

# LLI WHITE PAPER

## Lawyer Well-Being | Personal Health of Legal Professionals in Times of Disruption

Kai Jacob / Jutta Löwe / Diane Manz / Dr. Dierk Schindler /  
Dr. Roger Strathausen / Dr. Bernhard Waltl

LAWYER WELL-BEING PSYCHOLOGICAL SAFETY  
TEAMWORK APPRECIATION HUMAN-CENTRIC  
MENTAL HEALTH TABOO THE SILENT EPIDEMIC  
LEGAL PROFESSION WEAKNESS STRUGGLE PERSONAL LIFE  
EMPLOYEES SELF-IMAGE WORK-LIFE-BALANCE  
COMPETENT LEADERSHIP RESPECT UNDERSTANDING  
TRANSFORMATION SEARCH INSIDE YOURSELF LEXIBLE LAWYERING JOY SOCIAL CHANGE  
COMMUNICATION RETHINKING  
HAPPINESS  
LAW FIRMS

LLI Whitepaper

# Lawyer Well-Being: The Silent Epidemic

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# A GUIDE FOR THE READER

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## *By the Editors*

When reading this booklet, please bear in mind that the following texts have been composed by different authors over a longer period. We decided against putting all contributions in the chronological order of their creation. Instead, we designed a conceptual structure of four parts that we believe makes more sense and for a better read:

Part One: Why We Care

Part Two: What We Found

Part Three: Personal Perspectives

Part Four: The Road Ahead

Since we also decided not to change the content of the texts to preserve their originality, some texts listed in a particular part of the booklet (e.g., *Why We Care*) also contain ideas addressing other parts (e.g., *What We Found*, and *The Road Ahead*). We believe this circumstance is more than compensated for by the benefits of taking a holistic and structured approach to Lawyer Well-Being.

*Enjoy the read!*

# FOREWORD: LAWYER WELLBEING IN UNCERTAIN TIMES

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*By Fritjof Nelting*

Lawyers have always been an integral part of society. They take care of their clients, make sure things go well in their offices or companies and study a lot in order to stay ahead of the “legal game”. In order for all of this to happen at the same time, they work hard, they work long days and weekends, and they even work in their vacation time.

I called my own lawyer in a legal matter while he was on vacation. His answer to my request was: “I’m on vacation, I’m really sorry but it will take about 2 hours until I can deliver your answer.”

I, as a client, was on the one hand of course glad that I could get the needed help almost instantly. On the other hand, there is a reason why I write this preface: I run a group of psychosomatic hospitals, and in our hospitals, we treat many lawyers (and others) who are faced with diagnosis such as burn-out, depression, fear, anxiety and/or addiction, just to mention a few. I am well aware of the ways that can lead into these sometimes life-threatening situations, and the profession as a lawyer meets many of the risk factors.

In a world that is more and more complex and moving in faster pace every day – not only because of Covid-19 – the risk factors for the health and the wellbeing of lawyers are becoming harder to handle. But lawyers are in a very exposed and important position in society, and in order for them to properly do their job in a healthy way and maybe even to become role models for a modern and well-balanced life, adjustments have to be made. And to achieve that, lawyer well-being, first of all, must be perceived as an important social issue.

That is why this book is so important.

It helps lawyers understand the status quo, and it helps to understand why it makes a lot of sense to look at the lawyers’ way of life, starting from an eagle’s perspective all the way down to the personal situation.

Lawyers – in their personal life as well as an occupational group – will greatly benefit from understanding the psychological risks and elements within their profession

that may lead to health issues. And understanding and mitigating these health risks will also help society as a whole because lawyers are in a position of great respect and impact. The studies in this book about lawyer wellbeing will help to put the profession and the personal life into a larger context. and they will provide an impulse on what can be done differently, what should be sustained, and what can be improved.

A healthy lawyer is probably the best thing that can happen to any client. And any client (who might not be healthy and calm him or herself) is, especially in these times, in need of a resilient and steady lawyer by his or her side.

# FOREWORD: MEDALS OF HONOR?

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*By Claudia Junker*

Not too long ago, one could often guess the years of experience of a lawyer from the number of health issues the lawyer had. Older lawyers would be proud about that, seeing their health problems as a soldier might see his or her battle scars – they were medals of honor.

Times changed. Employers and employees do many things to avoid the (literally) high cost of bad health. Starting with corporate health programs and including things like in house gyms and corporate sport events. In other words, as I just heard them again this week during an offsite: “Manage your body”.

But while bodily health of employees is now something employers and employees both look out for, mental health is still an area largely not looked into by lawyers and employers alike. Here, the lawyers’ culture of working long hours in a high stress environment with short deadlines still takes its toll. Working on extremely challenging but intellectually rewarding projects will motivate us attorneys to overinvest ourselves. Which is a good thing – but at the same time, it could be that some awareness or balance would be healthier.

Furthermore, how lawyers are working and the working environment itself can add negative stress – which can be avoided relatively easy.

This LLI study therefore provides a sound basis and argumentation for preventive measures. With relatively little effort, the mental fitness and working ability of lawyers can be preserved and job satisfaction greatly increased – which in turn leads to increased productivity. However, creating awareness and understanding are the very first important steps. Therefore, I warmly invite you to explore the findings.

# PART ONE: WHY WE CARE

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Picture: Symptoms of the silent epidemic.

## INTRODUCTION: HOW THE LLI CAME ACROSS THE TOPIC

*By Dr. Dierk Schindler and Dr. Bernhard Waltl*

### **Lawyer Well-Being needs a neutral reference point**

The mission of the LLI is to support, ignite, and drive innovation in the legal ecosystem. We believe that our place is to provide a neutral, collaborative, and safe space for our peers to open up, to discuss new, maybe even daring ideas, and to find the right peers in our diverse membership that are needed to advance projects and ideas. Thereby, the LLI aims to take that important first step to create the initial insight or to establish the common basis for a given topic so that every member can

leverage outcomes as a jumping board for his or her initiatives in their respective professional environments.

We strive to create reference points. Our work on Lawyer Well-Being fits right into this ambition. More than two years ago, we started to work on it. We were not even sure if there “was something” – or if we would find lawyers just to face the same stressors and health risks as any other profession exposed to disruptive change. Little was published on the topic. At the time, it was not on the agenda of lawyer conventions or legal associations. So why care?

It all started with a suspicion founded on three things: a “warning signal” from the US, subjective and personal observations of LLI members, and an unsettling conversation with an expert.

The “warning signal from the US” basically refers to the fact that, since many years, there is research on the topic of specific health risks for lawyers. The findings clearly reflect that lawyers are particularly exposed and, therefore, overrepresented in the statistics on stress related diseases. Really just a “US-specific” issue?

As we started to discuss this in informal and small rounds at the LLI, several peers unexpectedly opened up and disclosed personal stories of burnout or other stress-related health impacts. There were too many examples to call it a coincidence, and it were mostly change agents, i.e. persons you would generally call resilient and high energy.

In the summer of 2019, with that unstructured, but nagging cloud of thoughts in his mind, Dierk, one of our Co-Founders and Co-CEOs, attended a charity golf tournament sponsored by Fritjof Nelting and the *Gezeitenhaus Gruppe*. *Gezeitenhaus* runs several clinics in Germany that specialize in mental diseases. The casual conversation went on, and Dierk mentioned that we at the LLI were wondering about whether Lawyer Well-Being was a topic that deserved special attention. Fritjof paused and made a statement that was the ignition moment for us to make Lawyer Well-Being an LLI-Board initiative. One, that now led to this booklet.

Fritjof said: *“You know – it is quite interesting, Dierk. I talk to many, many lawyers about this almost every day and probably have a business card from all big law firms and many big corporations. But – you are the first lawyer that addresses the topic, who is not a patient.”*

After that conversation, there was no doubt that we had to tackle the topic and lend it a voice for the benefit of our membership and beyond.

## **The “Perfect Storm of Transformation” aggravates the risks**

Yet, how does it fit into LLIs focus on digitalization, innovation and transformation of the legal ecosystem? Well, if lawyers are a high-risk group, the massive wave of change that rolls over the legal industry bears the risk of aggravating the risks even further. These days, lawyers easily find themselves in what you would call a perfect storm – pressure from all angles:

First, our clients undergo massive change. Their business models get turned upside down as the pace of change keeps increasing, fueled by digitalization or other fundamental forces of change. As we consult them or negotiate and litigate for them, their pressure becomes our pressure.

Second, our professional organizations – be it law firms or legal in-house departments – dare challenged to modernize, digitalize and become much more of an immediate contributor to business success rather than just a consultant that provides legal opinions from the sideline. A bunch of Legal-tech-projects, the urge to test and push new methodologies, and detailed work of connecting the legal processes to the business processes all come on top of a day job that already pushes us to the edge.

Third, all the above combined with the fuzzy outlook of “where lawyers are going in times of digitalization” directly translate into a big question mark on our personal careers. We need new skills that, unfortunately, are not taught at law-school. We face uncertain career paths while being asked to do more with less. Our budgets are under even more scrutiny, as we need to invest in modernizing our environment. All of that translate into pressure, personally, on us.

## **Lawyer Well-Being is part of our mission!**

With that in mind, we made Lawyer Well-Being one of our Board-Initiatives. Our point of departure has been our conviction that we must tackle the issue – but also that, first, we must fully understand what it is and how to approach it. Therefore, we took a phased approach, starting with a position paper, followed by the creation of a survey that we then conducted with several partners. But even more importantly, next to raising awareness and providing insights into the risks, we also started to generate initiatives around what to do about the specific health risks of lawyers and how to prevent them – all covered in the later sections of this booklet.

Read on and join our journey to uncover the specific dangers related to the well-being of lawyers. Follow our insights into the root causes, our impulses and practical ideas on how to improve the personal mental health of lawyers and legal professionals.





Picture: 24/7.

## CALLING IT OUT – THE ORIGINAL “POSITION PAPER” OF THE LLI

*By Dr. Roger Strathausen and the LLI Board*

Covid-19 is changing the world with unprecedented intensity and speed – it feels like our public lives will never be the same again. This pandemic should make us more aware of other threats lurking in the dark that could have an equally negative impact on society. The *Liquid Legal Institute*<sup>1</sup> is tackling a sensitive issue that far too long has been taboo in the legal industry and that now, in times of digital transformation and fundamental social change, may turn out to become a silent epidemic: the declining well-being and personal health of lawyers and legal professionals.

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<sup>1</sup> More at <https://www.liquid-legal-institute.com>.

## Only Healthy Lawyers Are Good Lawyers!

The current Covid-19 pandemic will inevitably lead to a global recession the extent and duration of which cannot yet be foreseen. What is clear, however, is that this worldwide health crisis is already disrupting people's personal and professional lives more than they have ever experienced in their lifetimes. It is one of the biggest human catastrophes since the second world war, simultaneously bringing all areas of public life to a halt across the globe. For anyone losing family members or friends, or even just losing his or her job, the stress and anxiety caused by these losses and the uncertainty about the future are tremendous. People feel vulnerable, threatened by an invisible enemy that will cause unpredictable damage. A perfect storm heavily impacting mental health.

But why is this of special interest to lawyers? – The answer is straight forward and unsettling: Because even prior to Covid-19, the legal profession led the charts in terms of mental health issues! The additional stress caused by the virus aggravates an already bad situation, and the mental health of lawyers is likely to continue to decline even after the pandemic has ended. Numerous studies<sup>2</sup> for the US<sup>3</sup>, starting as early as the 1990s and continuing up to recent years, are showing that lawyers suffer to a higher degree than the average population and other professions from stress, anxiety, depression, mental disorders, burn-out and even addiction. In 2006, suicide was the third leading cause of death among attorneys, after cancer and heart disease. The rate of death by suicide for lawyers is nearly six times the suicide rate for the general population, and nearly 40% of law students suffer from some kind of depression.<sup>4</sup> Lawyers are three times as likely to become addicted to alcohol or other substances than non-lawyers, and evidence suggests that almost half of them are unhappy with their career choice.<sup>5</sup>

There is no easy way to tell when a lawyer is suffering. They typically remain productive and generate high rates of billable hours – until it is too late. The declining health of lawyers uproots their personal and professional lives and affects their social environment. Friendships dissolve, marriages break apart, children are missing

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<sup>2</sup> 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'

<sup>3</sup> Interestingly, there are no German studies available on the topic. However, a multitude of personal accounts in magazines and on websites suggest that legal professionals in Germany are suffering to a similar extent from mental health problems as their American colleagues.

<sup>4</sup> Mauney, Stuart (2013) 'The Lawyers' Epidemic'; Ritter, Chris (2017) 'What Law Students Must Know About Suicide'

<sup>5</sup> David, Ted (2011) 'Can Lawyers Learn to Be Happy?', in *Prac. Law*, 57: 4, 29

out on the time, the emotional closeness and the love they have a right to expect from their mothers and fathers.

Yet not only family and friends, also colleagues, employers, clients and society at large are affected by the declining health of legal professionals. Lawyers in crisis display poor leadership, relying mainly on hierarchy, commercial incentives and competitive pressure. Clients complain about poorly communicated services, delivered in a rude and arrogant fashion and at too high a price. Increasing healthcare costs of lawyers must be carried by the insurer community and by taxpayers. High rates of turnover and absenteeism create financial and reputational losses in law firms and in-house legal departments. While there are no numbers on the economic damage of lawyer addictions specifically, the National Safety Council offers an online tool to calculate the overall costs of substance abuse to employers, suggesting that annual addiction costs in a firm with 2.000 employees add up to 1.7m\$. In addition, professional errors of distraught lawyer may lead to costly grievances and malpractice suits.

## A Complex, Poly-Centric and Exponential Problem

Long working hours, isolation, self-generated pressure, a tendency toward perfectionism and a low tolerance for failure, high-stakes cases, exposure to dire life situations, dealing with difficult clients, pressure to earn large amounts of money, a hostile and competitive work environment – the list of reasons for personal health problems of legal professionals is long. Yet to uncover the systemic nature of this silent epidemic, we need to look at the issue holistically, identify the multiple layers and understand how they are intertwined and mutually reinforce each other.

***“What makes the compound interest effect [of our personal health account; RS] so pernicious is the exorbitant rise in our debt.”***

**Fritjof Nelting**

**(in his article “Health Compass for Lawyers”, forthcoming in “Liquid Legal, Towards a Common Legal Platform”)**

## Perfectionist Personalities and Pessimistic Mindsets

It is usually the highly ambitious, goal-oriented, over-achieving, rigid, perfectionist, and a bit pessimistic types that decide to study law – the ones that anticipate negative outcomes of events and concentrate on things that can go wrong.

## *Win-Lose Teachings at Law Schools*

Such perfectionist personalities and negative mindsets are aggravated by the legal educational system. Win-win does not exist in the study of law, courses and cases always presuppose conflicts of interest. In order to win, one must fight against the adversarial party, their gain is one's own loss. Academic success is highly competitive – often enough, law students rip out crucial pages in library books in order to gain advantages over their fellow students.

## *Financial Pressure*

In the US and other countries, law students accumulate large amounts of debt during their education which creates financial pressure and leads to unrealistic expectations of six-figure salaries already in the first job. This pressure continues during their careers, when legal professionals base their self-esteem on the height of their income and try to earn more than their colleagues.

## *Loneliness and Competitiveness*

Lawyers usually work on their cases in isolation. Too often, their financial incentives promote keeping cases on their personal desks rather than sharing the burden. The image of the lone wolf may be exhilarating to some, but for the majority of legal professionals, the lack of collaboration creates a feeling of loneliness and causes depression. In many law firms, the old mantra of up or out still rules, and junior lawyers are well aware they need to outperform their internal competition to raise in the ranks and receive recognition.

## *Work Stress*

To be a successful lawyer, one needs to be energetic, motivated and creative. But offering individual services that are always tracked by the employer and billed to the clients by the hour causes constant stress at work, and this stress consumes people's energy and turns their motivation into despair, hopelessness and depression. Again, for some lawyers, the transparency of personal performance may be stimulating for a brief period of time, but in the long run, most of them will experience symptoms of burn-out, and not few seek refuge in alcohol and other drugs.

## Negative Social Image

Lawyers suffer from a negative social image, portraying them as self-interested ‘fat cats’ whom the public trusts even less than hair-dressers and building contractors.<sup>6</sup> In public opinion, lawyers’ personal ethics are not only affected by their legal obligation to achieve the best possible outcome for all and any clients, including murderers, rapists and child molesters, but are also compromised by their insatiable greed for money and personal success.

## Bending the Needle of their Moral Compass

What does it do to a value-driven human being when the professional ask is to violate fundamental moral principles, e.g. to enforce a patent on live-saving medicine to prevent derivatives to become available at acceptable cost in developing countries; or to spend the night oil over weeks and months to develop a tax model that allowed for multiple reclaiming of capital gains tax that had only been paid once in a Cum-Ex-scenario? It is pure stress – plus a type of negative emotion you cannot share with anyone else, since it would mean to admit that you sacrifice moral standards on the altar of financial gain.

***“The very nature of legal work forces one to go against one’s own moral compass.”***

**Dr. Barbara Chomicka**

**(author of “Expand the Legal Services Providers’ Pie”, forthcoming in “Liquid Legal, Towards a Common Legal Platform”)**

## Anxieties Caused by Digital Transformation

In times of digitalization, human beings and humanity are put under additional pressure which aggravates the precarious situation of legal professionals. Latest since the financial crisis in 2007/08, corporate clients of law firms demand more for less, and also in-house counsel are facing increased pressure to take on more cases, work more efficiently and justify how they invest their time. It is true that digitalization also affects material law and creates new practice areas for lawyers, but these new service areas do not change the existing working style and thus do not improve the well-being of lawyers. And while digitalization, through the automation of work routines, does indeed offer means to reduce the administrative workload and stress of lawyers, enabling them to focus on high-value activities, many

<sup>6</sup> Ipsos MORI (2016) ‘Politicians are still trusted less than estate agents, journalists and bankers’; Ipsos MORI Veracity Index (2015) ‘Trust in Professions’; Gallup (2015) ‘Honesty/Ethics in Professions’

law firms and in-house legal departments do not yet possess the competence and confidence to actually leverage LegalTech. Instead, lawyers rightly perceive that digitalization changes their existing business model, allowing Legal Process Outsourcers and online service providers to deconstruct work processes and offer due diligence, contracting and other high-volume services at lower costs. The result is increased anxiety: to many legal professionals, digital transformation equals to the fear of losing one's job.

## *The Canary in the Coal Mine Dies*

Why is it that younger generations of lawyers are as affected by mental health issues as their older superiors? One reason may be that current senior leaders in law firms or legal departments feel threatened by the disruptive changes of digitalization. They want to ride out the wave and leave change to the next generation. Such leaders will evade genuine discussions; they will actively discourage or even punish organizational change agents who put their finger on the threats to current business or operational models.

## *Failure Is Not an Option*

Anxiety, depression, and other forms of mental disorder and illness are still being stigmatized because they contradict the proclaimed self-image of lawyers as strong, efficient and high performing professionals – an image which the legal industry continues to advertise to its clients. Yet the longer we wait with acknowledging that the declining personal health of lawyers poses a serious social problem, the bigger the problem will get, affecting not only individual people, but society's ability to guarantee the rule of law as the basis of human civilization.

## **The LLI is Making the Case for "Lawyer Well-Being"**

We must break the silence to stop the mental health epidemic among lawyers!

The LLI will take a phased approach to tackle the complex, poly-centric and exponential problem of Lawyer Well-Being. Our ultimate goal is to increase the personal health of legal professionals and to enable them to live engaged, productive and happy lives – lives that will not benefit themselves and their employers, but all of us who rely on the rule of law to feel free.

