

LLI Research: "The Silent Epidemic"

Well-Being and Personal Health of
Legal Professionals in Times of Digital
Transformation and Social Change.

Survey Findings

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MANAGEMENT SUMMARY

Following the LLI-internal distribution of our Call for Action “The Silent Epidemic: Well-Being and Personal Health of Legal Professionals in Times of Digital Transformation and Social Change,” we conducted a survey with 41 statements regarding the declining mental health of legal professionals to a diverse group (n=17) of LLI members and associated stakeholders in the field to get feedback on our assumptions.

ALMOST ALL RESPONDENTS AGREED WITH EACH OF THE STATEMENTS!

This validates our assumption that the well-being of lawyers is a serious professional and social issue that must be addressed immediately. We take this result to be a mandate for the LLI to conduct a larger empirical study to be conducted in the following weeks in cooperation with sponsors and media partners.

SELECTED FINDINGS:

2.II: Social Awareness: Almost all respondents agree (88%) that the mental health of lawyers is a socially relevant topic that deserves more attention.

3.IV: Billing by the Hour: All respondents agree (100%) that long work weeks and billing by the hour generate stress for lawyers in law firms.

3.X: Hierarchical Structures: Almost all respondents agree (88%) that traditional hierarchical structures aggravate the pressure and stress level.

4.III: Business Performance: All respondents agree (100%) that mental health issues of lawyers have a negative impact on business performance.

METHODOLOGY

The survey was conducted in the form of an Excel spreadsheet between mid of March and beginning of April 2020. It consisted of a total of 41 statements that were organized in 5 categories ("The 5 Rs"):

- 1. Reference,**
- 2. Relevance,**
- 3. Reasons,**
- 4. Ramifications, and**
- 5. Resolutions.**

With the exception of Reference (which referred to the individual respondent), all Rs referred to and are based on this empirical finding on the declining mental health (stress, tinnitus, sleeplessness, anxiety, depression, burn-out, substance abuse) of lawyers¹. For each statement, the respondent could choose between 5 answer options:

- **Don't Agree (1),**
- **Partly Agree (2),**
- **Neutral/No Opinion (3),**
- **Mostly Agree (4), and**
- **Fully Agree (5).**

Also, for each statement the respondent could add comments in a separate field. A total of 17 people responded. With most of the respondents, we conducted a brief telephone interview to better understand and validate their answers. Not all respondents answered all questions. The individual responses were aggregated and anonymized.

¹ National Task Force on Lawyer Well-Being (2017), 'Creating a Movement To Improve Well-Being in the Legal Profession'; American Bar Association (2016), 'The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys'; Johns Hopkins University (1990) 'Occupations and the Prevalence of Major Depressive Disorder'.



FINDINGS

1. REFERENCE

MAIN INSIGHTS:

- The 17 respondents represent a diverse group of professionals (in terms of age, sex and organizational association) working in the legal industry.
- The majority (59%) works more than 50 hours a week, 4 of those even work more than 60 hours.
- Most respondents (53%) have experienced work-related mental health problems at least once in their professional life, and all of them know at least some other colleagues who have been affected as well.

DETAILS:

a) Age: 7 respondents are between 40 and 50 years old. 5 respondents are between 50 and 60 years, 4 respondents are between 30 and 40 years old, 1 respondent is more than 60 years old.

b) Sex: The majority of respondents (12/17) are male. 5 respondents are female.

c) Organizational Affiliation: 6 respondents work as a freelancer or a single legal professional. 4 respondents work in an in-house legal department of a company or in another kind of organization (e.g. a software company or a therapy center). 3 respondents work in a law firm.

d) Working Hours: 7 respondents work between 40 and 50 hours per week. Almost equally many (6/17) work between 50 and 60 hours per week. 4 respondents work more than 60 hours per week.

e) Job Type: Most respondents (10/16) provide complementary services (e.g. legal operations, legal project management²). 5 respondents solely work as a lawyer. 1 respondent assists lawyers (e.g. in therapy).

