is leveraging them in the right way.:



of companies with over 5,000 employees have EAPs



of companies with 1,001 - 5,000 employees have EAPs



of companies with 251 - 1,000 employees have EAPs

In some cases, corporations are establishing programs that enable their employees to practice more self-care, whether that is providing access to fitness programs which can regulate stress or flexible work schedules that align with their needs. With respect to law departments, it is important to determine which of these services could be useful to your attorneys and provide that feedback to corporate decision-makers. Keeping EAPs dynamic to suit the actual needs of your people makes the investment itself worthwhile.

## Outsourced Support

Oftentimes, corporate legal departments require a more cooperative approach from professionals willing and qualified to support your people. One type of support comes in the form of strategic guidance, program development, and crisis management. Experts in these disciplines can advise your law department through the construction of procedures and programs, as well as a general culture, that can gradually enhance the mental health and well-being of attorneys. [Krill Strategies](#) is one such provider who also offers an [“On Demand” program](#) including a broad catalog of subjects related to mental health.

Another source of outside support that goes underutilized is the engagement of temporary attorneys.

According to a 2022 Mental Health America (MHA) report titled [Mind the Workplace: Employer Responsibility to Employee Mental Health](#), burnout and resignations in 2021 were reported at all-time high rates in the United States. One method of mitigating employee burnout is encouraging time off from work to relieve stress and promote recovery. When you enlist the aid of flexible staff, you can provide your in-house attorneys with a stress-related release valve. Whether offering your attorneys a well-deserved vacation or a sabbatical to regain the energy and passion that they once brought to projects, qualified attorneys on a flexible basis can cover specific practice areas or general deliverables while your people refortify their well-being.

### III. CREATING A CULTURE OF ENGAGEMENT

There is no magic wand that you can wave to eliminate stress and anxiety in one fell swoop. In fact, that mistaken approach often leads law departments to make hollow gestures that fail to achieve the desired results.

Patrick Krill reinforced this concept:

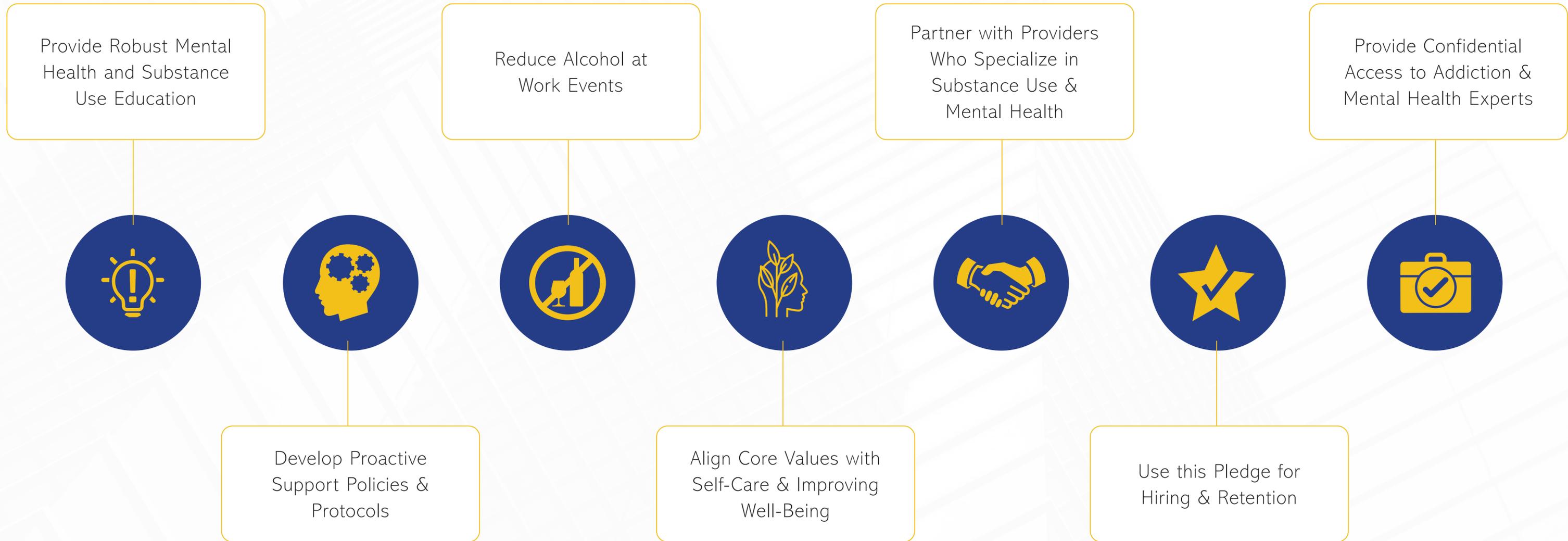
*Hosting one webinar on stress management is not going to move the needle all that much. If anything, trying to have a more systematic approach where you're developing a plan, bringing different resources, and leveraging them is what's truly effective.* – Patrick Krill