**Phase 1:** Publish this "Call for Action" to increase awareness on the social issue of Lawyer Well-Being and to tell all legal professionals suffering from depression, anxiety, burn-out and stress-related illnesses: **You are not alone!**

**Phase 2:** Interview Lawyer Well-Being experts and stakeholders to gain more insights and conduct an extensive empirical study among LLI members to understand the full extent of this silent epidemic: **Reveal reality!**

**Phase 3:** Bring together the various stakeholder that are interested and want to contribute to the topic of Lawyer Well-Being, and inspire LLI members to start additional projects and events: **Reverse the dynamic in collaboration – as a community!**

First ideas include the following:

*A) Halt, Take a Deep Breath – and Smell the Roses!*

The Covid-19 pandemic is revealing the fragility of our globalized world. Let us Westerners take a moment to acknowledge and be grateful for the privileged lives we live. And let us show solidarity with our fellow human beings who are less fortunate than us – those living in poor conditions in their homelands, fleeing from war and hunger, or suffering from physical or mental illness.

*B) Revamp Legal Education*

Any and all improvement of the well-being of legal professionals will have to start with revamping the way law is taught to students at the university. One of the insights generated by the Common Legal Platform<sup>7</sup> (CLP) Design Study which the LLI commissioned from the Hasso Plattner Institute<sup>8</sup> (HPI) in Potsdam in 2018 was that many lawyers still do not see the value of collaboration; instead, they believe that sharing knowledge with colleagues will reduce their professional and economic success in the market. We need to change this faulty perception by teaching the overall benefits of collaboration in law courses at the university. To that end, LLI is already collaborating with Prof. Dr. Stephan Breidenbach's initiative "The New School of Law".

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<sup>7</sup> More on <https://www.common-legal-platform.org>.

<sup>8</sup> More on <https://hpi.de/>.

### C) Use Technology to Reduce Work Stress in the Office

LegalTech and virtual work environments can facilitate routine work and reduce the stress of lawyers and legal professionals. At the LLI, we have built a virtual working space based on Microsoft Teams which our members use to initiate and deliver projects. We need to educate and enable law firms and in-house legal departments to leverage innovative technology and to benefit from digitalization instead of fearing it.

### D) Offer Professional Retreats, Personal Therapies and Well-Being Apps

The LLI also wants to assist colleagues who are already feeling distressed and are suffering from depression, anxiety and burn-out. We are planning to offer professional several day long retreats in a nice and relaxing environment at which we discuss new ways of working that can help reduce workloads and alleviate stress. We are also collaborating with the *Gezeitenhaus*. And to cover the time in-between therapies, when doctors are not available, but help is needed, we are partnering with *en-lyte*, a well-being app that teaches mindfulness and provides several features to create a healthy work-life balance.

***“Combined knowledge and practice of artificial intelligence (AI) and emotional intelligence (EI) are essential to lawyers’ success in a highly digitalized world.”***

**Dr. Rainer Markfort**

**(in his article “AI + EI = Future”, forthcoming in “Liquid Legal, Towards a Common Legal Platform”)**

The goal of LLI’s “Call for Action” is to establish Lawyer Well-Being as a priority on the agenda of in-house general counsels, partners in law firms and legal education leaders.

**In the current Covid-19 pandemic, ignorance and hubris allowed the disease to spread exponentially and cripple our communities. Let’s not make that same mistake again – let’s be smart and tackle the issue of Lawyer Well-Being while there is still time!**





Picture: The happy reunion.

## STRESS AND MENTAL HEALTH IN THE WORKPLACE

By Diane Manz

Not only since Covid 19 have the topics of stress and mental health experienced increasing public interest. Reports on this in the media are booming, and it is not unusual for burnout to be described as the 'widespread disease of the 21st century'. Serious changes in living and working conditions lead to an increase in chronic stress levels for many people. They not only promote a reduction in the quality of life and work, but also increase the likelihood of developing a mental illness.

This risk does not stop at the legal profession. What is lacking in many places is target-group-specific education on the origins and effects of stress, the connection to the development of mental illness and how to deal with it in the working world. In many people's minds, there is still the idea that burnout and depression are the

same thing. That you are either resilient or not. That you as an employer can't really do anything about it. That psychological problems are a sign of weakness, so it's better not to talk about them at work at all. Thus, the taboo – not only in the legal field – is pre-programmed.

This article is intended to shed some light on the basics of stress and mental health, to provide current figures for Germany, and to show initial approaches for companies to promote mental health in the workplace.

## **Facts & figures in Germany**

The number of days of incapacity to work caused by mental illness has more than tripled in the last 20 years. According to the DAK Psychoreport 2019, one in 18 employees was absent from work in 2018 due to a mental illness for longer periods of time.

In the BKK Health Report 2020, mental illnesses rank second among the most important types of illness for incapacity to work in Germany, with 310 days of incapacity to work per 100 insured persons. When looking at hospital days by type of illness, mental illnesses are in first place with 402 days per 1,000 insured persons, ahead of cardiovascular diseases with 243 days per 1,000 insured persons. Another BKK study from 2018 lists reactions to severe stress and adjustment disorders as the most common diagnosis for mental illnesses, followed by depressive episodes, other neurotic disorders (e.g., neurasthenia including fatigue syndrome and depersonalization and derealization syndrome), and somatoform disorders (this refers to various physical symptoms without a corresponding physical cause being identified by the physician, or existing physical causes do not justify the severity of the symptoms). According to the German Society for Depression Aid, 8.2% of the German population suffered from a unipolar or persistent depressive disorder during 2016. According to a study by the Robert Koch Institute in 2012, 4.2% of the German adult population is affected by burnout.

A 2018 study by pronova BKK found that nine out of ten employees feel stressed, and more than half of them report serious mental and physical complaints, such as persistent exhaustion, inner tension, and back pain.

Results of the TK Stress Study 2016 prove that, moreover, permanent stress has an impact on physical and mental health. Among respondents who described their state of health as less than good or poor, one in three said they were frequently stressed. Among healthy people, only one in five said they were frequently stressed. The fact that stress correlates to a particularly high degree with mental

health is shown by the fact that 53% of respondents who had experienced mental health problems in the past three years said they often felt stressed. In addition, 60% of respondents here said that their sense of stress had increased in the last three years. And already every third person feels exhausted and burnt out. With regard to the stress factors mentioned, it was found that those who stated a particularly high stress level also mentioned their job as a stress factor particularly frequently, as well as high demands on themselves, leisure time stress and constant accessibility. As specific burdensome stress factors at work, the top 5 mentioned were too much work, deadline pressure/rushing, interruptions/disturbances, lack of recognition and information overload/emails. In terms of severity, 30% of 40-59-year olds said they had at least once experienced stress that was so burdensome and persistent that they could not manage it on their own. A disturbing finding was, furthermore, that the feeling of not being able to manage it alone was rated as an additional stress factor for many in the first step. Here, for example, the question 'What kind of impression does that make?' also played a stress-increasing role.

The Allianz/IPSOS survey on mental stress at work in 2016 produced further interesting results. According to the survey, almost three-quarters (71%) of respondents felt that they were exposed to greater mental stress in their day-to-day work than was good for their health. Almost half (49%) complain that stress limits their performance. The same number even fear burnout as a result. More than two thirds (67%) know burnout patients from their personal environment. About half (49%) have already thought about reducing their working hours or changing employers. Here, it is particularly remarkable that only one in four (26%) stated that they could talk about it with their supervisor. Only 27% turn to colleagues. 52% talk about it with their partner. 9% keep it to themselves. 57% can imagine talking about it with a psychologist.

Covid 19 has made the situation even worse. According to the TK Health Report 2021, although the numbers of sick leave due to mental and behavioral disorders in 2020 were only slightly higher than in previous years, over 40% of respondents expressed high stress levels due to the pandemic. Corona-specific stresses cited here included, in particular, daycare and school closures, more stress at work, concern about covid infection in loved ones, fear of the economic impact of the pandemic, and loneliness. The report's numbers also show a significant increase in emotional exhaustion.

Quite few studies and statistics can be found specifically on the legal profession. The DAK Health Report 2013 examined economic groups according to days of incapacity to work due to mental illness. With 154 days of incapacity to work, the legal advice and other business services group was below the average for the overall

sample of 203.5 days of incapacity to work. The highest value of 300.6 was shown by the health care sector. The DAK Psychreport 2021 shows an increase in work incapacity days in the legal and other business services group to 198.3 and in the health care sector to 377.3. The average for the overall sample rose to 264.6. It can thus be seen that the legal sector is definitely also affected, although not at an above-average level. However, there is also the possibility that, due to the still existing taboo of stress-related burdens and mental illnesses there, health services here tend to be paid for privately, or coaches are consulted in such a fashion as not to have a 'diagnosis' in the file.

Studies on suicides in which the professional group of lawyers is mentioned or identified as conspicuous have not yet been found for the German population.

Overall, the (German) Federal Institute for Occupational Safety and Health<sup>9</sup> estimated in 2018 that the loss of gross value added due to sick leave due to mental illness is about EUR 24 billion per year. In 2013, the figure was still around 14 billion. At the very latest, this is where employers should start paying attention.

## **What is stress?**

The WHO defines mental health as a state of well-being in which a person can realize his or her potential, cope with the normal stresses of life, work productively and contribute to his or her community.

Stress affects mental health.

The (German) Federal Institute for Occupational Safety and Health defines stress as an unpleasantly perceived condition that is experienced by the person as threatening, critical, important, and inescapable. It exists especially when the person assesses that he or she cannot cope with his or her tasks. Briefly, every time a situation seems to be too challenging to cope with, negative stress develops. Lazarus, in its transactional stress model, describes in a very easily understandable fashion how strongly the stress feeling is individually coined, thus not each person stress feels for the same reasons and at the same level. In the center stands the evaluation of the potentially stressful situation or circumstance. The first step is to consider whether the situation is 'dangerous' at all. A person who does not mind spiders may not even notice the spider crawling across the floor, and if they do, they will classify it as neutral and let the spider crawl on. A person who is an avid spider collector will notice the spider immediately, go into a state

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<sup>9</sup> Ger: Bundesanstalt für Arbeitsschutz und Arbeitsmedizin

of positive excitement, perhaps hoping to find a new specimen, and engage with the spider in depth. A person with a great fear of spiders will also notice the animal immediately, immediately categorize it as threatening, and then move into the second assessment: Do I have resources to deal with the situation? These do not necessarily have to be one's own abilities. If, for example, there is another person nearby whom one can call and who then removes the spider, the problem is also solved. However, if one does not find opportunities, resources and support, then permanent feelings of stress arise.

The stress response as such, in simplified terms, is a mechanism that sets all the functional areas of the body to fight or flight, providing the body with the energy it needs. Everything that is needed is fired up, e.g. cardiovascular system, muscles, immune system, and everything that is not needed is put on the back burner, e.g. digestion, libido. If you encountered a saber-toothed tiger in the Stone Age, fight or flight would kick in to overcome the challenge. Then it dissipates the provided energy and returns the system to 'normal'.

Today's challenges put our bodies into the same state. However, the energy provided is often not dissipated. In particular, when we are faced with longer-term demands that we cannot cope with, we come under continuous "energy fire", which makes our organism physically and psychologically ill in the long run. Therefore, physical activity in addition to building up coping skills is an important means of counteracting stress-related complaints.

In order to understand stress perception, effects and coping possibilities of stress even better, I recommend Kaluza's stress model. His 'stress traffic light' describes the stress event and thus the approaches to coping on three levels:

## **The stressors**

By completing the sentence 'I get stressed when...', one can identify one's own stressors. Common stressors include time pressure, frequent disruptions, high performance demands, personal or professional conflicts, an unhealthy manager, or work overload. Coping here is not necessarily about eliminating these stressors completely, but rather dealing with them constructively, i.e., acquiring skills that make it easier to deal with the situation, whether that's through dedicated deep-work phases, for example, where the phone is diverted to reception, or acquiring conflict resolution skills to peacefully resolve conflicts with a colleague. Of course, the solution here may also be to simply quit and look for an employer that offers better conditions for its employees. Another option would be to change one's own attitude towards the situation in order to feel less stressed.

## Personal stress amplifiers

It is not uncommon to create a large part of one's own stress. With the continuation of the sentence 'I put myself under stress by...', one can already identify very early developed and firmly anchored stress aggravating thought patterns. Particularly frequently, one encounters in this group e.g. the topics perfectionism, control striving, lone warriorism and self-overstrain. It helps to replace the negative thought patterns with positive beliefs, learning where one's own limits are or looking for the positive and the meaning in the challenge.

## The stress response

Completing the sentence 'When I'm stressed, I...' reveals in more detail how I react in stressful situations. This can be on a physical, emotional, mental or and/or behavioral level. The more precisely one knows oneself, the easier it is to mitigate the stress reaction through appropriate countermeasures. Recommended activities include relaxation training, regular breaks, sports, and exercise, cultivating hobbies and social contacts, as well as a stronger focus on pleasant things that can provide balance.

It becomes clear how diverse the coping options are. The greater one's portfolio of stress competencies, the greater the likelihood of being able to deal with challenging situations safely and relaxed. It shows all the more that stress management is not about 'wimps' and that dealing with stress in a purposeful way is much more than just putting your feet up and lying on your stomach in the warmth of the sun.

## Depression and burnout

The terms depression and burnout are confused in the current language. Many people view burnout as just a fad of the modern age or a way to avoid having to use the clinical term depression in hopes of being perceived as less weak. However, it is not quite that simple. From a purely medical point of view, we are talking about two different diagnoses.

The clinical picture of depression is listed in the ICD 10 (International Classification of Disease) under the category Affective Disorders in Chapter V 'Mental and Behavioral Disorders' and includes 'disorders whose main symptoms consist of a change in mood or affectivity to either depression – with or without accompanying anxiety(s) – or elevated mood'. The main distinction here is between manic, depressive and bipolar affective symptom patterns. The clearest criteria for a depressive episode are depressed mood and reduced drive combined with joylessness and listlessness, impaired concentration,

fatigue, sleep disturbances, loss of appetite, impaired self-esteem and/or feelings of guilt and thoughts about one's own worthlessness. For diagnosis, symptoms must be present for at least a two-week period. Depending on the number and severity of the symptoms, one speaks of a mild, moderate or severe depressive episode.

Burnout, on the other hand, is listed in ICD 10 in Chapter XXI 'Factors influencing health status and leading to health care utilization' under the category 'Problems related to difficulties in coping with life'. Thus, burnout is not an independent diagnosis, but merely an additional diagnosis to other diagnoses. Often, this additional diagnosis is also made in conjunction with the diagnosis of depression. In the ICD-11 version, which is valid starting January 2022, burnout is defined as a syndrome due to 'stress at work that cannot be successfully dealt with'. It explicitly states that the syndrome should not be used to cover experiences in other areas of life, but should be limited to the workplace. Overall, opinions differ widely on this issue. There is still no uniform scientific description of the symptomatology or clinical guidelines, nor is there a uniform treatment concept. In some publications, you could find more than 130 symptoms. Nevertheless, the following core areas can be identified: Severe emotional and physical exhaustion, alienation from occupational activities, and markedly reduced performance. Freudenberger & North 1985 provide their book 'Burnout bei Frauen' (Burnout in Women) with a rather vivid description of the symptomatology, which, however, goes beyond the professional perspective: "If your life consists only of a succession of internal and external stresses and if you notice that your personality, your zest for life, your attitudes and your performance have developed negatively compared to their state six months ago, then the concept of burnout certainly offers you a basis with which to analyze your misery."

- Differentiating between burnout and depression is not always easy, as many symptoms overlap. Still, there are a few ways in which the two conditions differ:
- Depression often comes more out of the blue, while burnout tends to come more insidiously.
- Depressed patients, in contrast to burnout patients, can only very rarely provide reasons for their complaints.
- A symptom of burnout can be constant irritability, which tends not to occur in depression.
- Decreased self-esteem and suicidal thoughts often occur in depression, but are less common in pure burnout.
- While burnout sufferers long for a return to 'normal' life, depressives are more likely to be found to have a strong lack of participation and desire, with no wishes for the future.

The Hamburg psychologist Matthias Burrisch also distinguishes between two types of risk personalities for a burnout illness:

*Self-burners*: idealistically or perfectionistic people who have very high demands on themselves and tend to handle their strength inappropriately.

*Wearers*: people who want above all to meet the demands of others, even when they are overwhelmed by the conditions of their environment.

What these two characters have in common is that they are bad at saying 'no'. They exploit themselves and subordinate everything to their professional activities: family, friends and their own health.

It becomes clear that burnout can particularly affect people for whom external recognition is very important. For such recognition, they go more than an extra mile. This is a trait that is particularly expected by professionals working in the legal environment.

The fact that burnout is not a disease for losers becomes clear when you look at which prominent people had to put their careers on hold, or even end them completely due to acute psychological exhaustion: Ex-ski jumper Sven Hannawald, TV chef Tim Mälzer, Hollywood star Renée Zellweger, superstar Mariah Carey, professional soccer player Sebastian Deisler, US rapper Eminem, SPD politician Mathias Platzeck, bestselling author Frank Schätzing and Wirtschafts Woche editor-in-chief Miriam Meckel, to name just a few.

Regardless of the clinical picture – depression, burnout, or another mental illness – those affected need help, which is unfortunately often sought far too late due to fear of exclusion or negative professional consequences.

## Promoting healthy working conditions

Employers can and must take their duty to promote healthy working conditions seriously. This urgency is also supported by the fact that healthy and satisfied employees usually realize their full potential and thus contribute significant added value to the success of the company. The mere fact that there are no mentally ill employees are not immediately apparent does not necessarily indicate that the working conditions are healthy and employee-oriented. Perhaps, the employees who did not feel well also had enough stress competence and simply quit. Often, companies do not even know exactly how their employees are doing. However, they should – and act accordingly. At the end of 2013, § 5 of the Occupational Health and Safety Act



was amended to include the consideration of mental stress in the risk assessment. Accordingly, companies have been legally obligated for eight years now to also determine the hazards that result for their employees from possible mental stress in their work and, if necessary, to initiate measures for change.

Even if this sounds very dry and forced, a properly and goal-oriented mental risk assessment can be an ideal starting point for sustainably improving working conditions, and can achieve more than fishing in the mud with an online seminar on stress management. Areas that play a role in the assessment are:

- Work content
- Work organization
- Social relations at work
- The work environment
- New forms of work, such as home office.

Depending on which points prove to be critical in the investigation, targeted measures can be derived and implemented in a goal-oriented manner.

Many larger companies already use comprehensive programs for occupational health management, and there is much to be learned here as well. Many health insurance companies also provide concrete support for the introduction of such programs. The Luxembourg Declaration on Workplace Health Promotion (WHP) defines workplace health promotion as a modern corporate strategy aimed at preventing illnesses in the workplace (including work-related illnesses, occupational accidents, occupational diseases, and stress), strengthening health potentials, and improving well-being in the workplace. Building blocks of occupational health management can be:

Analysis modules such as employee surveys, work situation analyses, or health circles;

Qualification programs for managers on topics such as stress management, burn-out prevention, early detection of excessive demands and mental illnesses, and healthy leadership, including the following:

- Sports and exercise programs,
- Health days/actions,
- Lectures on health-related topics.

However, the basis for successfully establishing a healthy and potential-promoting work environment is, in the first step, a corresponding culture that offers psychological security and in which the employer takes care of its employees – without any program or requirements. This means creating a culture in which health and well-being are made a topic of conversation instead of stigmatizing them. This requires that management and executives set a good example, show themselves to be human, and live this culture. Consequently, this also means parting with toxic personalities if there is no other way.

It is also important to provide concrete help for those affected. On the one hand, this involves early recognition and direct contact, and on the other, of course, it involves professional reintegration management after long periods of absence.

The multitude of possibilities can lead to companies seeing the project 'Mental Health in the Work Environment' as too complex and too cost-intensive. Instead of simply starting small and gradually addressing individual issues, the topic is being pushed to the back of the agenda. However, anything a company does in this direction is better than doing nothing. Anyway, it always takes time, because – even if there are many opportunities for quick wins – promoting healthy working conditions is clearly not a sprint, but a marathon. Moreover, it will be won first and foremost through an open, respectful, and unprejudiced attitude that you can't just buy.