f) Job Responsibilities: Most respondents (8/17) have profit and loss responsibility (e.g. as equity partner in a law firm). 4 respondents have work and task responsibilities. 3 respondents have headcount and budget responsibility (e.g. as General Counsel of a legal department). 2 respondents have client (law firm) and project (inhouse) responsibilities (e.g. as a manager).

g) Personal Experience of Mental Health Problems: Most respondents (11/17) have experienced work-related mental health problems once or several times in my professional life. 6 respondents have never experienced work-related mental health problems.

h) Knowledge of Mental Health Problems of Others: Most respondents (9/17) know many colleagues who have experienced work-related mental health problems. 8 respondents know some colleagues who have experienced work-related mental health problems. No respondent knows any colleague who has not experienced work-related mental health problems.

² Some respondents have a dual role (e.g. managers) and in addition to providing complementary services also work as a lawyer.



2. RELEVANCE

MAIN INSIGHT:

While currently still being stigmatized, the well-being crisis of lawyers is a serious professional and social issue that is likely to become worse due to the Covid-19 pandemic and that deserves more attention.

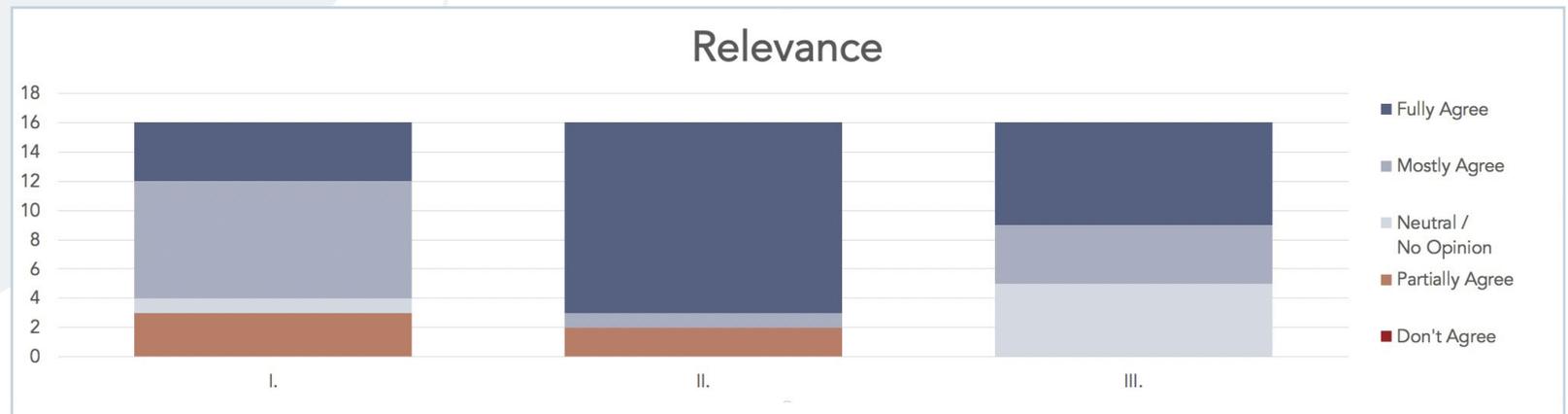
DETAILS:

I) Stigmatization: Almost all respondents agree (8/16 mostly, 4/16 fully) that mental health issues (e.g. stress, tinnitus, sleeplessness, anxiety, depression, burn-out, substance abuse) are stigmatized in the legal industry and that no one wants to admit s/he is affected. 3 respondents partly agree, 1 respondent has no opinion.

II) Social Awareness: Almost all respondents agree (13/16 fully, 1/16 mostly) that the mental health of lawyers is a socially relevant topic that deserves more attention. 2 respondents partly agree.

III) Covid-19 Pandemic: Almost all respondents agree (7/16 fully, 4/16 mostly) that the negative economic effects of the Covid-19 pandemic are likely to increase the mental health issues of lawyers. 5 respondents have no opinion.

Visualization of responses:



3. REASONS

MAIN INSIGHT:

Almost all respondents agree that personal perfectionism and liability, antagonistic thinking taught in law school, individualistic working style, billing by the hour, lack of control over workload, hierarchical structures and digital transformation are reasons for the declining mental health of lawyers.