For organizations looking for guidance in creating a culture where mental health flourishes and stress is defused, the American Bar Association has developed a campaign to: “Improve the substance use and mental health landscape of the legal profession, with an emphasis on helping legal employers support healthy work environment.”

The seven principles of the ABA Campaign Wellness Pledge are a great start to build your foundation.

# The Seven Principles of the ABA Wellness Pledge for Legal Employers



Also, there are multitude of corporations, many of them signatories to the ABA Well-Being Pledge, which can provide examples for how to create an ideal culture for mental well-being. Karen Davila recalled her experience at Walmart as one that stood out before the industry began to recognize mental health as a priority.

*The company culture is what drives programs and ensures they are designed to be responsive to team member needs. There was significant effort expended to identify the individual needs of employees and to determine how to meet those needs. At Walmart, they focused on mental health and engaging attorneys. There, you built relationships and those relationships were the support for your career and your mental health. – Karen Davila*



In fact, when people are encouraged to create safety nets for one another, they build bonds and take a stake in one another's health and well-being. It's dedication at this level that prevents your people from slipping through the cracks.

## IV. STAYING ATTUNED TO YOUR ATTORNEYS

Even when your corporate structure and people take a stance in shared mental health, you will still need to remain active in the lives of your attorneys beyond an initial assessment. Maintaining routine conversations helps you to keep your finger on the pulse of stressors and show your people they can trust you. Using both your own insights and the advice of mental health professionals to identify potential fracture points within your attorneys' well-being can prevent existing problems from worsening.

According to the [Mental Health America report](#) mentioned earlier, managers who engage in the following activities can contribute meaningfully to a mentally healthier workplace:

1. Cultivating relationships based on trust and respect with direct reports.
2. Learning about and applying active listening skills and emotional intelligence in daily interactions.
3. Providing the appropriate level of guidance and assisting employees with workload management.
4. Noticing the signs of increased stress or burnout in employees.
5. Actively encouraging employees to take time off when needed.

At the core of this type of personalized engagement is a key message that attorneys need to hear: that they are valued. When people know their contributions as well as their personal qualities are appreciated, they'll not only feel better about their role in an organization, but stay more resilient in the face of periods of heightened stress.

*It's important for employers to make their people feel valued. During a time like this where there is a lot of disconnection and people are under a lot of stress, going out of your way to show appreciation for lawyers and other professionals and staff working on the team, is well worth the effort. That doesn't have to be some grandiose display but doing little things to make people feel appreciated and valued.* — Patrick Krill



Something as simple as ensuring your attorneys can take breaks and vacation time – potentially by maintaining workloads and deliverables as you engage temporary attorneys – can go a long way to showing your people that their well-being and peace of mind matter. When you choose to make a commitment to your attorneys' well-being part of the normal routine, you'll help sustain their morale and keep them ready for the challenges that come their way.

## IN CONCLUSION

Caring for the mental health of your attorneys is an ongoing commitment. General Counsel needs to engage with the everyday stresses of the job, but also stay aware of incipient threats to the mental health and well-being of your people. In January 2020, most corporations were not giving serious thought to the heightened stress of a global pandemic, but the world reached that inflection point regardless and leaders were compelled to act.

Though not all the factors that exacerbate chronic stress within your organization will have sweeping impact across the globe, they can have a severe influence upon your compliance and performance. Fortunately, the lessons contained within this guide, whether systematic or respective to each individual employee, can aid in fostering an environment for success, both inside and outside the office.

**WANT TO IMPROVE YOUR  
ABILITY TO SUPPORT YOUR  
TEAM AND ATTRACT NEW  
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