*Note by the Editors: For references and quotes, please contact the author of the article at [diane.manz@brandung-consult.com](mailto:diane.manz@brandung-consult.com).*

## PART TWO: WHAT WE FOUND

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*Picture: The chosen ones.*

## THE MAKING OF THE LLI LAWYER WELL-BEING SMALL & LARGE SURVEYS

*By Kai Jacob and Dr. Bernhard Waltl*

Following the typical LLI approach, we kicked-off the topic of Lawyer Well-Being (LWB) with a "Call for Action" and filled it with freely available information. But to take it to the next level of insight, we need different perspectives and the wisdom of the many.

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 Transfor-

mation and Social Change,” we conducted a small survey 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 described in Part One.

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 lawyers.

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.

After these phone calls, we found our assumption validated: The wellbeing of lawyers is a serious professional and social issue that should be addressed immediately.

It was clear to us that we needed strong partners with regard to subject matter expertise, technology tools, and audience reach to help us conduct our study.

A call was scheduled with the EUPD, experts in data-based research and corporate health, and it was agreed to conduct a larger empirical LWB study in the following weeks in cooperation with sponsors and media partners.

One of our partners was the Bundesverband der Unternehmensjuristen (BUJ e.V.), the largest independent representation of the interests of company lawyers, and fell on receptive ears with their then Chairman of the Board, Götz Kaßmann, and Executive Director, Inga Voigt.

We agreed to collaborate for the larger LWB study and put together a small team of experts to refine the existing report, thus improving the interpretability and applicability of the results.

The team added a 6<sup>th</sup> “R = Reality” to the list, which now contained XX questions which were refined by our EUPD partner. To raise the interest of our target group, lawyers and professionals working in the legal field, and to activate our joint networks, several press releases were issued in December 2020 – in the middle of the second wave of the Corona pandemic in Germany.

The message was clear: The LLI breaks a taboo and brings this important topic to the surface, as shown in the following press-release.

*The Liquid Legal Institute e.V., in project partnership with the BUJ e.V. and EUPD Research, has launched a large-scale study on the mental health burden of lawyers. The goal is an open debate on a very relevant topic that is largely taboo. At the same time, the data basis for further investigations and causal research is to be laid.*

*In collaboration with the BUJ e.V., Germany's largest association of in-house lawyers, and EUPD Research, a leading expert in the field of mental health risk assessment in companies, the Liquid Legal Institute e.V. has set itself the goal of creating a reference point for all lawyers – and the law firms and companies in which they work.*

*"In the U.S., studies on the mental health burden of lawyers have existed for 30 years – with alarming results: Our profession is overrepresented in stress-related illnesses, suffers more often than others from anxiety, depression, burn-out and even addiction. In 2006, suicide was the third leading cause of death*

among lawyers, after cancer and heart disease. The crucial question is: Can we expect the situation in Europe to be fundamentally different?", says Dierk Schindler, Co-CEO & Vice Chairman of Liquid Legal Institute e.V..

The study includes all areas of the rapidly changing legal market, e.g. in-house legal teams, law firms, individual lawyers, but also the young category of new legal service providers and legal tech companies. It also deliberately includes the increasingly important professional groups that work in the legal market without being lawyers themselves, in order to reflect the entire spectrum.

Kai Jacob, Co-CEO and Chairman of the Board of Liquid Legal Institute e.V., adds, "We decided to prioritize the topic as soon as we understood that it is apparently still largely taboo in our profession. It is practically not on the public agenda – while it comes at us with force in private conversations. That's why we called our initial position paper "The Silent Epidemic."

"As the largest representation of in-house counsel in Germany, we were very pleased to enter into a project partnership with the Liquid Legal Institute on this important topic. The BUJ takes current issues from corporate practice and brings its expert knowledge to the social and political debate. Mental health risks for lawyers is just such an issue," says Inga Vogt, Head of Office at the German Association of Corporate Lawyers (BUJ).

The survey on which the study is based is available online and can be accessed via the Liquid Legal Institute website. It is distributed in particular through the members of the Liquid Legal Institute, the BUJ and many partner organizations. The anonymous survey is conducted online using the professional tools of EUPD Research to ensure quality, data security and privacy.

Source: "Liquid Legal Institute e.V. Launches a Study on Well-Being and Personal Health of Legal Professionals".<sup>10</sup>

In the weeks and months that followed our small survey (N=17), we conducted our large survey. 113 lawyers took the time to answer the questions. Not only that – the EUPD's evaluation specialists were surprised: never before had they experienced that recipients answered a survey so thoroughly and filled out of all the comment fields. Even here you can see how thoroughly lawyers work – what they do, they give 100%.

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<sup>10</sup> More on <https://www.liquid-legal-institute.com/wp-content/uploads/2021/03/LLI-Press-Release-LWB-Study-Nov-2020.pdf>.

The study was already closed when we discussed the first interim results with our LLI member VARIO Legal. Suddenly, the next thesis was found. According to it, VARIO employees working as interim and project lawyers might answer the study questions differently from their colleagues employed at law firms or in-house legal departments. Therefore, we re-opened the study for VARIO employees to compare their answers with the answers previously received.

After the VARIO peer group (N = 22) had finished answering the survey, we again closed the study and started the evaluation. In a small working group with the help of the EUPD team, we started several parallel work streams: One group prepared a compact overview of the results, showing that the *flexible lawyers* indeed feel healthier than lawyers with traditional forms of employees.

Another group thought about concrete measures that we can offer to our members and colleagues; our LLI Co-CEO Bernhard Walzl wrote to all associations and initiatives that are evidently concerned about the topic of Lawyer Well-being and invited them to present themselves here in this book; and my Co-CEO Dierk Schindler and I presented the results of the study at the September BUJ Congress in Berlin. Among the participants were both the departing chair Götz Kaßmann and the new chair Claudia Juncker (who also wrote the foreword to this book).

With this publication and the many contributions from different groups of legal professionals, we have achieved our goal of bringing the topic of Lawyer Well-being out of obscurity and into the spotlight. For this, we would like to thank all our supporters! And you, our readers, we invite to learn more about Lawyer Well-Being in the following chapters!



Picture: No such thing as too little caffeine.

## THE RESULTS OF THE LLI LARGE SURVEY ON LWB (N=135)

By Diane Manz

### Management Summary

After the 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*” and the LLI-small survey (sample N = 17) , we now present the results from the next phase of our project with a larger survey of 135 LLI members and associated stakeholders in the legal field to validate and expand the findings of the preliminary survey, and to assess whether findings of studies in the UK, the US, and several other countries can be transferred to the German legal profession.

The full survey contained a group of 22 *flexible lawyers* (lawyers who work on a free-lance basis in fixed-term projects for law firms or companies), and therefore, the re-



spondents were split into two groups for the evaluation: *flexible lawyers*, and legal professional working as *employees* in law firms and in-house legal departments.

The findings of the full survey underline the tendency identified in the preliminary small survey (N=17): ***the struggle with mental health problems is still a highly unrecognized topic within the legal profession in general, and especially in Germany.***

Any supposed “weakness” does not fit the self-image of lawyers as strong and hard-working professionals. Yet the study also shows that mental health issues are not something ‘strong’ lawyers do not struggle with – it is something strong lawyers *just do not show*. It is still a taboo that needs to be brought to light to provide understanding, appreciation, and support to those who suffer; as well as to their co-workers and leaders in order to create a healthy environment. This tendency is strong both in the flexible lawyers and in the employed lawyers, although it is more distinctive in the latter group. Flexible lawyers might not be as affected from obstructive influences in their working environment, since the working environment for flexible lawyers changes more often and they depend less on their employers. Therefore, they do not place the same emphasis on its relevance and ramifications. Furthermore, it seems that flexible lawyers tend to take better care of their mental health, as a higher percentage reports dedicated activities to prevent such issues.

Most of the answers regarding possible reasons for an increased vulnerability of lawyers for mental health issues, such as perfectionism, long working hours or old-fashioned structures, go in line with the results of the initial preliminary study, and with the results of the English and American studies on mental health in the legal profession. The same applies to possible ramifications of mental health issues on the business, such as lower performance and negative effects on attracting talents. These results validate the assumption that the well-being of lawyers is a serious professional and social issue that needs to be addressed empathically.

Nevertheless, some implications of the UK and US studies mentioned in the previous contribution have proven to be inapplicable to the German legal profession. The German lawyers’ external perception does not seem to be as bad as in the UK or the US, and the respondents do not see a link between mental health and suicide in the legal profession. Furthermore, there does not seem to be a high concern of losing one’s job due to digitization, though this might be an effect of the COVID-19 pandemic which probably shifted risk perception in general and towards the risk of unemployment.

Another remarkable result is that law firms and companies do not appear to prioritize the mental health of their lawyers. There is an extremely small number of people who report that their employer really cares either about preventing mental health issues or about dealing with affected people and/or supports their comeback from mental health-related absences. Only a few firms train their people managers to deal with these issues adequately. Only a few firms have a professional approach towards preventing mental health issues. Most of the employees find themselves left alone with stress and mental health problems.

It is evident from the results that the “silent epidemic” of mental health issues in lawyers requires rethinking fundamental concepts, e.g., working time models, the skill set and training of employees and leaders, and maybe even business models and organizational setups. Such transformations of course need time and further thoughts and research. What can be changed much faster – albeit not overnight – is how law firms and companies shape their culture to shed light on mental health and stress issues. This means enabling their staff to do as much as they can to prevent serious damage, and to create a culture of psychological safety and respect without stigmatization. There are diverse possibilities although there are two crucial points: open communication and competent leadership. Both aspects enable leaders and colleagues to recognize early warning signs of mental health problems and to provide acute assistance. They enable people to come back from a mental health-related absence without the fear of negative consequences. Open communication and competent leadership create a safe environment for affected people and contribute systematically to dissolving the stigmatization.

## Methodology

The survey was conducted in the form of an online survey between November 2020 and March 2021. Like the preliminary survey with 17 participants conducted in early 2020, the full study consisted of a total of 41 statements organized in 6 categories (“The 6 Rs”):

1. Reference
2. Relevance
3. Reasons
4. Ramifications
5. Resolutions
6. Reality

With the exception of Reference (which referred to the individual respondent), all Rs referred to and are based on empirical findings regarding mental health of lawyers.

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)
- Fully agree (5)

Several questions also provided the possibility to add comments in a separate field.

113 non-flexible lawyers responded to the survey. The flexible lawyer sample contained 22 people. Although the total number of respondents does not allow for statistical conclusions regarding all lawyers, some results are remarkably evident, and the low number of people who did not answer all the questions implicates a generally high quality of the available data.

The individual responses were categorized. The survey was conducted anonymized.

## Findings

Most of the respondents in the non-flexible lawyer sample were between 30 and 60 years old, only 4.5% (no one in the flex lawyer sample) were under 30 and 4.5% (9% in the flex lawyer sample) were over 60 years old. The female-male ratio was 40 to 60% in the non-flexible lawyer group, in the flex sample the ratio was 30 to 70%

Only 12% of the non-flexible lawyer sample work less than 40 hours per week. Nearly 40% work more than 50 hours per week, 6% even report an average of more than 60 hours per week. The quantitative workload in the flex lawyer sample is not as high.

58% of the respondents of the non-flexible lawyer sample started their job in a law firm (flex lawyers 32%), 38% started their work in a company (flex lawyers 45%). 23% of the flex lawyers started their professional career as a freelancer. Only 9% never changed their job since then (flex lawyers 18%), nearly 60% moved on to another employer between their first and fifth year of employment (no such extreme in the flex lawyer sample). Half of the respondents changed sides from law firm to in-house or vice versa at least once (flex lawyers 45%). The main reasons for the chang-

es were progression of career development, unsatisfying work-life balance, the desire for a different work organization or a change of perspective, an outdated and non-inclusive culture, and the need for less stress.

Only 25% of the non-flexible lawyers said their intrinsic motivation to study law was to acquire a professional status (flex lawyers 40%), 39% hoped to repair or create social or business relationships (flex lawyers 40%), 25% wanted to help people to enforce their rights (flex lawyers 36%), and only 12% hoped for a better social status (flex lawyers 13%).

Profit and loss responsibilities were reported as reasons by no more than 10% of the non-flexible lawyer sample. The percentage of flexible lawyers who reported profit and loss responsibilities was much higher at 70%. This question might have been misleading and the answers probably refer to their own freelance business. The same might apply to the 18% who reported headcount and budget responsibility. 50% of the respondents in the non-flexible lawyer group and 59% of the flex lawyer sample do have headcount and budget responsibility and/or client and project responsibilities. Around 40% report they have work and task responsibilities (55% of the flex lawyers).

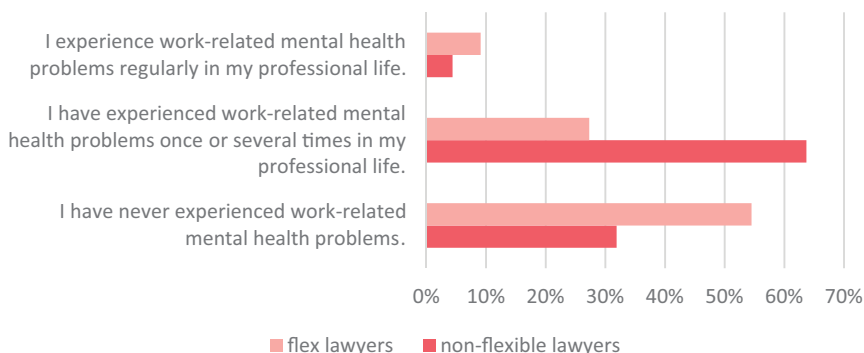
Only 10% of the non-flexible lawyers answered their annual gross salary was below 75,000 EUR (9% of the flex lawyers), nearly 60% reported an annual gross salary of between 75,000 and 150,000 EUR (64% of the flex lawyers). Around 30% of the respondents do have an annual gross salary of more than 150,000 EUR (27% of the flex lawyers).

The overall sample reflects a representative mix of people working in law.

Several findings from the initial preliminary study could be confirmed by the full survey.

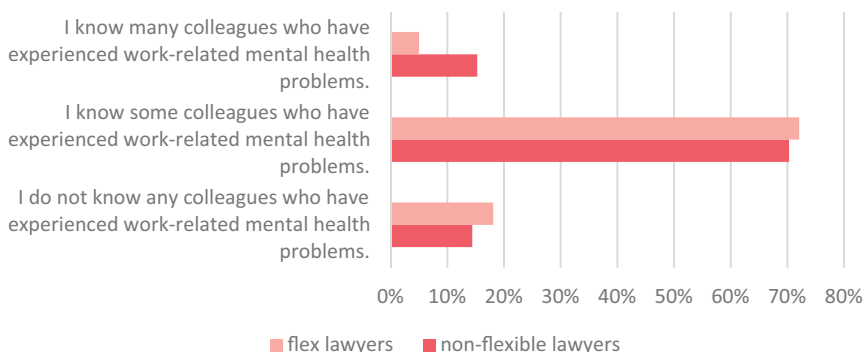
One of the most important points that truly marks the **relevance** of the topic is that nearly 70% of the respondents in the non-flexible lawyer sample did experience work-related mental health problems at least once in their professional lives. In the flex lawyer sample, it was only 36%.

## How often have you personally experienced work-related mental health problems?



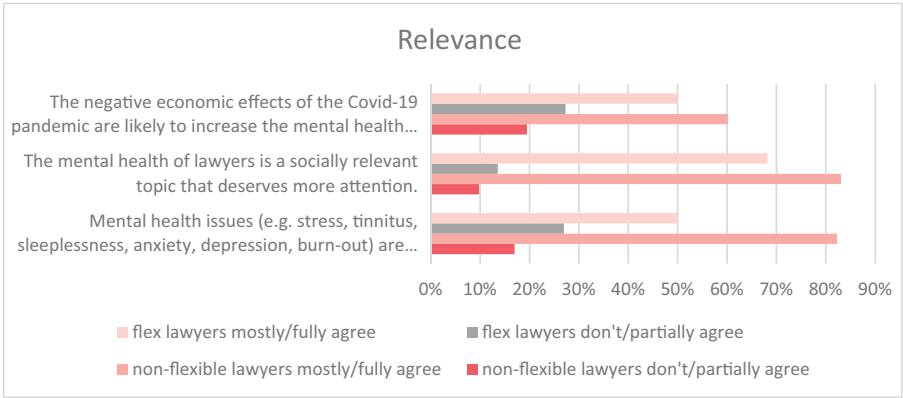
Nevertheless, over 70% of both samples know at least some colleagues who experienced work-related mental health problems.

## Do you know of colleagues who have experienced work-related mental health problems ?



Furthermore, over 80% of the respondents in the non-flexible lawyer sample agree to the statement that mental health issues are stigmatized in the legal industry, and no one wants to admit they are affected. The statement 'The mental health of lawyers is a socially relevant topic that deserves more attention' obtains the same percentage of agreement. Around 60% of the respondents do worry that the COVID-19

situation will even strengthen the mental health issues of lawyers. The tendency is the same in the flex lawyer sample but not as pronounced.



In terms of possible **reasons** for a high vulnerability of lawyers for mental health issues, the following results deliver strong indicators:

More than 80% of all respondents agree that lawyers are perfectionists and tend to be afraid that things go wrong. Over 80% agree that long work weeks and billing by the hour generate stress for lawyers in law firms. Nearly the same applies in the non-flexible lawyer sample (83%). When it comes to long work weeks and uncontrollably high workloads generating stress for lawyers in in-house legal departments, less of the flex lawyers share this perception (63% vs. 81%). Over 60% of the sample agree that traditional hierarchical structures aggravate the pressure and stress level.

The respondents did not assess three statements in a way we would have predicted based on current literature. More than 60% did not agree to the statement that the negative social image of the legal profession lowers the self-esteem of lawyers. The same percentage of people disagree with the statement that the digital transformation induces a fear of job loss in lawyers. Only less than a third of the respondents agree that occasionally having to act against their personal moral compass to deliver good legal services leads to depression.

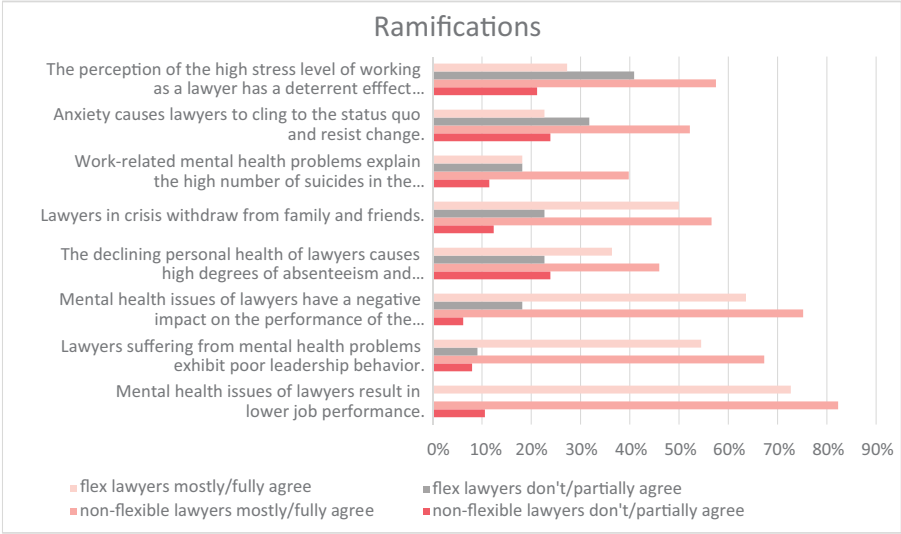
In both samples, 40 to 45% do perceive their current working hours model as stressful. Given that the number of affected people in the overall group is considerably higher, this implies that the stress perception does not necessarily correlate with the respective symptoms.