DETAILS:

I) Personality: Almost all respondents agree (8/17 fully, 7/17 mostly) that lawyers are perfectionists and tend to be afraid that things go wrong. However, 1 respondent does not agree. 1 respondent partly agrees.

II) Nature of Legal Work: Most respondents agree (5/16 fully, 5/16 mostly) that the adversarial nature of legal work causes aggression and angst. 4 respondents partly agree, 3 respondents have no opinion.

III) Education: Almost all respondents agree (11/16 fully, 3/16 mostly) that the way law is taught at the university fosters antagonistic (win-lose) thinking. 2 respondents have no opinion.

IV) Working Style: Almost all respondents agree (9/17 mostly, 5/17 fully) that the individualistic and competitive working style common amongst lawyers creates feelings of loneliness. 2 respondents partly agree, and 1 respondent has no opinion.

V) Personal Liability: Almost all respondents agree (8/17 fully, 6/17 mostly) that the personal liability of lawyers³ for client advice induces anxiety. 3 respondents partly agree.

VI) Billing by the Hour: All respondents agree (14/17 fully, 3/17 mostly) that long work weeks and billing by the hour generate stress for lawyers in law firms.

³ This question assumes the lawyer works directly for a client; if the lawyer is employed, the liability for the legal advice lies with the respective company.

VII) Lack of Control Over Workload: Almost all respondents agree (7/17 mostly, 6/17 fully) that long work weeks and billing by the hour generate stress for lawyers in law firms. However, 1 respondent does not agree. 3 respondents have no opinion.

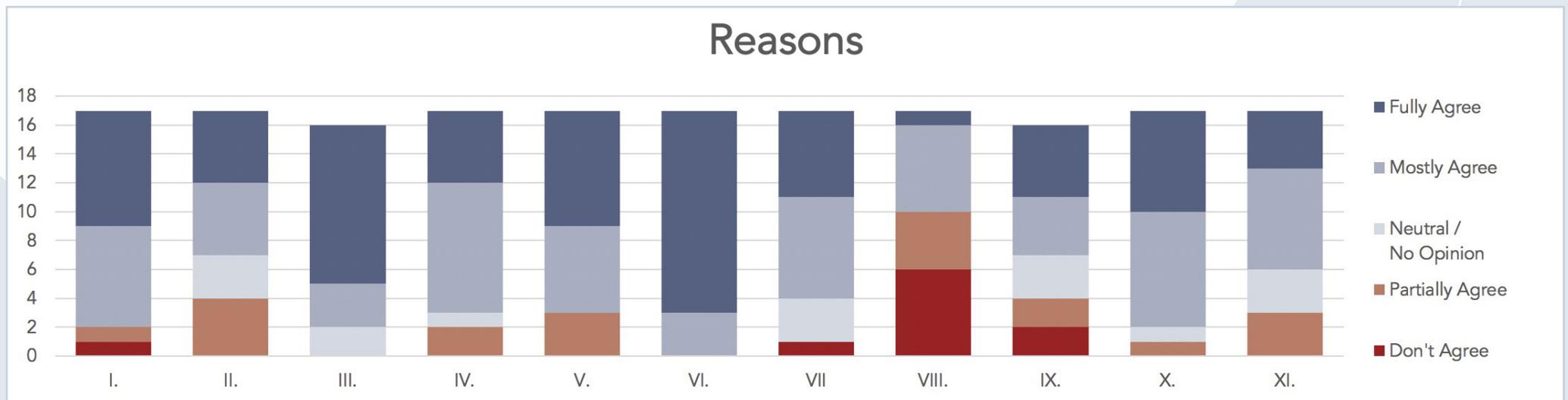
VIII) Negative Social Image: 6 out of 17 respondents mostly agree that the negative social image of the legal profession reduces the self-esteem of lawyers. However, equally many respondents (6/17) do not agree. 4 respondents partly agree, and 1 respondent fully agrees.