It seems that the **ramifications** in most areas point into the same direction as English and American studies over the last years.

It comes as no surprise that 82% of the respondents in the non-flexible lawyer sample agree that mental health issues lead to lower job performance, and all of them agree that mental health issues of lawyers have a negative impact on business performance. Over 60% agree that lawyers suffering from mental health problems exhibit poor leadership behavior. Nearly 60% agree that the perception of the high stress level associated with working as a lawyer deters talent.

Assumptions the study could not confirm were that the declining personal health of lawyers causes high degrees of absenteeism and turnover at work. Only 24% of the respondents agreed with this statement, and an unusually high number of people (30%) had no opinion on that. Similarly, only 11% agreed to the statement that work-related mental health problems explain the high number of suicides in the legal profession, where nearly 50% had no opinion.



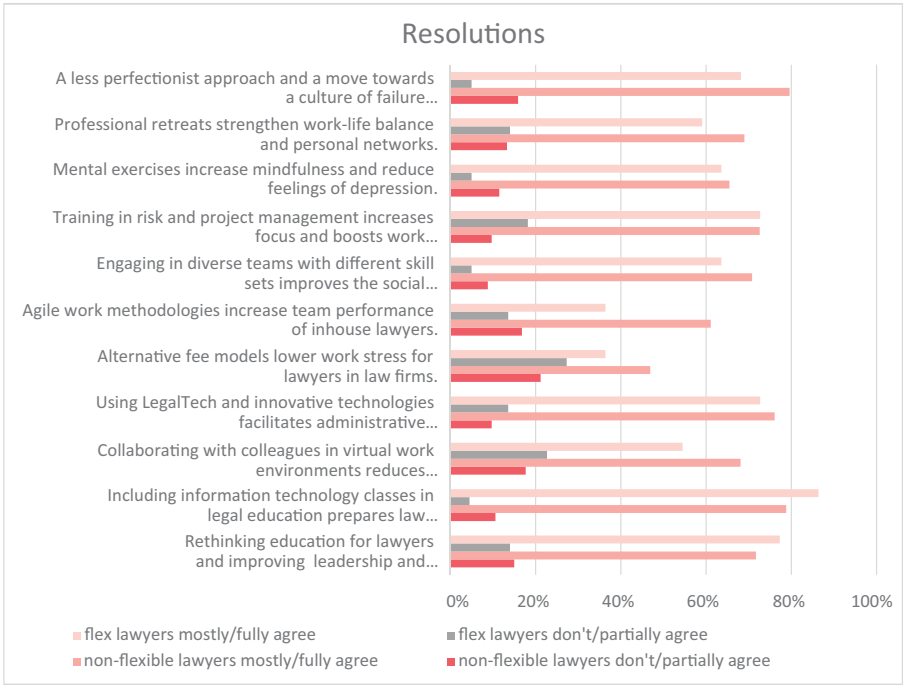
No obvious dependence was detected between the question ‘How often have you personally experienced work-related mental health problems?’, and variables like age, weekly working hours, first job, annual salary, bonus triggers, or responsibilities.

When it comes to **reality**, questions mainly related to the way how law firms and companies currently handle the topic of mental health, over 70% of the affected people in the non-flexible lawyer sample report no specific support was provided by their employer and no early warning system was implemented that helps employees detect health risks. Only 14% said respective trainings for people managers are available. And only 20% feel their employer would support them if they needed help and, upon returning to work from a mental health-related absence, only 7% of the affected people report a professional integration management was available that supported them. In the free text, one person reported a Working Environment Committee in the company exists that is dedicated to physical and mental health. Others note regular check-ins with the manager or coaching as support from their employer. Only 14% think their manager/partner is sensitized and takes an active role in preventive healthcare. Furthermore, only 14% report their employer is taking active steps to sensitize the new generation, like trainees/trainee lawyers.

Regarding possible **resolutions**, nearly all presented statements met with high approval. In the overall sample, 80% of the respondents agreed that a less perfectionist approach and a move towards a culture of failure tolerance and learning eases the mental burden on lawyers (68% of the flex lawyer sample). 79% (86% of

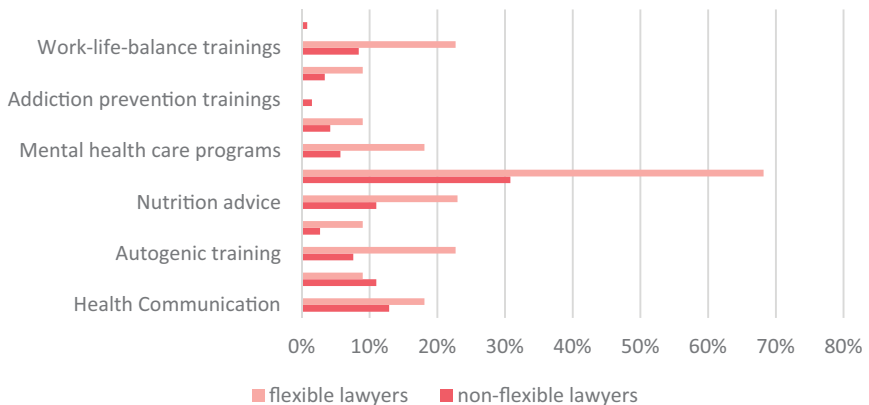


the flex lawyer sample) think that including information technology classes in legal education prepares law students for the new digital work life, and more than 70% in both samples agree that using LegalTech and innovative technologies facilitates administrative tasks. the statement 'Alternative fee models lower work stress for lawyers in law firms' achieved the lowest score of agreement (47% overall/36% flex lawyer sample) . The statement 'Agile work methodologies increase team performance of in-house lawyers' shows the biggest difference between the groups (61% overall/36% flex lawyer sample).



Comparing both samples shows that apparently, the group of flexible lawyers strives to maintain their mental health more than non-flexible lawyers. 68% report they exercise regularly to prevent mental health issues (31% of the non-flexible lawyers). Around 20% perform autogenic training (8% of the non-flexible lawyers), follow nutrition advice (11% of the non-flexible lawyers), attend mental healthcare programs (6% of the non-flexible lawyers), or work-life-balance trainings (8% of the non-flexible lawyers). Only a few from both samples use counselling services provided by their employer or coaching.

## What concrete preventive measures are you implementing (either privately or through a corporate program)?



When asked about which one thing people would change to improve mental health in their working life, the main categories mentioned by respondents were:

- Culture – e.g., more recognition, less competition, more collaboration, open communication, psychological safety, more facetime, breaking the taboos surrounding mental health
- Leadership – more responsive and appreciative, less toxic
- Reduction of working hours
- Reduction of workload
- Project management/Work organization – more professional planning, long-term concepts

These results provide insights into possible initial measures for companies and law firms to support their employees and to transform their culture. It is important to note that 'culture' and 'leadership' seem to be as important, if not more, than the 'usual suspect' for causing health issues like 'too many hours' or 'too much work'.

## Implications

Mental health is a relevant but still unrecognized topic in the German legal market that needs to be addressed and reprioritized. Everyone can contribute to this goal by

taking the risk of experiencing mental health issues more seriously, by taking appropriate measures of preventing mental health problems, and by recognizing early warning signs for mental health issues perceived in themselves and in others. These are some of the first steps to break the taboos regarding mental health issues.

On an organizational level, various possible approaches are available to strengthen mental health and to destigmatize the topic. These approaches are only likely to succeed if two crucial elements are streamlined accordingly:

- 1) Open and fearless communication
- 2) Competent appreciative leadership

Therefore, the management should clearly decide on how to handle mental health issues in the future, communicate and exemplify these practices. The first step is to go and just talk about health and wellbeing and to stop pretending that 'good' lawyers are mentally invulnerable. As a next step, people managers should receive professional training in appreciative leadership as well as in early recognition and handling of mental health issues in their employees. This also includes supporting them in improving/maintaining their own mental health and acting as a role model. Ideally, there would also be a professional process for people returning to work from a mental health-related absence (*"Betriebliches Eingliederungsmanagement"*, *in-company integration management*). Another important point is to hold people strictly accountable for ignoring or compromising such emerging cultural developments.

The establishment of a psychologically safe working environment to care for the own and others' mental health leads to an open and honest dialogue about health care and about issues like working hours, workload, workflows and project management which might already resolve some of the causes for mental health problems mentioned.

Many mental health issues are the result of, or at least are intensified by, a lack of skills for dealing with stress. A professional stress management training is one of the readily available and easily accessible measures how an employer can directly support their employees. Stress management could be accompanied by offers to foster a healthy and balanced life. Coaching can be helpful for both parties, as it helps leaders grow in their roles and supports individuals of all professional levels in coping with stress.

Although the survey shows the topic is not as relevant for flex lawyers as for non-flexible lawyers, flex lawyers would also benefit from a mental health-friendly culture at their temporary employers.

Finally, it should be noted that the results of the whole survey might have been different if the data had been collected at a later stage of the COVID-19 pandemic. Since the beginning of the pandemic in early 2020, new stress factors were added, including working remote, leadership over distance, concerns about physical integrity (e.g. fear of coming down with COVID-19) and the fear of job loss due to economic conditions. Reported cases of mental health problems have also increased drastically. This leads to the assumption that it is even more important to address the “silent epidemic” today, and that the affected lawyers do need even more support in fearlessly stepping out of the dark.

## PART THREE: PERSONAL PERSPECTIVES

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Picture: "I love to see how the moon reflects on my notebook screen..."

### Introduction by the Editors:

*In order to enrich and illustrate the results of our two LWB surveys (which were conducted anonymously) with accounts of individual experiences, we asked a diverse group of experts in the legal and medical fields to provide us with their personal perspectives on the topic. Following are their perspectives about Lawyer Well-being. Interview answers were not changed or shortened, original wording kept as is.*

# PERSPECTIVES BY MARTIN CLEMM

Senior Vice President Global Legal and General Counsel,  
Software AG.

## ► 1. Have you ever been confronted with the topic Lawyer Well-being (LWB)?

Yes of course. In times of accelerating business processes, changing regulations and exponential invention of business models, we all struggle to cope. Establishing an appropriate work-life-balanced and sufficient recovery opportunities is highly challenging in today's lawyer's lives. And ensuring adequate recognition is a challenge, too. LWB is one of the priority projects we intend to address in the future, based on data structures and models we implement today.

## ► 2. What does LWB mean to you? Any personal experience you can share?

Leading through crisis or high impact business procedures causes workload peaks and high stress levels. While in some cases, the legal matters themselves do not allow for stress reduction, we can certainly try to offer stress-reducing measures to help cope with general work pressure. Wellness- or meeting-free days, healthy nutrition, sports, yoga & meditation – there are a lot of offers worth implementing. But most importantly, appropriate work load management, transparency, and recognition are key.

## ► 3. Did the results of the LWB study by LLI and EUPD Research surprise you? Why or why not?

Not really. I started in a Law Firm and then switched to in-house on start-up and enterprise level, and I have constantly witnessed absurd stress-levels and workload, especially in the context of publicly listed companies. Efficiency benchmarking with peer companies acting under identical pressure has created a downward spiral for in-house department employees, and this spiral becomes worse, unless you can reduce the workload through digitization or through low-cost outsourcing. The expected number of billable hours in law firms does not decrease. It is obvious that only a limited percentage of employees are capable of coping with the pressure.

## ► 4. Who should be aware and alarmed by the findings and why?

The management, be it partners in law firms, board members in companies, or the second-line managers like GCs, regional legal heads etc., should be alarmed by the

survey. With LWB not being addressed, an inevitable result will be attrition at best, more likely loss of quality, absence of strategic development and burn-out of team members – if not much worse. It is a joint and important task to change the established cultural expectation of lawyers – year-round, 24/7, 7 days a week.

## ► 5. Why do you think is the LLI is a good place to discuss LWB?

Lawyer well-being is a common problem. If we intend to solve the issue, or at least try to raise awareness and a certain level of protection, this needs to happen on a common basis which associations like the LLI can provide. Any other attempt, be it in law firms, in-house departments or the like, have a high potential to fail due to commercial pressure, accepted or even expected behavior patterns, and other root causes of the problem. Only if LWB is established as a common market demand or ESG-like demonstration of operational necessity, things will change. Therefore, the LLI should use its member base to support, enhance and position LWB requirements.

# PERSPECTIVES BY TORSTEN SCHNEIDER

Head of HR, Luther Rechtsanwaltsgesellschaft.

## ► 1. Have you ever been confronted with the topic Lawyer Well-being (LWB)?

As Head of HR, I see it as my responsibility to react sensitively to signs of health risks and to work on the causes. This is not only about individual fates, but also about whether structural or organisational conditions can increase risks and dangers for the health of employees. As I see it, the aim is to avoid negative consequences instead of painstakingly repairing them.

## ► 2. What does LWB mean to you? Any personal experience you can share?

Well-being is not an absolute term, but a part of health, whereby health can be equated with the absence of illness and illness cannot be equated with the absence of health. For me, well-being therefore stands for a holistic sense of well-being, which includes, in particular, a mindful approach to physical and psychological factors.

The LWF study clearly shows that permanent strain and stress are perceived as a major problem. We know from scientific studies that short-term stress can promote performance and positively influence growth. It is completely different from permanent stress, because it uses up resources in an uncontrolled way and can more or less quickly lead to considerable states of exhaustion.

As a former competitive athlete, I know from my own experience how important it is to have a mix of phases of stress, including exceeding personal limits, and phases of regeneration. It was the right mix that helped me to increase my abilities and to deliver top performances. At the same time, however, I had to experience how fragile the balance became when successes and my own ambition tempted me to neglect regeneration. Performance crashes, injuries and arduous rehabilitation training were the consequences.

Transferred to the local context, this means that we have to sensitise people and organisations to a mindful use of resources. This also includes questioning and adapting routines and patterns when they threaten to become a problem. I would like to illustrate this with a simple example: Lawyers get into the habit very early on of postponing or “putting off” tasks that do not have to be done immediately. Over time, this habit becomes almost a compulsive reflex. The problem is that if you do this all the time and with all kinds of things, sooner or later all tasks become so urgent and have to be done at short notice. If something unforeseen then happens, the whole house of cards col-



lapses and all good intentions with regard to after-work, nutrition, further education etc. are thrown overboard or squeezed into an even narrower time window. A little more intelligence in time and task management would relieve some of the pressure. Admittedly, the example is simple, but it shows how banal the causes sometimes are.

► **3. Did the results of the LWB study by LLI and EUPD Research surprise you? Why or why not?**

The results do not surprise me at all. Lawyers are human beings after all. And that's why lawyers react to permanent performance pressure, uncertainty, and externally determined changes just like people in other professions. Similar results can be observed here as well. And there is something else: the lack of exercise, a slouched, sitting posture, the constant staring at a screen and pressure to multitask do not only dominate professional life, but for many are also mirrored in their private lives. These negative factors are exacerbated by unhealthy diets and too little sleep. And it is precisely here that it becomes apparent that the causes are very diverse and complex. Therefore, the influence and responsibility of the individual to change the situation is at least as great as on the part of the company. But, unfortunately we only invest in health when the problems can no longer be overlooked.

And another thought: people don't do what they are told, they do what they observe in others. It is like that with children and no different with employees. In other words, employees take their cues from the behaviour of leaders. As long as leaders do not change their behaviour and attitude, employees will not do so either. Here we need a paradigm shift in what it means for one's own behaviour to be a leader or an entrepreneur.

► **4. Who should be aware and alarmed by the findings and why?**

First of all, I am convinced that – as is so often the case – we do not have a problem of knowledge with this topic. We know from medicine that symptoms cannot be separated from their causes, nor can they be cured separately. Posters and isolated actions may attract attention and soothe the conscience, but in the end they are nothing more than blind “poking and prodding”. What is needed is a new perspective and action by all stakeholders – here I also mean the law firm's customers or clients who ultimately decide with whom they work.

► **5. Why do you think is the LLI is a good place to discuss LWB?**

It is about the discussion on a sustainable and healthy working world, a working world that does not just consider the name human as an empty phrase. Such a

discussion must be holistic, i.e. it must be conducted by networking a wide range of interests and expertise. This requires people who are not afraid to question the status quo, even when it comes to uncomfortable issues, and to tackle new things without ideological or dogmatic blinkers. That is why the LLI is a good place to discuss this topic.

# PERSPECTIVES BY UNIV.-PROF. DR. MED. TOBIAS ESCH

University of Witten/Herdecke, medical specialist, institute director and founder/director of the university outpatient clinic.

## ► 1. Have you ever been confronted with the topic Lawyer Well-being (LWB)?

[...] Yes, if we look at the job and life satisfaction of various occupational groups and compare them with each other, we repeatedly come across lawyers and legal practitioners. They regularly score relatively/ comparatively poorly, which is justified, among other things, by the fact that in jurisprudence or for lawyers, an apparently imperative prerequisite of the job is to display an attitude that puts the “mistake” in the foreground, virtually seeks out the faulty behaviour of another – which then has to be named. The whole success of professional activity is thus often based on the assumption of fallibility as well as deficiency and misbehaviour (as a basic assumption or attitude). From such an attitude, the basic attitude of hostility can quickly develop, which, as we know from research, is extremely unhealthy, for example for the cardiovascular system.

## ► 2. What does LWB mean to you? Any personal experience you can share?

[...] I myself do not work explicitly in the field of lawyers' health, but I repeatedly treat patients from this field. The fact that a profession exists here that builds its success on the supposed failure of another counterpart or an almost “triumphant” suppression/devaluation of the “counter-argument” not infrequently leads to considerable problems prevailing in the personal sphere. These can be insomnia, poor relationship qualities, stress, burnout, addictive behaviour or even suicidal tendencies. Very often also unhealthy diets, lack of exercise, missing phases of inner contemplation or mindfulness (presence) or even a lack of a positive basic attitude, which would otherwise be extremely beneficial for health.

# PERSPECTIVES BY NADINE BECKER

Stress management specialist, Account Manager, Join GmbH.

## ► 1. Have you ever been confronted with the topic Lawyer Well-being (LWB)?

We've already seen this topic at customers in all areas. However, it is obvious that the topic should be given a higher priority among lawyers than in other fields. Time is a critical factor for lawyers: Due to the rigid deadline construct, time can be considered a privilege in law enforcement. Time ensures higher quality work, which is crucial for success, especially in law, and success is the goal. This creates stress.

## ► 2. What does LWB mean to you? Any personal experience you can share?

As a system integrator with 80 people, we have limited legal resources. We see the pressure we create on our colleague through the abundance of NDAs and other contracts. Fortunately, we have very little litigation ourselves, but we see in the legal departments of some of our customers that regular working hours are usually far exceeded.

## ► 3. Did the results of the LWB study by LLI and EUPD Research surprise you? Why or why not?

We weren't surprised by the results, but by the fact that it was not perceived as a problem earlier. We read something in the study that everyone knows, but simply no one perceives as threatening. It is considered normal especially in legal to work above average hours and with a lot of time pressure. Moreover, lawyers are often under additional psychological stress when they feel responsible for their clients. The study shows that there is a great need for management to take the special situation of lawyers seriously and to improve working conditions. This includes organizational measures such as adherence to working hours and breaks as well as the creation of time slots to focus. Microsoft is already setting the pace for this in its collaboration platform Microsoft 365 with Viva Insights: You get a personal listing of what your work behavior is like: how often you work too long, how much time you spend in meetings, and helps you consciously plan focus time.

But workflows can also be significantly optimized, for example in contract management or contract analysis. The market now offers sophisticated solutions that save time, simplify workflows, and making them less stressful. However, part of these time savings should then be specifically returned to the lawyers. It would be fatal if the increase in efficiency automatically led to a reduction in legal staff. The top

priority for any company management should be the health of its employees and not cost-cutting. This will automatically have a positive effect on quality, which contributes significantly to the success of the company.