IX) Acting Against One's Moral Compass: Most respondents agree (5/16 fully, 4/16 mostly) that occasionally having to act against one's personal moral compass in order to deliver good legal services leads to depression. However, 2 respondents do not agree. 3 respondents have no opinion, and 2 respondents partly agree.

X) Hierarchical Structures: Almost all respondents agree (8/17 mostly, 7/17 fully) that lawyers tend to work in traditional hierarchical structures that aggravate the pressure and stress level within in the organization. 1 respondent partly agrees, and 1 respondent has no opinion.

XI) Digital Transformation: Most respondents agree (7/17 mostly, 4/17 fully) agree that digital transformation induces fear in lawyers of losing one's job. 3 respondents partly agree, and 3 respondents have no opinion.

Visualization of responses:



4. RAMIFICATIONS

MAIN INSIGHTS:

All respondents agree that mental health issues of lawyers have a negative impact on the performance of the business they work in and that anxiety causes lawyers to cling to the status quo and resist change.

Almost all respondents agree that mental health issues result in lower job performance, poor leadership behavior, high absenteeism and turnover, and have a deterrent effect on talent.

DETAILS:

I) **Lower Job Performance:** Almost all respondents agree (9/17 fully, 5/17 mostly) that mental health issues of lawyers result in lower job performance. 1 respondent partly agrees, and 2 respondents have no opinion.

II) **Leadership Behavior:** Almost all respondents agree (11/17 fully, 2/17 mostly) that lawyers suffering from mental health problems exhibit poor leadership behavior. 3 respondents partly agree, and 1 respondent has no opinion.

III) **Business Performance:** All respondents agree (9/17 mostly, 8/17 fully) that mental health issues of lawyers have a negative impact on the performance of the business they work in.

IV) **Absenteeism and Turnover:** Almost all respondents agree (9/17 mostly, 5/17 fully) that the declining personal health of lawyers causes high degrees of absenteeism and turnover at work. 2 respondents have no opinion, and 1 respondent partly agrees.

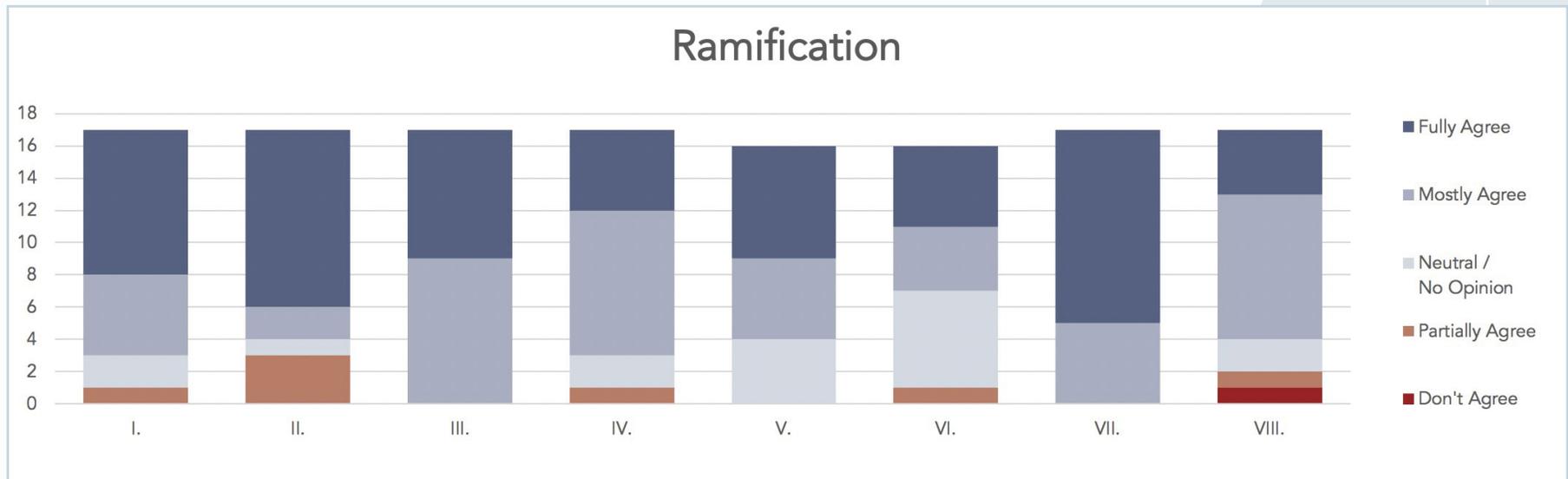
V) **Withdrawal from Family and Friends:** Almost all respondents agree (7/16 fully, 5/16 mostly) that lawyers in crisis withdraw from family and friends. 3 respondents partly agree.

VI) Suicide Rates: Most respondents (6/16) have no opinion on whether or not work-related mental health problems explain the high number of suicides in the legal profession⁴. However, 5 respondents fully agree, and 4 respondents mostly agree. 1 respondent partly agrees.

VII) Resistance to Change: All respondents agree (12/17 fully, 5/17 mostly) that anxiety causes lawyers to cling to the status quo and resist change.

VIII) Deterrent Effect on Talent: Almost all respondents agree (9/17 mostly, 4/17 fully) the perception of the high stress level of working as a lawyer has a deterrent effect on talent. However, 1 respondent does not agree. 2 respondents have no opinion, and 1 respondent partly agrees.

Visualization of responses:



5. RESOLUTIONS

MAIN INSIGHT:

Almost all respondents agree that rethinking education, use of information technology and LegalTech, collaborating with colleagues, alternative fee models, agile working methodologies, diverse teams, risk- and project management, mental exercises, professional retreats and a culture of failure can improve the mental health of lawyers.

DETAILS:

a) Rethinking Education: Almost all respondents agree (12/17 fully, 3/17 mostly) that rethinking education for lawyers and improving leadership and methodology skills reduces the risk of mental health issues. 2 respondents have no opinion.

b) Information Technology: Almost all respondents agree (11/17 fully, 5/15 mostly) that including information technology classes in legal education prepares law students for the new digital work life. 1 respondent has no opinion.

c) Collaborating with Colleagues: Almost all respondents agree (8/17 fully, 6/17 mostly) that collaborating with colleagues in virtual work environments reduces feelings of loneliness and competitiveness. 2 respondents partly agree, and 1 respondent has no opinion.

d) LegalTech: Almost all respondents agree (13/17 fully, 3/17 mostly) that using LegalTech and innovative technologies facilitates administrative tasks. 1 respondent has no opinion.

e) Alternative Fee Models: Almost all respondents agree (11/17 fully, 3/17 mostly) that alternative fee models lower work stress for lawyers in law firms. 1 respondent partly agrees, and 2 respondents have no opinion.

f) Agile Work Methodologies: Almost all respondents agree (9/17 fully, 7/17 mostly) that agile work methodologies increase team performance of inhouse lawyers. 1 respondent partly agrees.

g) Diverse Teams: Almost all respondents agree (12/17 fully, 3/17 mostly) that engaging in diverse teams with different skills sets improves the social image of lawyers. 2 respondents have no opinion.

h) Risk- and Project-Management: Almost all respondents agree (11/17 fully, 4/17 mostly) that training in risk and project management increases focus and boosts work efficiency. 1 respondent partly agrees, and 1 respondent has no opinion.

i) Mental Exercises: Almost all respondents agree (8/17 mostly, 7/17 fully) that mental exercises increase mindfulness and reduce feelings of depression. 2 respondents have no opinion.

j) Professional Retreats: Almost all respondents agree (9/17 fully, 3/17 mostly) that professional retreats strengthen work-life balance and personal networks. 5 respondents have no opinion.

k) Culture of Failure: Almost all respondents agree (11/17 fully, 3/17 mostly) that a less perfectionist approach and a move towards a culture of failure, tolerance and learning lightens the mental burden on lawyers. 1 respondent partly agrees, and 2 respondents have no opinion.

Visualization of responses:



CONTACT:

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If you are interested in becoming an LLI member, just visit our website:

<https://liquid-legal-institute.com>



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