#### ► 4. Who should be aware and alarmed by the findings and why?

Company management must first accept that there is a grievance. The study helps immensely with this. Then the company managements need strategies on how to protect their employees from the risk of mental illness.

But every single lawyer should also read the study. It will help everyone to reflect whether they themselves are already on a critical path. Through the study, s/he will also know that others are in a similar situation and can work to improve it.

#### ► 5. Why do you think is the LLI is a good place to discuss LWB?

LLI is an organization where lawyers can freely share experiences outside their work environment. They can quickly see where they stand in comparison to others and thus also gain arguments vis-à-vis their own management.

LLI not only creates a community for lawyers, but also for partners who can make the world of lawyers easier, including companies like JOIN, a solution provider for collaboration, contract management, and contract analysis.

LLI was founded unselfishly by people from their own experience with great commitment. It is an honor for us to be part of it!

# PERSPECTIVES BY VALÉRIE SAINTOT

LLM, PhD, Lawyer, Mindfulness teacher, Head of Legislation Division,  
Directorate General Legal Services, European Central Bank, Frankfurt.

## ► 1. Have you ever been confronted with the topic Lawyer Well-being (LWB)?

I have of heard of lawyers' mental health but not of the term 'Lawyer Well-being' as such. At the start of my career, I have experienced the negative effects from not being supported to take care of my well-being. It was when I was working as a lawyer in the second half of the 90s that I started with meditation and yoga to manage my stress levels. When I became aware of how much my mind was spinning all the time, I decided I would need to develop an 'on-off' button. I needed to get out of my head and into my life.

## ► 2. What does LWB mean to you? Any personal experience you can share?

I see LWB equally as a mindset, a process, a goal and a toolbox. LWB is for me about making sure that I stay 'Response-Able' to life stimuli, be it in the private or the professional domain. As intellectual workers, we get so absorbed into our thoughts that it is easy to lose our sense of being grounded in the here and now. We can easily fall prey to our mental chatter and lose sight that it is just chatter and not reality. Workers that have jobs requiring them to rely more on physical power tend to be quicker at noticing their limits and exhaustion. Lawyers, on the other hand, tend at times to deny their exhaustion and keep going beyond physical limits. They often do not listen to the feedback their bodies send them.

Metaphorically, it seems many lawyers walk around with their feet directly attached to their chin, ignoring the body component of the equation. Our body provides key performance indicators when it comes to our health. We always transport these indicators with us but we are only marginally giving them attention. With practice, we can notice and integrate the signals on a day-to-day basis to grow our well-being – not only during rest or holidays, but also on the go. I ignored these signals until they were too loud. The way back into balance for me starts with re-inhabiting my body, re-owning my feelings, and revisiting my mental chatter with more distance to regain space to breathe and detach.

► **3. Did the results of the LWB study by LLI and EUPD Research surprise you? Why or why not?**

The research is rich and covers a very relevant territory. No, I was not surprised by the results, but of course I had hoped that the matter would have improved, instead of reading what I myself have been experiencing for the last three decades. If the study is going to be repeated in some form in the future to monitor the evolution of the trends, it would be beneficial to dive deeper in the collective dimension of well-being dealing with values, culture, sense-making, sustainability, etc.

Practicing the law is a team sport. We could achieve better business results and individual and collective well-being if we actively care to see our working environments as living and interdependent ecosystems. Building on my 30 years of meditation experience and as mindfulness@work teacher since 2005, I realize how much we need to create safe spaces to nudge individuals and teams to grow their well-being muscles.

► **4. Who should be aware and alarmed by the findings and why?**

Taking the metaphor of the body and applying it to society, I see lawyers as the spine. Lawyers intervene in so many domains and serve democratic societies in many ways. Lawyers are well educated and engaged; they are a great community that should have a big role when addressing the challenges of the 21<sup>st</sup> century. We need a healthy legal community that creates meaningful legal frameworks which will help make life on Earth healthier and more sustainable.

Among the many problems, which are generated by neglecting our well-being, I would like to draw our attention to two important aspects.

First, our body is the place where our sense of ethics resides. Our body instinctually knows if something makes sense or not, if something is correct or incorrect. Our bodies react to what is going on in our lives, expressing itself with speedy heartbeats, sweaty palms, dry mouth or many others. Being embodied helps us cultivate our well-being and access our body indicators which are great allies to take ethical decisions. If we do not include the body in the equation, we ignore precious and healthy insights.

Second, I personally directly correlate losing sight of ourselves as body-mind unity with losing sight of our agency as human-nature unity. The more we detach ourselves from our bodies, emotions and sensations, the more we are ready to act without caring for nature. In such a state, we do not include natural life as a key

variable in our decision-making process. We tend to act as robots, repeating past certainties instead of questioning how our actions are impacting other living organisms, starting with our own kind. Taking care of the well-being of lawyers is not a futile matter, it is a vital one without play on words.

## ► 5. Why do you think is the LLI is a good place to discuss LWB?

LLI is a wonderful and diverse crucible, uniting lawyers from many walks of life. Well-being is not an individual problem calling for an individual solution. It is a cultural issue which takes a 360-degree approach to help us help ourselves. We must reprogram the DNA of the profession to be smarter at taking care of its members, individually and collectively. Mental health issues and well-being mitigation programs need to become standalone agenda items. With its work, the LLI can create the needed publicity and awareness, so that Lawyer Well-being gets recognized as a major opportunity for the betterment of the legal community and, by capillarity, for positive ripple effects on society at large.



# PERSPECTIVES BY SU REITER

Freelancer, law student, specialist editor and freehand digital illustrator.

## ► 1. Have you ever been confronted with the topic Lawyer Well-being (LWB)?

No, I have never been confronted with this topic and I am looking forward to the change that is taking place in this area.

## ► 2. What does LWB mean to you? Any personal experience you can share?

From my personal work experience and from the exchange with many practicing lawyers, I think that social expectations towards lawyers trigger a lot of frustration and pressure. There is an unrealistic expectation that lawyers must not make mistakes, must be familiar with every legal situation and must never be burned out. This unhealthy way of working is especially expected in large law firms with good international reputation. Also, these expectations are already communicated during law studies at the university. I fear that many lawyers suffer from these expectations.

## ► 3. Did the results of the LWB study by LLI and EUPD Research surprise you? Why or why not?

No, the study did not surprise me. It is, of course, alarming to see these results drawn up. Nevertheless, it was to be expected that many lawyers who are unable to work flexibly will suffer from mental health problems. In general, I think that a lot of people have problems with an 8+ hour day or a 40+ hour week, because in this concept there is no compatibility between work and family and a lot of questions come to mind: Will I spend my whole lifetime on working? Does my job really fulfill me or is it just an income source? How much is there time left for me? I think these questions of meaning cannot be answered by high salaries, but by taking mental health and well-being seriously.

## ► 4. Who should be aware and alarmed by the findings and why?

I see the responsibility very clearly with employers and perhaps also with the legislature because they make decisions about working conditions. Of course, everyone is responsible for their own holistic health. Nonetheless, the vast majority of people submit to the conditions on the job market. Not everyone can or wants to work as

a freelance lawyer. Being able to freely divide one's working hours or work from another location should not be a privilege that only a fraction of lawyers is entitled to.

► **5. Why do you think is the LLI is a good place to discuss LWB?**

The LLI brings together lawyers from many different industries and professions. I think that this form of diversity could offer a very valuable exchange. For example, independent lawyers could report on their experiences, and one could list a few concrete improvements that could also be implemented for permanent employees.

VARIO – gave us a slightly different perspective on the topic. When we discussed the initial survey results with them, VARIO's Co-Head, Dr. Michael Zollner, made a big impression on us: "I bet", he claimed, „the results of my dear colleagues from VARIO would bring up different results compared to the lawyers (in-house / law firm) who participated in the study so far." Of course, we had to follow up on this thought and get to the bottom of his thesis. Can it really be that we can see significant differences between the professional group of "flexible lawyers and salaried lawyers"? So we opened up the study again and added a comparison group of 30 VARIO lawyers. The results actually differ.

Read here how the story continues and what Britta, the HR responsible of VARIO, has to say about it.

# “FLEXIBLE LAWYERING” – INTERVIEW WITH BRITTA SPACHTHOLZ

Head of People Solutions, VARIO Legal GmbH.

► **Mrs. Spachtholz, you deal with many lawyers every day in your practice at VARIO. According to your experience, what is the significance of the topic of Lawyer Well-Being for lawyers?**

In my opinion, the topic of Lawyer Well-Being is very broad and goes far beyond the psychological realm. It is about “all-around well-being” in all aspects of lawyers' professional and private lives, about being able to realize a sustainable, healthy lifestyle. The conversations we have with many lawyers every day show that this topic is of great importance, especially for lawyers. In many cases, the legal profession is very demanding. Long working hours, time pressure, constant availability, turnover pressure, the requirement to not make any mistakes, and at the same time often rather repetitive activities – all this can quickly lead to constant overload. In addition, the world of work has changed rapidly in the last 30 years. It is becoming faster, more hectic and, above all, the individual workload has become ever greater. In line with this development, the majority of lawyers in the study state that they have already been confronted with mental health problems, while at the same time they feel that their employers take little or no interest in their mental health. This shows that there is still a lot of work to be done.

► **Do you feel that the issue is taken more seriously today than it was a few years ago?**

Yes, my impression is that law firms and companies are taking the issue more seriously today than they did a few years ago. Especially younger lawyers confirm that they have learned to pay very close attention to themselves, their own well-being and what is good for them. Many have defined for themselves that “fame & glory” or a high salary cannot compensate for physical and mental health, not to mention the impairment of private and family relationships. For this very reason, many lawyers we work with make a conscious decision to live as an independent interim lawyer. It is a path from higher, faster, further to the consideration of what each lawyer individually enjoys about their work and how to better balance their private and professional lives.

► **At VARIO, you work predominantly with self-employed lawyers who previously worked in legal departments or larger law firms. One striking finding**

**of the study was that only about 30% of these flex lawyers said they had already faced mental health problems in their professional lives, while almost 2/3 of the other lawyers in the study had had this experience. How do you interpret this difference?**

This result also surprised me – at least in this clarity. I can only pass on what the lawyers we work with tell us in the daily practice. After several years of working in-house or in a law firm, most of our colleagues have made a conscious decision to become self-employed or to work as interim lawyers. For very different reasons. Many were looking for a way to better reconcile their private and professional lives, others were looking for the variety of project work or an opportunity to realize themselves as individual or boutique lawyers in a certain kind of “entrepreneurial” way. Ultimately, all of this has to do with self-fulfillment and self-determination. Therefore, many lawyers we work with also report that the step into self-employment was truly “life-changing” for them. Against this background, it may also be less surprising that these lawyers seem to have a significantly lower risk of mental health issues than colleagues in an employment relationship who may feel that they can work in a less self-determined way or feel trapped in a certain hamster wheel.

### ► **What other issues are important for a fulfilling and happy life as a lawyer?**

First of all, of course, it is about the classic topics that are important for a satisfied and happy professional life, irrespective of the actual job description: a collegial and appreciative environment, the compatibility of family and career, the feeling of doing something meaningful etc. In addition, in my experience in the legal profession, three issues are playing a special role in “Lawyer Well-Being” that still receive too little attention in practice:

First, the importance of managers in law firms and legal departments. Even though it is certainly not always easy in today's practice to meet the demands of employees at all times, in many conversations with employed lawyers, who want to take the step into self-employment, they say that one of the main reasons for their desire to change is that they do not feel sufficiently valued by their superiors or that they are not treated in a motivating manner for other reasons. It is not for nothing that it is said that an employee who resigns does not usually leave a company, but his or her manager. Most lawyers are not trained for becoming a leader neither in their legal training nor in their companies or law firms. In my opinion, there is still a lot of potential for improvement here, and simple measures can significantly improve the well-being of many employed lawyers.

The second topic is a bit of a taboo subject, namely the fear of doing something wrong. The legal profession is characterized by the fact that accuracy is important and that one is paid to avoid even the smallest mistakes. I hardly know any lawyer who, at least in the first years of his professional career, does not wake up in a cold sweat from time to time, worried that s/he has overlooked something or done something wrong. I think that an even better error culture in law firms and legal departments and the open handling of this challenge could also contribute to a better well-being of many colleagues.

A final aspect concerns the nature of actual legal work, which is often becoming increasingly algorithmic and repetitive. With the possibilities of digitization and the trend toward even greater involvement in processes, the decision-making scope of many in-house lawyers is being increasingly narrowed, especially in larger companies. Quite a few colleagues report to me that they feel more and more like a wheel in a large gearbox, in that they simply must process contracts according to strict specifications, for example. I think that despite all the need to increase the efficiency of legal work, e.g. through technology, standards, etc., the people must not be forgotten. This is an important task, also for legal operations managers, who are being deployed in more and more companies.

### ► **Do you see any differences between men and women in terms of Lawyer Well-Being?**

Definitely. Even though the LLI Lawyer-Well Being study results were not broken down by men and women, in my experience there are differences here. Both men and women experience the stresses in the form of long hours, being constantly available or expecting perfection. Furthermore, both groups have additional different stresses which affect psychological well-being. In practice, often women are still the ones who are often concerned with organizing family life and childcare. I know from my own experience that one can quickly feel torn internally between private and professional responsibilities and end up with the feeling of not being able to do justice to either the children or the job/employer. When this is compounded by an exacerbation, such as the Corona pandemic, an unhealthy level of stress is quickly reached. According to my estimation, these challenges still affect women in the legal profession more often than men.

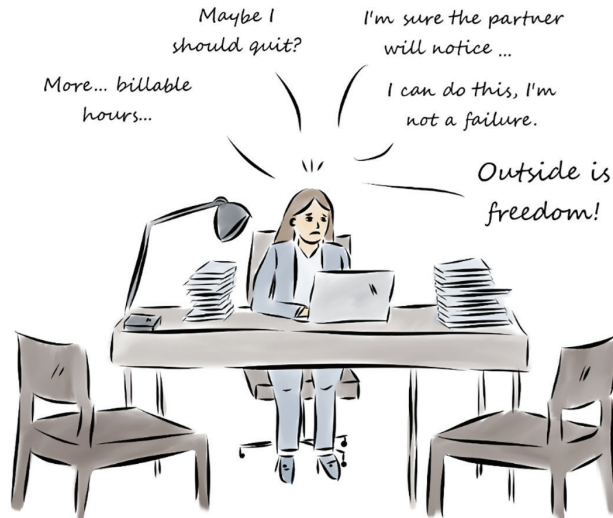
### ► **What is your personal conclusion from the study?**

The study shows how important it is that more attention should be paid to the issue of mental health in the legal profession. Initiatives such as this LLI study and this book are an important step toward that end. Moreover, the striking differences

between the results of flex lawyers and other lawyers surveyed show that the issue of self-determination is of big importance to a sustainable, satisfied lawyer's life. As far as the area of salaried lawyers is concerned, the managers are asked to ensure a better working atmosphere. In my opinion, law firms and legal departments would be well advised to invest here and train managers even better. And last but not least: With the imminent change in the legal market and the further digitalization of legal processes, the consequences for the working environment of the lawyers involved should not be forgotten.

## PART FOUR: THE ROAD AHEAD

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Picture: Associate's kaleidoscope of thoughts.

## BECOMING HUMAN CENTRIC: HOW TO PROMOTE WELLBEING IN BUSINESS PRACTICES

*By Karla Schlaepfer*

Professional Certified Coach (PCC)<sup>™</sup> and Mindful Design Thinking  
facilitator at Design Change

**It's never been more important to safeguard Mental Health in  
the Legal Workplace.**

We are all continuing to learn in our accelerated digital legal environments. The pace is fast, and the amount of input we are expected to consume is huge. Lawyers use new tech tools, software, and innovative apps, and in "lunch and learn"



sessions, many of us are consuming fresh content even in their recreational break. A well-deserved “break” from thinking is sacrificed for the sake of efficiency. How many of us notice when we need mental rest? And more importantly, how many do something about it? Are there working processes or resources that empower busy knowledge workers – like legal professionals – to become more human-centric?

A human-centric focus means here: The sense of becoming more in-tune with yourself, your human nature, and your condition and needs. Simply put, this is a kind of self-awareness that enables the development of insights and emotional wellbeing practices. Ones that help you to feel good about and take care of yourself. It can take patience and deliberate practice to make this shift. This contribution will give you some tips on how.

What can be changed faster – albeit not overnight – is how law firms and organizations shape their cultural policies to shed light on the importance of mental health and wellbeing. This includes offerings to provide more alternatives through information and guidance. These services reduce fears and can kick-off important conversations about what wellbeing and human-centric working policies are and how to promote them. Individuals and staff should have access to resources to do as much as they can to prevent serious harm, and to create a culture of psychological safety and dignity without stigmatization. This focus on people is a hallmark of human-centered working environments. Active law firms and organizations strive to treat all employees with respect and offer the resources people need to make them happy and stay healthier. This, in turn, motivates employees to be more productive and engaged – which is good for the company.

## Critical Data

No doubt, today’s virtual and remote work, home office, and hybrid working setups have clear benefits. Lawyers often have the autonomy and flexibility to decide when and where they commit to producing outcomes. The downside is that this manner of anytime, anyplace engagement invites people to work more.<sup>11</sup> Regularly heading back to the pc after the kids are in bed and on weekends. There are few clear boundariesrestrictions or limits set from the outside. Often, internal drivers, automatic behavior patterns, and cultural expectations influence routine overworking, potentially creating perfectionism and micro-management. The inherent freedom of remote working has not freed lawyers from feeling overwhelmed, as shown

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<sup>11</sup> Kost, Danielle: “You’re Right! You Are Working Longer and Attending More Meetings”, under <https://hbswk.hbs.edu/item/you-re-right-you-are-working-longer-and-attending-more-meetings> (20.08.2021).

in a nationwide study “Practicing Law in the Pandemic” by the American Bar Association.<sup>12</sup> As shown by the data from the survey, ABA members generally show much higher levels of stress in trying to manage work and home, a higher level of disengagement with the social aspects of work, and more frequent thoughts about whether full-time in the legal field is worth it. These are eye-opening results that beg for proactive steps.

## Give me a Break

One robust way to deal with this automatic internal driver is set to “go” is to cultivate a culture of breaks. Does this sound unusual? It means pausing or stopping the chatter in our brains long enough to identify what we feel in the present moment and then acting accordingly to put on the brakes. This can be done by scheduling short interludes into the daily routine. This “pause” is a time to step back, let your brain sort things out on its own, and allow yourself to do, well, nothing, except rest. Rest is not laziness but an investment in well-being. A great expression in German: “staring at holes into the wall”, expresses this empty stare as our brain recalibrates. In our hectic world, this lack of activity has a bad reputation. When, in fact, a short brain rest can be beneficial for cognitive performance and your general psychological well-being as this Harvard study shows.<sup>13</sup> While naps aren’t for everyone, experts write that a short nap can contribute to improved performance, faster reaction time, and better memory.<sup>14</sup> In Japan, the name for this culturally accepted break or power nap is “Inemuri”, the art of strategic sleep. Isn’t it time to adopt such a healthy habit into our human-centered working practices? The importance of The Break should be culturally reinstated!

## Empathy

Apart from slowing down, stopping, and allowing yourself a mindful rest, there are other healthy choices. One way of understanding yourself better is to begin to cultivate not only a sense of self-awareness but also empathy. Once you have

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<sup>12</sup> Scharf, Stephanie A. / Liebenberg, Roberta D. with Gallagher, Natalie M. and Peery, Destiny: “PRACTICING LAW IN the PANDEMIC and MOVING FORWARD”, under <https://www.americanbar.org/content/dam/aba/administrative/digital-engagement/practice-forward/practice-forward-survey.pdf> (20.08.2021)

<sup>13</sup> Mednick, Sara C., Nakayama, Ken, Cantero, Jose L., Atienza, Mercedes, Levin, Alicia A., Pathak, Neha and Stickgold, Robert: “The restorative effect of naps on perceptual deterioration”, under [https://www.researchgate.net/publication/11339096\\_The\\_restorative\\_effect\\_of\\_naps\\_on\\_perceptual\\_deterioration](https://www.researchgate.net/publication/11339096_The_restorative_effect_of_naps_on_perceptual_deterioration) (23.08.2021)

<sup>14</sup> Mayo Clinic Staff: “Napping: Do's and don'ts for healthy adults”, under <https://www.mayoclinic.org/healthy-lifestyle/adult-health/in-depth/napping/art-20048319> (retrieved )

trained yourself to become more aware of and empathetic to your own needs, you will be better able to shift your focus to the needs of your reports, team, partners, and even turn to your clients with more empathy. Empathy is the art of seeing the world the way someone else does. When you have empathy with someone, it means you can relate to what a person is feeling in a particular situation. This change of perspective is incredibly important in helping people to resolve conflicts, build stronger relationships and foster productive teamwork. Findings in the State of Workplace Empathy study 2021 provide actionable insights for fostering empathy and including it as a foundational value across an organization.<sup>15</sup> Empathy is the human-centered “glue” that enables compassion and connects us human social animals with each other. Interesting fun fact, the author and keynote speaker Erica Ddhawan writes in her book, “Digital Body Language”, that communication today is dependent on how we write texts and that “writing” in itself is the new empathy<sup>16</sup>!

## Why do Lawyers need to be Empathetic?

There is the business side to this. Empathy can help lawyers to provide better service to clients. This means that there is not only a focus on finding answers to the client’s legal issues but also on providing genuine client-centric service. It takes a real effort to put yourself in the shoes of the client, plaintiff, or defendant (or even a judge?!) and try to understand his or her concerns from their particular perspective – but it pays off. Tailoring your services to your client’s level of comprehension will make a major difference in their satisfaction with the legal services, says Bloomberg Law President David Perla, who continues:

“The law profession is gradually shifting to a Copernican view that puts the client, rather than the lawyer, at the center of things.”<sup>17</sup>

This empathetic understanding, when it is authentic, will also help clients feel more valued. Chances are good that, when clients feel emotionally understood, they will be happier with the outcomes, and they are far more likely to make referrals. When working remotely, it is even more critical to set yourself up to use an empathetic and friendly approach. Try smiling into the camera and make a point at the begin-

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<sup>15</sup> Businessolver: “2021 State of Workplace Empathy” under <https://www.businessolver.com/resources/state-of-workplace-empathy#gref> (31.08.2021 )

<sup>16</sup> Dhawan, Erica: “Digital Body Language: How to Build Trust & Connection, No Matter the Distance”, Gebundene Ausgabe, 11. Mai 2021

<sup>17</sup> The College of Law: “Walking in your client’s shoes – why Empathy is the next big thing in law”, under <https://www.collaw.edu.au/news/2018/05/14/walking-in-your-clients-shoes-why-empathy-is-the-next-big-thing-in-law> (24.08.2021 )

ning of a meeting – remote or in-person – to chat informally with your clients; talk about something personal that they are comfortable with, before getting into legal matters.

This perspective shift applies to both the lawyer-client relationship but also to those in the legal service team. Here are more ways to cultivate human-centered team interactions and improve collaboration, especially when working virtually:

- Listen deeply and actively with an open mind and try to understand what the person needs.
- Show that you care by asking thoughtful questions to check if you understood correctly.
- Be open to challenging your assumptions about the matter at hand.
- Ask for and welcome feedback as an opportunity to re-examine your views.
- Establish regular sessions for exchange and alignment. Open meetings with a check-in and put an accent on positive communication.
- Celebrate special occasions, good news, and even mistakes together.

## Explore new Ways

Changing mindsets, prioritizing wellbeing, and helping colleagues and reports to become more open and adaptive is certainly not an overnight or an easy process. To be honest, transformation and experimentation with new ways of working can be hard. Our brains want to save energy, so we pursue the ideas and solutions that we know worked in the past and shy away from trying something new. What is the answer? One important step is to establish a company culture or legal working environment where people and teams feel safe enough to share, give genuine feedback and take informed risks. This change to a culture of collaboration is especially challenging in legal environments where competition is fierce, and changes are slow. However, there is a growing realization that the way lawyers were traditionally taught to structure and carry out their legal work and the current status quo is not sustainable for future work and not beneficial for lawyer's mental health.<sup>18</sup> It is time to act.

Increasingly more companies and organizations, both large and small, are starting to implement the cost-saving long-term implications when taking care of the men-

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<sup>18</sup> International Bar Association: "Mental Wellbeing in the Legal Profession – A Global Study", under <https://www.ibanet.org/Mental-wellbeing-in-the-legal-profession> (10.08.2021)

tal health of their workforce. They are offering motivating health benefits and perks to attract and keep the best talents. Mercer investment enterprise, for example, prioritizes health and well-being strategies and claim that these strengthen their employee value proposition.<sup>19</sup> A human-centered organization orients its operations activities around its employees, clients, and the community. These organizations have taken up the challenge of translating human-centered values into impactful and profitable businesses. A successful example is IBM.<sup>20</sup> This enterprise defines and applies its own principles of human-centered design to the entire organization. This may be considered by some to be too ideal or an unrealistic model; still it is perhaps one to strive for. Frederick Laloux describes such new models of human-centered working environments and management in his bestselling, thought-provoking, and inspiring book, “Reinventing Organizations”.<sup>21</sup>

The following are examples of human-centered working concepts put into business practice.

## New Work

In the context of “modern” working, there are environments shaped to fit the type of activities people are carrying out. These organizations and working spaces are characterized not only by table soccer and fantastic coffee but also by flatter hierarchies and by values loosely defined as purpose-driven. The root of these models stems from the writings of the Austrian-born philosopher Professor Frithjof Bergmann, known as the father of “New Work”. His theories are elaborate, have been often modified and diluted, and are now too often used as the label for anything slightly hip. However, there is more to the buzzword “New Work” than hype. It can be summed up as follows: “New Work is a far-reaching and holistic approach that focuses on resource-oriented and meaningful life and work in a digital and technologized environment that generates new products and thus enables livelihood.”<sup>22</sup> Frithjof Bergmann contributed to this working definition. Simply put, Bergmann’s New Work economic theory is based on three pillars. The first is set on the radical

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<sup>19</sup> Mercer: “health and well-being”, under <https://www.mercer.com/what-we-do/health-and-benefits/health-and-wellbeing.html> (retrieved)

<sup>20</sup> IBM: “Building a human-centered organization”, under <https://www.ibm.com/design/thinking/page/hco> (retrieved)

<sup>21</sup> Laloux, Frederic: “Reinventing Organizations: A Guide to Creating Organizations Inspired by the Next Stage in Human Consciousness”, Taschenbuch – Illustriert, 10. Februar 2014

<sup>22</sup> Anna Schnell / Schnell, Nils: „New Work Hacks: 50 Inspirationen für modernes und innovatives Arbeiten.“ S. 9, 2019.

human-centered maxim that people should find out what they “really, really want to do” and be able to earn money with this choice of vocation.<sup>23</sup>

Interestingly, although New Work is currently trendy and being shouted from the rooftops in Germany, (one of the reasons that Xing! is now known as New Work SE) Bergmann maintains that there is no German company that has succeeded in establishing a viable New Work culture.<sup>24</sup> US giant Google is the closest in spirit, shaping both innovation practices and company culture with the freedom to dive into personal projects that make their employees happy. In this Google New Work concept, employees got one paid day off in the working week to pursue their inventive passion. Emulated later by 3M, Atlassian, and others, the 20% Project can be seen as an initiative to inspire people to cultivate individual purpose, build innovation and ultimately increase company potential. Google no longer offers the 20% Project, but they do focus zealously on maintaining employee happiness and productivity, engaging staff exclusively to meet this objective.

## Design Thinking

Google was also an early adaptor of Design Thinking. At its heart, Design Thinking is human-centered.<sup>25</sup> It starts by identifying and defining an empathic understanding of how the client behaves, feels, and thinks, and asks why these targeted users demonstrate certain behaviors, feelings, and thoughts. Design thinking is a co-creative process to get you and your team thinking creatively about your services from your clients' perspectives. In a nutshell, Design Thinking is both a philosophy and a holistic framework to bring business and technology partners together, to uncover and create innovative solutions for real people. Systematically, insights are collected, synthesized, developed, and then rapidly tested to see whether the solutions will really generate business value. All of this is done before investing in a full-scale rollout. This helps to get the product or service tested fast and to market sooner.

Design Thinking is a practical starting point for any lean or agile process to quickly understand the human implications of the real-world problem or innovation chal-

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<sup>23</sup> Olk, Julian / Scheppe, Michael / Wermke, Christian: „Warum New Work in deutschen Unternehmen nicht richtig umgesetzt wird. Interview mit Frithjof Bergmann“, under <https://www.handelsblatt.com/unternehmen/management/interview-mit-frithjof-bergmann-warum-new-work-in-deutschen-unternehmen-nicht-richtig-umgesetzt-wird/24899568.html?ticket=ST-8590179-t2akNLYNflgMeY6Xi9Zz-ap4> (20.08.2021)

<sup>24</sup> Ibid.

<sup>25</sup> Karla Schlaepfer: „Design Thinking? Frag mich was!“, under <https://designchange.de/neues-ebook-was-ist-design-thinking/> (22.08.2021)

lenge. Design Thinking is also called design doing. Although it is an open-ended, iterative framework, not driven by a pre-defined plan, there is a strong emphasis on “just do it”, experimentation and learning from the outcomes. The first focus is on gathering insights or data with user research and then applying these insights to find people patterns to move forward with. The team works out a shared understanding which of the early solutions ideas are most likely to be successful based on their assessment of the research data. Before the ideas are tested with users, they are developed into models or fast prototypes. Design Thinking teaches prototyping as a new core skill. Strong emphasis is placed on interpersonal skills like empathy and on applying agile mindset techniques to become more familiar with creative and innovative approaches, for example, how to gain new perspectives by reframing mistakes.

## Legal Design Thinking

The benefits of using Design Thinking in legal organizations are numerous. In addition to placing the legal service user at the center of the solution, Design Thinking can help increase collaboration and break down silos in legal enterprises. When Design Thinking is introduced, there is the opportunity to promote interdisciplinary teamwork among lawyers within the firm, between lawyers and clients, and even between lawyers and non-legal staff from other parts of the organization like marketing, IT developers, engineers, and human resources. This cross-pollination within a firm in a Design Thinking project proves quite powerful for company collaboration.

Especially with legal project management, the implications for using Design Thinking as an onramp for new service/product development are exciting. Design Thinking gets people collaborating fast towards the same, shared goals. Goals that the team has generated together and defined with a shared understanding. Applying the process in the legal sector produces deliverables, like contracts, transparently and efficiently that builds trust and buy-in from the stakeholders. Here is an example of a Design Thinking application at Seyfarth legal services.<sup>26</sup> It shows how a human-centered approach increased the business impact of high-volume litigation to service the diverse and changing needs of the client and focus on lawyer and business professional satisfaction. When legal innovators and leaders set a genuine priority on a human-centered culture of working, then the best way to get sponsorship is to try out an agile Design Thinking mini-experiment. Why not set up a small, motivated team that can work outside the normal company structure for a week-

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<sup>26</sup> Seyfarth: “A human-centered solution for high volume litigation”, under <https://www.seyfarth.com/news-insights/a-human-centered-solution-for-routine-litigation.html> (19.08.2021)

long sprint? Tackle a nagging company problem, get the know-how to use Design Thinking tools, and kick off a project! Be sure to carefully track the results. Once the rest of the organization sees how successful (and fun!) this kind of collaboration can be, they will want to participate as well.

## Reconnection

Periods of major disruption are growth accelerators, offering tremendous opportunities for leaders to rethink paradigms. There is much to be said for the courageous and open-minded legal leaders who are advocating for human-centered working, wellbeing, and enhancing the awareness of mental health. Leaders that push themselves into uncharted legal cultural territory and continue to feel the responsibility for delivering great business value. The pressure for doing so, plus today's additional responsibility for reports and staff's physical and emotional safety, is no small thing. Take the time to turn the needle back and be realistic about personal limits and boundaries. It is important to take the time to break (see above) and rest. Remember breaks are not a distraction but the chance to re-focus and recharge your attention. This means, to become more self-aware and human-centered, regardless of the method, it is essential to take the time to break and look inward; embrace who you are, begin to sort out where your motivations lie and enjoy what makes you as a person unique.

Here are some structuring tips that might help:

- Build easy breaks into your schedule.
- Take 5 deep refreshing breaths.
- Go on a walk around the block.
- Use music as a cue to tell your brain to start, focus, or stop.
- Block your calendar on certain days or times when deep work is called for.
- Get enough restful sleep.
- Seek out people who can support you in the same way you are trying to support yourself and your team. Remember a problem shared is a problem halved.

The practice of law is evolving and increasingly defined by the people it serves. There are human-centric alternatives available that deliver impactful business results while leveraging values that promote a sense of emotional wellbeing. Now is the time to get ahead of the game and recognize that the human and the technological aspects of our digital world as being integral; they go together. One without



the other is not only skewed but increasingly not sustainable for the future. Help legal working environments become more sustainable with empathetic leadership behaviors and environments that invite innovation as well as assisting people in making healthier choices.

To cultivate well-being, we must learn to tune out the diverting noise and teach ourselves to tune in and reflect on our own human-centered needs. Then to identify which aspects are beneficial and which factors are not. When we can tap into this source of awareness, we will not only be able to take active steps towards safeguarding our well-being, but we will also be much better positioned to thrive, lead with empathy, connect with others to make human-centered working and well-being a top priority.



Picture: In the woods with kids.

# COURAGEOUS LEADERSHIP

By Dr. Yana Heussen

## Introduction

*Tom grabs his mobile phone. It is 3:34am, Wednesday night. In 3 hours the alarm will ring. He is tired, but his mind is running through the email he sent out in the afternoon. He grabs his phone to check the inbox. 11:37pm his colleague had answered. With a cold head he opens it, holding his breath. His colleague seems upset. A warm feeling washes over him making him feel small, flawed, and never good enough. Tom forgot to send the attachment. S\*\*\*t! He feels miserable. At 5:30AM he still lies awake in bed thinking: "How could I have overlooked the attachment in such an important email?! At least they see that I am on it with my response at 3:45am."*

The LLI study identified a "silent epidemic" of perfectionism and mental health issues in lawyers such as stress, tinnitus, sleeplessness, anxiety, depression or burnout. The authors found that many lawyers see themselves as perfectionists

and believe that makes them more vulnerable to mental health issues. At the same time, the authors suggest that other factors promote perfectionism and low mental health. Examples are working time models, the skill set and training of employees and leaders, and maybe even business models and organizational setups. Importantly, the lawyers see the quality of work and business success suffering from this setting. As possible ways out, they suggest open and fearless communication as well as competent and appreciative leadership.

In this chapter, I want to illustrate further how to foster a culture of open and fearless communication and appreciative leadership. The following steps nurture courage, trust and creativity from inside out. We will see that:

1. Low well-being correlates with perfectionism. Perfectionism is driven by fear of failure and shame. It does not correlate with high quality, creativity and innovation. Those build on courage.
2. Courageous leadership, high quality of work, and well-being are built on healthy thriving, self-compassion, compassion for others, and vulnerability.
3. Courageous leadership and well-being are skills that can be trained. Here, I highlight a way how to do that.

## Perfectionism – not the key to success

Who does not like to achieve goals? Accomplishments can be a big source of energy. The risk, however, is to turn into an overachiever, a perfectionist. Perfectionism can set us up for burn-out and destructive leadership styles.

Perfectionism seems to be deeply rooted in German culture. It is the dominant tendency in early post-War German constitutional legal thought<sup>27</sup>. Lawyers, especially, seem to be trained and socialized to be perfectionistic.

Perfectionism can be described as a mix of “exceedingly high standards and a preoccupation with extreme self-critical evaluation”<sup>28</sup>. It is “a self-destructive and addictive belief system that fuels this primary thought: *If I look perfect and do everything perfectly, I can avoid or minimize the painful feelings of blame, judg-*

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<sup>27</sup> Bomhoff, J. (2012). Perfectionism in European Law. Cambridge Yearbook of European Legal Studies, 14, 75–100.

<sup>28</sup> Frost, R. O., Marten, P., Lahart, C., & Rosenblate, R. (1990). The dimensions of perfectionism. Cognitive Therapy and Research, 14, 449–468.

ment, and shame.”<sup>29</sup> It helps to differentiate between two subdimensions of perfectionism: *Perfectionistic striving* and *perfectionistic concern*<sup>30</sup>. The former describes self-oriented striving for perfection and the setting of very high personal performance standards. The latter is associated with concerns over making mistakes, fear of negative social evaluation, feelings of discrepancy between one’s expectations and performance, and negative reactions to imperfection.

Perfectionistic concern is a function of fear of failure and shame. The fear of social exclusion. This fear is the symptom of the reaction mode, a mild form of survival mode. Without being aware of it we enter it whenever we feel that safety, connection or respect is at stake.

The reaction mode is a complex set of physical, cognitive and behavioral conditions as we could see in Tom. He was not able to get rest, was judging, full of self-blame and believing he would not be good enough. Most importantly, he felt that these stories would be true (see image 1).

This urge for approval and acceptance through perfection is self-destructive as perfection depends on the perception of another person. However, perfection is out of one’s own control<sup>31</sup>. Therefore, perfection is ultimately unattainable and perfectionistic concern can set us up for a draining moving target situation with burn-out and destructive leadership skills.

Also, perfectionistic concern is addictive<sup>32</sup>: When we experience shame, because we think we failed we try to “do it right” even more, rather than questioning the incoherent logic of perfectionism itself. Very early in life, when we learn to be praised for performance and achievements, e.i. grades, manners, etc., we adopt the belief “I am what I accomplish and how well I accomplish it.”<sup>33</sup>

This belief is dangerous on the long run. Perfectionistic concerns correlate with low well-being, e.i. stress, fatigue, and burnout<sup>34</sup>, depression, anxiety, addiction, and

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<sup>29</sup> Brown, B. (2018). Dare to lead, Vermilion, p. 77.

<sup>30</sup> Ocampo, A. C. G., Wang, L., Kiazad, K., Restubog, S. L. D., & Ashkanasy, N. M. (2019). The Relentless Pursuit of Perfectionism: A Review of Perfectionism in the Workplace and an Agenda for Future Research. *Journal of Organizational Behavior*, p. 4.

<sup>31</sup> Brown, B. (2018). Dare to lead, Vermilion, p. 77.

<sup>32</sup> Ebd.

<sup>33</sup> Ebd.

<sup>34</sup> Hill, A.P. & Curran, T. (2015). Multidimensional Perfectionism and Burnout: A Meta-Analysis, *Personality and Social Psychology Review*, 1 –20.

missed opportunities<sup>35</sup>. A recent review<sup>36</sup> illustrates that it correlates with conflicts at work, with the spouse and family, disconnecting us from the others. Also, the authors found that perfectionistic concerns correlate negatively with achievement and the ability to prioritize, managing multiple work demands keeping an eye on details. In conclusion, for a fulfilling career and life it is key to be able to detect and address perfectionistic concern and transform it to healthy striving.

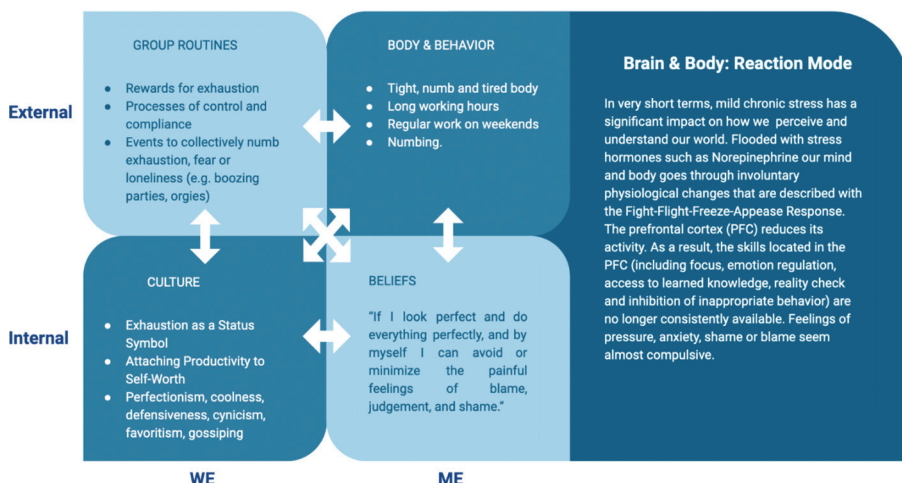


Image 1: Examples for the four dimensions of the human experience of **perfectionism**, including the neurophysiological state of the Reaction Mode using the Integral AQAL Model structure.<sup>37</sup>

## Courageous Leadership – the way to excellence and well-being

Toms rubs his hands before he reaches for the beer and says to his colleague: "Matt! Can you belief this? There are nights where I check my emails on the loo!" Shaking his head, he takes a sip and looks embarrassed at the floor. "Where did my dignity go?" Matt looks at him smiling. He takes off his glasses and rubs his eyes. With a deep sigh he says: "I also had a phase like that. I think we all do." Tom feels his chest getting lighter. It was really hard for him to share this. Matt continues: "It took me more time to open up to a colleague than you."

<sup>35</sup> Hewitt, P. L., Flett, G. L., & Mikail, S. F. (2017). Perfectionism: A relationship approach to conceptualization, assessment, and treatment. New York, NY: Guildford Press.

<sup>36</sup> Ocampo, A. C. G., Wang, L., Kiazad, K., Restubog, S. L. D., & Ashkanasy, N. M. (2019). The Relentless Pursuit of Perfectionism: A Review of Perfectionism in the Workplace and an Agenda for Future Research. Journal of Organizational Behavior, p. 8.

<sup>37</sup> Wilber, K. (1995). Sex, ecology, spirituality: The spirit of evolution, Shambhala, distributed in the USA by Random House, Inc, Boston, New York, p. 175.

With a perfectionistic approach we tend to overachieve. The desire to achieve great accomplishments is not the problem. The problem is way they are achieved.

Courageous leadership means to take the courageous to question your own motivation when you see that you are close to burnout or bad leadership habits.

The word "courage" comes from the latin word "cor", meaning "heart". It originally meant "To speak one's mind by telling all one's heart", something very different from today<sup>38</sup>. To speak your mind as Tom does in our example entails a moment of insecurity, nervousness, the fear of feeling ashamed.

According to research the direct measure of courage is vulnerability<sup>39</sup>. It is defined as that emotion that we experience during times of uncertainty, risk, and emotional exposure.<sup>40</sup> It is not a weakness as it is the birthplace of courage, trust, innovation, and many other leadership skills.

Vulnerability is "the first date after a divorce, talking about race in my team, trying to get pregnant after the second miscarriage, starting my own business, [...] apologizing to a colleague about how I spoke to him in a meeting, [...] giving feedback, getting fired, firing someone."<sup>41</sup> Courageous leadership, is not about winning or losing. It is having the courage to show up, engage fully, stay compassionate when negative emotions come up and be seen when you cannot control the outcome. Of course, if you are courageous often enough, you will definitely experience challenging moments and failure. Therefore, it is so rare.

The good news is that vulnerability is the key skill for successful collaboration<sup>42</sup> and it is a skill we can learn. We can learn how to feel safe in these moments, more connected and be present. Being in the present goes along with a string of physical, cognitive, behavioral and social conditions (see image 2) that allow for a high well-being, healthy striving and excellence at work.

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<sup>38</sup> Brown, B. (2010). *The gifts of imperfection: Let go of who you think you're supposed to be and embrace who you are*, Hazelden Publishing, p. 12.

<sup>39</sup> Brown, B. (2013). *DARING GREATLY: How the Courage to Be Vulnerable Transforms the Way We Live, Love, Parent and Lead*. Portfolio Penguin.

<sup>40</sup> ebd, p. 2.

<sup>41</sup> Brown, B. (2018). *Dare to lead*, Vermilion, p. 20.

<sup>42</sup> Duhigg, C. (2016). *What Google Learned From Its Quest to Build the Perfect Team*, New York Times. <https://www.nytimes.com/2016/02/28/magazine/what-google-learned-from-its-quest-to-build-the-perfect-team.html?smid=pl-share>, 12/18/2021

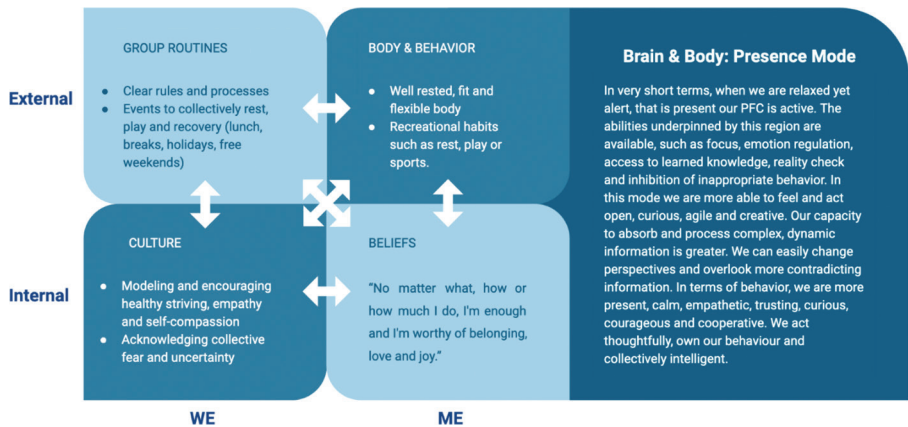


Image 2: Examples for the four dimensions of the human experience of **courage**, including the neurophysiological state of the Presence Mode using the Integral AQAL Model structure.<sup>43</sup>

## Cultivating courage

Courageous leadership and well-being are skills that can be trained, as an individual, a team and an organization. Understand that perfectionism and shame are cognitive processes, e.i. ways to interpret, process and respond to what is going on around you. You can call these processes *mental strategies*. Other mental strategies that are found to work like antidotes to perfectionism and catalysts of healthy thriving are awareness, self-compassion, compassion, and vulnerability.

Choose your mental strategy consciously. Be aware of the fact that this decision has to be taken many times a day, sometimes every hour. That way the strategies become character traits, behavioral habits, and organizational routines. Here are some of the mental strategies supporting courageous leadership:

### 1. Mental Strategies

The following three mental strategies – awareness, compassion and courage – help you leading yourself, being there for yourself and others, seeing the big picture, and acting bravely and with integrity.

<sup>43</sup> Wilber, K. (1995). Sex, ecology, spirituality: The spirit of evolution, Shambhala, distributed in the USA by Random House, Inc, Boston, New York, p. 175.

## **Awareness: Observe Everything**

If we want to lead, facilitate cooperation and good decision-making, the ability to focus and see the big picture is necessary. We want to be aware of the stakeholders, their interests, dependencies, the level of uncertainty and complexity. The biggest challenge here is the natural response to stress: The Reaction mode. The brain's capacity is impaired to perceive and process data and One prerequisite for this a clear and calm mind – high absorption and processing capacity.

The challenge here is the nature of our mind and its natural stress reaction. Research suggests that in almost 50% of our waking hours our mind is unsteadily wandering away from the present, planning the future, or evaluating the past. It is focused on the negative ("negativity bias") and reactive to actionist<sup>44</sup>. Every human being has an inner dialogue and makes up stories about why, what, and how things are occurring in his or her life. Usually, these stories do not depict reality (see the Reaction mode in image 1).

One antidote is consistent mental training, e.i. mindfulness meditation. A recent meta-analysis illustrates it trains three fundamental skills: 1. Concentration, 2. Emotion regulation and 3. Self-awareness.<sup>45</sup> The generic protocol of mindfulness meditation is to consciously return the focus on present moment experiences such as thoughts, emotions, body postures or sensations such as the breath.

## **Compassion: Connect Kindly**

Compassion is a well-researched antidote of shame, promotor of physical and psychological well-being and connection. Moreover, it fosters change as it gets us out of the reaction mode. It is defined as a kind response toward another who is suffering, coupled with the motivation to alleviate their suffering and promote their well-being.

This strategy is highly important as shame shuts down the learning centers of our brain<sup>46</sup>. Research suggests that an attitude of kindness deactivates our threat-defense system.<sup>47</sup> Self-compassion, i.e. kindness towards our own experience of distress, strengthens our ability to learn from our mistakes. This can expand our

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<sup>44</sup> Killingsworth & Gilbert (2010). A wandering mind is an unhappy mind. *Science* 330, 93.

<sup>45</sup> Tang et al. (2015). The Neuroscience of Mindfulness Meditation.

<sup>46</sup> Van der Kolk, B.A. (2006). Clinical Implications of Neuroscience Research in PTSD. *Ann N Y Acad Sci.*, Jul;1071:277-93.

<sup>47</sup> Gilbert, P. (2020). Compassion: From Its Evolution to a Psychotherapy. *Front. Psychol.*, 09.



perspective and make us more creative and resourceful.<sup>48</sup> It also facilitates connection as it is associated with the release of oxytocin (the love hormone) and increases feelings of trust, calm safety and connectedness<sup>49</sup>. As social beings who suffer from cardiovascular diseases when feeling lonely, connection is crucial for our well-being.

## **Courage: Act ambitiously**

Whenever we do something courageously we feel vulnerable as we run the risk of failure. In our example above, Tom decided to open up and share his personal challenge with Matt. He felt nervous – a feeling we usually want to get rid of right away. Practicing vulnerability and with that courage relies fundamentally on the former two skills, awareness and compassion. These skills provide you with the data, inner compass, calmness and resilience necessary to act ambitiously and in line with your values. With vulnerability, the aim is to balance uncertainty, risk, and emotional exposure on one side, and compassion for yourself and others, not oversharing, on the other side. It is the highest discipline of self-management: Why and with whom do I want to share what in which role? Am I doing personal development work here, or am I trying to move a process forward?

## *2. Habits of Courageous Leadership*

Habits we do not simply “have” or “have not”. A habit begins with a conscious commitment and many small decisions we take every moment, sometimes every hour. To implement a strong habit and culture, you begin with yourself, knowing that the actions are contagious (see image 3). Begin with one small change per month. Have compassion with yourself, trying your best and trusting that this is enough for now. You *observe* yourself (mind, emotions, body), *reflect* where you want to be, and *act* accordingly. Repeat. The training of mental skills works just like physical training. Your body is your brain. If you want to be a mentally fit, courageous, agile, empathic and resilient person, you need to have a fit, strong, flexible and feeling body.

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<sup>48</sup> Shepherd, D.A. & Cardon, M.S. (2009). Negative Emotional Reactions to Project Failure and the Self-Compassion to Learn from the Experience.

<sup>49</sup> Neff, K. (2012). The Physiology of Self-Compassion.



*Image 3: ORA-Model of change from inside out.*

Establish routines that train your muscles of well-being and high performance as continuous exercise creates long-term results. Preferably, you do this together with others in order to strengthen your commitment and have fun along the way. We are neuro-biologically hardwired to be in connection with other people. Therefore, our neuronal cocktail will be more enjoyable doing this together with others. Good results can be observed when we train e.g. self-awareness via body scans.

- Every week 3-7 times for 20 min, preferably as part of a morning and/or evening routine and
- Every day for 3 min in between meetings.
- Once a year for 4-10 days in a retreat, e.g. for Vipassana.

Here are some science-based practices you can choose from:

### **Give to your mind and heart**

- *Loving self-talk.* This will change everything. The way you treat yourself is key, especially in your mind and, more importantly, when you are in the reaction mode, triggered and with fear. The loving self-talk will help you prioritize behaviors and actions to nourish your body, heart, and mind. This, in turn, influences significantly how you respond to others when you are at ease and under stress.

- *Time to calm down.* No screen time after 9 pm on 3+ nights a week.
- *Training in focus, compassion and body scans.* Visit a meditation retreat to learn the techniques or get an app (e.g. Insight Timer, 7 Mind or Waking up) and define a training time, e.g. every morning after a morning run of 15 min, followed by 15 min mental training.
- *Training in gratefulness.* This is a well-researched remedy against the negativity bias of the human mind. Name three things you are grateful for and why. You can do this for yourself in a journal or together with your loved ones every evening before going to bed.
- *Practice in (self-)compassion.* You recognize 1) The distress in yourself or the other without judging. ("Aha, I feel stressed, my breathing is tight, I feel overwhelmed.") 2) The common humanity ("Everyone is or will be experiencing this feeling I am in right now at some point in their life.") 3) A wish to alleviate this feeling ("How can I be kind to myself and the others in this situation? Let's take a 10 min break and call a friend.").

## **Give to your body**

- *Enough sleep* (3 nights a week go 1 hour earlier to bed as usual and sleep in on weekends on a monthly basis).
- *Enough rest.* Every 50-90 min a 15 min break with a nap or walk, no social media. Just pause, take a breath and direct your mind to a positive sensation or something you are grateful for. This will boost your energy on the long run.
- *Healthy food.* Provide healthy food in dedicated times during the day in community. Science shows that vegetarian food is most healthy for our system. Take a blood test at least once a year to check your status on iron, zinc, Vitamin B12 and D and adjust your diet or supplement, if necessary.
- *Frequent movement and stretching* – let your body sweat every day for 5-20 min with running, workout, yoga or playing with others, e.g. football. Moving in the morning for 10-15 min is a great start into the day.

## **3. First steps**

This short overview offers some perspective on us humans with our multi-ambiguous and complex inner worlds and behaviors. If you like, take a moment, a journal and pen, and reflect on the following:

## This is what I want to keep in mind

*Take notes of what was important to you.*

- *What personal challenges did I realize I am facing right now?*
- *What were the most important insights for you reading this booklet?*
- *What is especially relevant and helpful for you and your work?*
- *What do you want to keep in mind?*

## This is in it for me

*Capture what you want to achieve with your learnings.*

- *What will I get out of the learnings?*
- *What will the learnings do for me?*
- *How do I recognize that I am succeeding?*

## This is what I will put into practice

*Plan your new routines step by step*

- *What will I implement first?*
- *Which support do I need?*
- *Which next steps will follow?*
- *By when will I have implemented the first steps?*

# LAWYERS WORKING ON THE BEACH – “WORKATION” MIGHT OFFER A CURE

By Su Reiter

*Change is taking place all over the world. Many work areas are digitized and automated. There is a 24/7 global exchange. And every day new jobs are created that we could not imagine a few years ago. I think it is time for this change to take hold in legal professions, too.*

For the most part, lawyers still work with the same tools as they did before this change. There are legal databases, and most laws can be easily accessed online, but there is still a lot of room for improvement.

Let's take a step back and look at law school: It is still not possible to take the exam on a computer, although many lawyers later work with computers on a daily basis. Legal e-books are still very hard to find, which is why law students have to visit local libraries, where resources are barely enough for just a few students. Although many new and exciting professions have developed in recent years, especially in the legal field, only traditional professions are presented in the information events of the law school.

These facts make law schools look rather old-fashioned and boring, which is why many do not even decide to study law. However, in reality, law represents life and yes, law can be fun. Law is in the newspapers every day. Law is discussed and adapted daily to new circumstances. And yet, this exciting development does not affect law schools. The impression arises that law studies are all about competitiveness and top grades. Of course, this has an impact on the mental health of law students. They often continue to experience health problems in later professional life.

Many law students choose not to finish their studies because the requirements are very strict – requirements that have not changed for decades and in no way represent today's working life. A grading system with 18 available points, which are rarely achieved, is frustrating and not motivating at all. In this environment, learning does not take place intrinsically, but out of fear of failure and comparison with others. The pandemic has overwhelmed many students and once again showed what studies are also about creating a social environment. The monologue-like lectures at the university do not meet these needs and digitalization cannot solve this problem either. We have to rethink law school if we want to prepare the younger generation for the future.

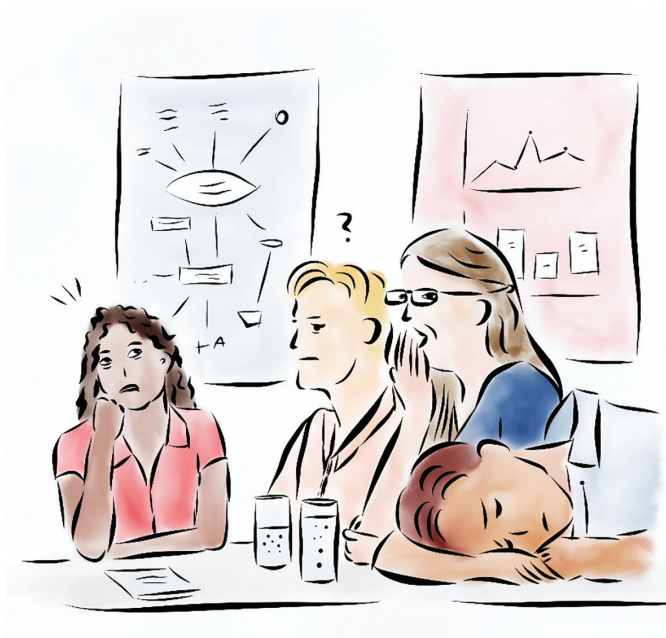
Because many students decide against law studies or simply fail the exams, there is a shortage of legal professionals on the job market. You can already clearly feel the effects of this problematic situation, for example when you look at the waiting time for a court case. Legal experts are desperately wanted everywhere.

Employers must react to this development if they want to exist in the long term. They must ask themselves whether they can keep up with growing legal tech start-ups and the increasing popularity of freelancing and multiple employment – read about it in the following contributions. German lawyers are also in great demand abroad. Many lawyers today want to work at interfaces of law or not even in legal professions. Employers must be prepared for this change because it has already begun.

The modern labor market is increasingly geared towards people's needs. This is the reason why, for example in Germany, a 30-hour week is being discussed more and more often. The 8-hour day is also no longer appropriate, even if many lawyers in large companies exceed these working hours significantly. In addition, modern tools could simplify many bureaucratic processes or court hearings. That would relieve lawyers. Instead, this change has been very slow so far.

A significant part of tomorrow's lawyers will not be satisfied with accepting unhealthy working conditions just to be successful. The job market changes from day to day and creates unbeatable competition. The more people become aware of this, the more likely they are to choose jobs that are compatible with family, travel, or other life circumstances and needs.

The image of a lawyer working on the beach is still a wrong image for many. At the same time, many professions were forcibly digitized during the pandemic, which opened the eyes for alternatives and perspectives. Lawyers working in part-time jobs or doing workations abroad will not be an exception, but a serious possibility in the future. Because only if legal professions adapt to the digital age will those who work in law also benefit from the advantages of new work. And we think, lawyers deserve these advantages, too.



Picture: Even robots need a recharge.

## LIQUID LEGAL & LIQUIFY LEGAL – HUMANIZING TRANSFORMATION

*By Dr. Roger Strathausen*

At the LLI, we have always emphasized that digitalization can be both, a blessing, and a curse. It is a curse when law firm partners and General Counsels of in-house legal departments simply dump new software and new working processes upon employees without proper training and change management. And digitalization is a blessing when the same software and processes are properly introduced and contribute not only to innovative ways of working, but also to an empowerment of employees and to a mind change in the whole organization: *the realization that, today more than ever, human skills are key to business success.*

Employees not only in the legal, but also in many other industries as well often assume that using more technology will reduce their autonomy and their ability to do things the way they see fit. And, of course, to some extent, this is true. Software usually standardizes workflows, prescribes the use of pre-defined document tem-

plates, and set rules for what to do, when and how, and these standards, prescriptions, and rules may indeed be experienced as a loss of individual freedom by the practitioners using the software.

On the other hand, if the new digital mode of working reflects best practices and originates from the same people who are expected to follow it, it will alleviate them from repetitive tasks, enable them to focus on tasks with a higher value, and make their work lives easier.

Machines can never replace humans.

They may make certain human tasks obsolete, or reduce the effort needed for their execution. However, digital transformation, from design to implementation, always requires skills that only humans possess: imagination to envision different work processes, creativity to design user-friendly software solutions, and the ability to learn, to think outside the box and to continuously improve these solutions, based on practical experience.

Digitalization and humanization are two sides of a coin. One cannot hope to realize the potential business benefits of software tools (increased efficiency, higher quality, lower operating cost) if these tools and the way they are implemented do not satisfy the *human needs of the people using them*.

By ‘human needs’ we mean physical and psychological aspects that separate employees from machines and affect their professional performance. For example, the need to *feel recognized* and to *be involved in decisions that affect yourself* are such psychological needs. A new software may indeed offer advantages for your work – and yet, if no one asked about your opinion at the beginning, if you were not involved in designing the solution and in the decision-making, you may, openly or subconsciously, resist its implementation and try to avoid using the software. Why? Because we all want to be taken seriously as a *person*. This is how the psyche works – *personal recognition is a human need*.

*Transparency* and *understanding* are also human needs. If you are informed early about planned changes, if decisions are made in a transparent way and communicated in a form that you can understand the reasons behind them, you are most times more likely to accept the changes even if you are not personally involved in the decision process.

Finally, *bodily needs* are also human. Machines do not have a body, but we humans do. We are at least as much flesh and blood as we are mind and will. Yet some-



times, we identify so strongly with our consciousness and the goals we are trying to achieve that we believe we are the master of our body and soul, that we can dominate and suppress our physical and psychological needs. We work too long hours, we forget to rest or sleep, we ignore signs of exhaustion – because we want to run faster, achieve more, be better than others.

However, in the long run, such ‘machine thinking’ does not lead to the desired end. Medical experience tells us that suppressing our human needs always backfires. It makes us ill. All of us, sooner or later. The more the disregard for physical and psychological health is baked into the culture of a particular profession or industry, the more people working in that profession or industry will get ill.

For the Anglo-American legal profession, the fact that lawyers suffer to a disproportionately high degree from mental illnesses like depression and alcohol or substance abuse has been well-established through scientific research and surveys. For the German legal profession, this empirical prove is still missing. We believe, however, this is not because German lawyers are less stressed than their Anglo-American colleagues are, but because mental illness in the legal industry is even more tabooed in Germany than in other parts of the world.

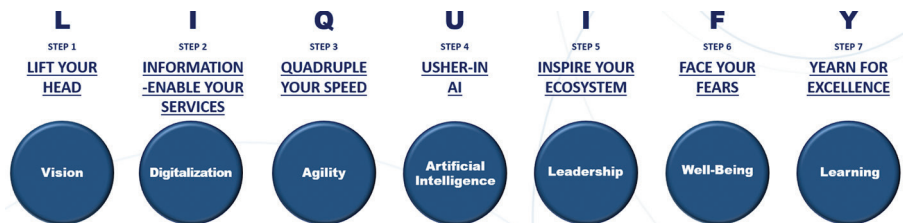
*What to do?* It is one thing to identify a problem, and it is another thing to propose solutions.

With this Lawyer Well-Being publication, we attempt to do both: show that the legal industry indeed has a problem, and propose ideas and measures to ramify the situation.

One measure we propose to law firms and legal in-house departments is to *consider human needs when making business changes*. Digital transformation will only work if the employees are put at its center – not the technology.

We have developed our “LIQUIFY Legal” methodology to guide legal managers and practitioners through the thicket of digital transformation. The main idea of “LIQUIFY Legal” is simple: *focus on the people!*

In seven steps, we show the interdependency of people, technology, content and processes to improve the top and bottom line of legal businesses in a sustainable fashion – without jeopardizing the health of employees. In fact, step 6 explicitly addresses “Well-being” as a crucial success factor for digital transformation in the legal industry.



(Image 1: The “LIQUIFY Legal” Methodology; source: LLI)

For more detailed information on the “LIQUIFY Legal” methodology, please consult our publication.<sup>50</sup>

<sup>50</sup> More on <https://www.lehmanns.de/shop/recht-steuern/58311581-9783969669822-liquify-legal-in-7-schritten-zur-transformation>.



Picture: *This is Sparta!*

# THE EFFECT OF ACCELERATED DIGITALIZATION ON LAWYER WELLBEING

By Zoe Andreae

## Notice by the Editors:

*This contribution is written from the author's point of view that we as the LLI wholeheartedly support.*

As a software provider who has been present in the legal-tech industry for more than 35 years, we at LECARE continually observe how lawyers adapt to the ever-changing ecosystem surrounding their practice and communication. Especially in the past few years, this ecosystem has dramatically changed the way that lawyers perform and are expected to operate. These changes affect overall lawyer wellbeing in many different ways and, therefore, call for a multidimensional approach to initiating corporate health measures.

With increased technical connectivity, the complexity of legal practice has risen significantly, while internationalization has added to the present pressure to deliver excellent legal services. With most of our clients operating in corporate environments, we also observe a drastic increase in cost pressure and expectations of employee efficiency in legal departments. These circumstances act as an intensifying factor for anxiety, also for law graduates and job seekers in the industry. Overall, we observe that the acceleration of digitization nowadays has significantly amplified the strain lawyers experience from their profession. Plus, the anxiety connected to change in general, especially among non-digital-native employees, is as real and justified as ever. These anxieties often lead to mental illnesses. We believe that challenges in the legal industry call for urgent corporate health measures that aid employees in utilizing their full potential while reconciling long work hours with adequate physical activity.

While young academics seem to assign more and more value to their work-life balance, it seems that especially many experienced lawyers still find themselves subject to the expectation that they should dedicate most of their time to their career. Often, they do not consider that spending time off work, doing work-unrelated things and, most importantly, taking time to recharge, may actually increase the work-efficacy, quality, creativity and motivation more than simply working more hours. Physical activity is only one of the stress-compensating activities, but it is common knowledge that it is well suited to combat the scientifically proven consequences of long sitting hours in front of eye-straining blue light displays.

With rising awareness of the advantages digitization can bring, our experience encourages us to advise any employer in the legal industry to carefully promote personal health of employees. As a family business, we believe it is necessary to expand the prominent concept of sustainability to our employees and nourish their long-term contributions. Therefore, we are thrilled to have more and more like-minded employers and industry representatives on our side to raise awareness of these challenges and steer common practice into a healthier and therefore more sustainable future.



Picture: On the road to nowhere.

## THE SPECIAL PRIZE FOR THE LEGAL SECTOR AT THE CORPORATE HEALTH AWARD

*By Steffen Klink*

Since 2008, the Corporate Health Award has honored companies throughout Germany that show exemplary commitment to the health of their employees. The award was created by EUPD Research and the Handelsblatt Media Group. Since then, more than 3,000 employers of various sizes and organizational structures have been analyzed and compared on a scientific basis. The award winners are not only among the companies that remain competitive in the face of current and future challenges by sustainably promoting the health, satisfaction and performance of their employees, but also set an excellent example as best practices in their respective industries.

In addition, the Corporate Health Award works with business, science and politics to create social awareness of the ever-growing relevance of health promotion in companies. In view of the unresolved challenges relating to the shortage of skilled

workers, to digitalization, globalization and the increasing specialization of work, this is indispensable for the future viability of Germany as a business location.

The award not only distributes its accolades among different sectors – there are now 17 in total – but also recognizes significant achievements by employers through various special awards. While the industry awards highlight outstanding achievements by the healthiest companies from the respective industry sector and are intended to identify them as role models for their competitors, the special awards are presented for special commitment in specific areas. For example, the special awards in 2021 will pay particular attention to the topics of healthy universities, healthy crafts, health communication and SMEs, with the respective special award partners – Techniker Krankenkasse, IKK classic, Men's Health/Women's Health and the Bundesverband mittelständische Wirtschaft (BVMW) – not only supporting the awards themselves, but also providing a great deal of expertise and acting as multipliers to bring the knowledge about the Corporate Health Award to their respective target groups.

This year, a new special prize will be added to the award family: For the first time, the special prize for the legal sector will be awarded in 2021. This sector is known for its diverse challenges. Employees are often faced with a mixture of great responsibility, case-dependent workload peaks and high competence requirements. Long working hours and heavy workloads are not uncommon. This makes it more important to sustainably promote the health of employees of legal companies and departments or law firms in order to ensure long-term performance and corporate loyalty. While the particular health risks of lawyers have long been a topic of discussion and scientific research in the Anglo-American world, the subject is still largely taboo in Germany. The special award is therefore intended not only to honor companies that are setting an example and have implemented sustainable measures to promote the health of their employees, but also to stimulate discussion about the respective individual possibilities.

The processes for the special award are the same as for the industry awards: After the company applies with the help of a detailed qualification questionnaire, applicants first receive an industry benchmark that ranks the status of their health management in a nationwide comparison. Afterwards, those that score above 50 percent in this benchmark can be audited by the Corporate Health Award's specially trained auditors. The independent expert advisory board, made up of well-known personalities from business and science, then assists in selecting the winner from the best applicants.

Partners of the special award are the Hamburg-based family business LECARE, which develops individual software solutions for lawyers based on decades of ex-

perience and drives the digital transformation of the legal industry, and the Munich-based Liquid Legal Institute, who's Common Legal Platform for standardization in the legal ecosystem, recently won an award in the GAIA-X funding competition.

The application process and award ceremony now put the spotlight on the working and health conditions of the legal industry. The best practices of this first award are intended to inspire imitation in the future – and thus a healthier working environment for employees in the legal industry.



Picture: Trapped.

## MULTIPLE EMPLOYMENT: AN ALTERNATIVE CAREER PATH FOR EXPERTS?<sup>51</sup>

*By Kai Jacob*

### **Notice by the Editors:**

*This contribution is written from the author's point of view that we as the LLI wholeheartedly support.*

What comes to mind when you hear the term multiple employment? Most people probably think of precarious working conditions, of people who are forced to take a 2<sup>nd</sup> and 3<sup>rd</sup> job to make ends meet. Single employment is the norm in Germany.

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<sup>51</sup> This article first appeared in the Business Law Magazine on September 3, 2020, authored by Kai Jacob, and may be reprinted here with the kind permission of German Publishers (Thomas Wegerich).



On average, employees have 4.5 employers during their working lives and change their job every 10 years.

The idea for this article was born during a conversation with an acquaintance about the background of her job change. I took her story as an opportunity to talk to other colleagues as well – and I came across a pattern that I would like to discuss here. I focus on experts and the question of when and why their steep corporate career curves sometimes flatten out. By experts, I mean colleagues who have detailed specialist knowledge and/or extensive practical experience in a particular field. Their contributions to the company's success are considerable because they lead the way and you can trust in their experience of many years. But in my conversations I learned that many – too many – of these experts have become “tired” over the years and lost their vigor. Although these colleagues continue to be passionate about their subject – not least because they also receive a lot of recognition for their knowledge – it is becoming increasingly difficult for them to implement their own agenda within the company.

## Is a break-up necessary?

Every day we see how companies are facing the challenges of digitalization – unfortunately, everyone is fighting for themselves. I counter this with the concept of comprehensive collaboration and claim that alternative forms of (full) employment could play an important role in the future of work. In order to institutionalize an exchange between companies, I propose multiple employment or “distributed full-time” employment. I will use the corporate career of my acquaintance as an example to illustrate this. Like everyone, she had to fight her way through the thicket of corporate structures until she found her niche. In this niche she flourished and became an expert – supported by her manager – because in a corporation, nothing will work without a network. As an employee, she was very committed and always ready to take on the next task. She quickly acquired the reputation of being “deeply involved in the subject matter”. Naturally, she used her free time to develop and deepen her knowledge even further. Her commitment did not go unnoticed outside the corporation either. At conferences and in social networks she quickly socialized with experts from other corporations and willingly exchanged ideas with them for mutual benefit. But at some point, her own professional footing crumbled. This happened gradually at first: she began to run into invisible walls in her company, was stalled, a project start was postponed... She found herself at the mercy of political games, and so on. There were situations, she reports, where she knew exactly what had to be done and could have completed the task quickly and efficiently – but then something happened: the political wind changed, priorities changed. For whatever reason, the project was postponed. Annoying. She went

through this a few times – maybe even many times – but at some point, she asked herself the question: Do I have to go through this?

## **Life is too short!**

When a severance package was on the table, the decision was made quickly. Although she was actually wholeheartedly attached to the company, she made the decision to leave and take the step into self-employment. Out of necessity. Because you never really leave. I myself always notice that when I talk about my old employers. You remain loyal, maintain contact with your ex-colleagues, leave the shares in your portfolio and willingly recommend your ex-company to others! Human resources departments are aware of the special challenges of an expert career within a corporation and try to find solutions. Corporations try to keep the experts with job rotation and social sabbaticals. Some employers grant their employees unpaid leave of absence and rights of return. Leading HR departments set up key person risk registers to mitigate the departure or absence of experts. However, the usual approach is still to grant the experts personnel responsibility or a special status. Unfortunately, this approach misses the mark too often, as only a few want to manage personnel or represent the company to the outside world. If a break-up does occur, corporations increasingly try to cultivate the relationship with alumni programs to keep the NPS (net promoter score) high. The calculation is simple: in a tightening job market, top executives are scarce, and they largely know each other. Therefore, if you want to have access to top resources in the future, you should maintain friendship with your alumni. By the way, the problem also arises with managers. Although managers are rather generalists, we see the same phenomenon here. They are also sometimes hindered by obstacles (political, budgetary, strategic) so that they experience frustration and leave the company. As a result, high-performing teams break up and the damage is done.

## **A solution: multiple employment**

So, what should the employer do if the experts want to leave the group or, worse still, seek their salvation in “work-to-rule”? To avoid losing outstanding employees completely, employers should let their employees go. But instead of cutting the ties by terminating the contract, the parties could also reduce working hours by mutual agreement. Perhaps the experts are even open to continuing to work part-time for their old employer. They could spend the rest of their time contributing their expertise to other employers, learning new things there at the same time or refueling their motivation.

## Multiple employment in practice

What could such multiple employment look like in practice? The top priority is transparency – because it creates trust! After all, each of the 4-5 employers has a legitimate interest in knowing with whom they share the resource. Employers could draw up negative lists of companies they exclude in principle or exempt certain activities from multiple employment. When selecting employers, political interests could be considered (e.g. Germany as a business location or the EU) and thus prevent experts from migrating to global competition. The exchange between the private sector and public administration could also specifically be supported.

If it is done properly, everyone can benefit:

The old employers benefit because they do not lose their experts completely, but retain access to an important resource and the know-how built up over the years.

The new employers benefit, because they gain access to expertise that they might not have had access to full-time and might not have been able to afford.

The employees benefit because they do not jump in at the deep end, but at least continue their accustomed path on a part-time basis, while now being able to apply their knowledge in the new environment and reflect the knowledge gained.

Even the community could benefit, as shown above.

Companies in the Silicon Valley recognized the potential of cooperation early on and willingly tolerate second and third jobs. Companies such as BOSCH and SAP release employees for so-called working out loud rounds, in which they solve problems together with representatives from other companies. These cross-functional, diverse teams clearly show what cooperation can achieve.

## Paradigm shift – From “time is money” to “time to live”

The equation of working time versus pay is becoming increasingly irrelevant in a digitalized and automated world. When corporations such as Microsoft experiment with a 4-day workweek and even increase work performance, or when home office workers perform better in fewer hours, we need to address the question of how to make the best use of our free time.

More than 70 years ago, A.H. Maslow vividly described people’s pursuit of self-realization as steps in a pyramid of needs:

Once a person has satisfied his or her basic (level 1) and security needs (level 2), he or she will spend time for social purposes (level 3). If they still have time, they will use it for individual purposes (step 4) or dedicate it to self-realization (step 5), i.e. they will unfold their talents, potentials and creativity, develop their personality and abilities, shape their life and its purpose.

Microsoft actually only grants its employees one day off with full pay because it pays off for the company. But if the economy covers the basic and security needs of the experts, shouldn't society, as the beneficiary of this development, consider how it can promote and demand social and individual behavior. And this should not only be done at the beginning of working life (cf. *Mein Jahr für Deutschland*), but throughout the entire working life (cf. *Senior Expert*). Of course, multiple employment must be a flexible reflection of the phases of life. For Generation Y, enough money and a high degree of freedom would be desirable. In midlife, employees need stable working conditions and when the children are away from home, you might want to start over – money is not that important. With the experience of many years of work, a few hours should be enough to cover basic and security needs – the rest of the time is spent on step 3, 4 and 5 projects. Considering all of this, the idea of multiple employment seems tempting, but there are areas that need to be examined more closely. In addition to labor law (multiple employment contracts with possibly conflicting loyalty obligations; compliance with the Working Time Protection Act), competition law, professional law (e.g. for lawyers) and tax law (in particular its social-insurance law issues) must be examined, and experts from the fields of HR, work ethics, employee inventions and cyber security must also be consulted – all of this requires a more in-depth study of the subject than this condensed article is able to provide.

## Summary

The premise of time is money has led us to work increasingly more in order to enhance our ever-diminishing free time through consumerism. However, this growth-based model reaches its natural limits where machines perform work more effectively and efficiently than humans. Therefore, the value contribution of the employees should be the center of attention – because increasing it will pay off for everyone: the employers, the employees and society. To make better use of the time freed up by digital change for the benefit of all is the challenge and obligation of our generation. A new way of thinking is called for: multi-employment could be an important piece of the lawyer well-being puzzle.

# APPENDIX I: OTHER RELATED RESEARCH

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## LawCare's Life in the Law research

*Cited statement from the LawCare webpage:*

LawCare is an independent charity offering emotional support, information, and training to the legal community in the UK. We work to promote good mental health and wellbeing in legal workplaces and drive change in education, training and practice.

In November 2019, LawCare appointed a research committee made up of Dr Emma Jones (University of Sheffield), Professor Richard Collier (University of Newcastle), Professor Caroline Strevens (University of Portsmouth), Lucinda Soon (Solicitor and PhD researcher), Nick Bloy (Executive Coach and solicitor) and Kayleigh Leonie (solicitor and LawCare trustee) to use their expertise on the wellbeing of lawyers to formulate a research study to better understand life in the law.

The survey launched in October 2020 and closed in January 2021, nearly 1800 responses were received. The aim of the research is to explore how work culture and working practices affect the wellbeing of legal professionals in the UK. We asked respondents about their current workload and the requirements of their role (including any management responsibilities they may have); their working environment (for example, how much autonomy they have and how supported they feel); what wellbeing support is offered by their workplace; and what self-care practices (such as a hobby or exercise) they use. The questionnaire also assessed burn out, psychological safety and autonomy.

The research findings will be released on September 28, 2021, and will be used by LawCare to improve the support available to legal professionals by enhancing its understanding of the issues that arise in relation to mental health and wellbeing. It will enable LawCare, in collaboration with others, to better drive cultural change across the industry to ensure that individuals working in the law feel properly supported and valued. In doing so, it is hoped that this research will benefit both present and future generations of lawyers.

Find more information at the webpage: [www.lawcare.org.uk](http://www.lawcare.org.uk)

## Recommendations for Major Workplace Culture Changes

*Cited statement from the lawyerwellbeingma.org webpage:*

The need to make changes to the culture and structures of the legal profession in order to improve well-being, and to do so by taking a “top-down” approach that requires buy-in and role modelling from top leadership, was highlighted in the 2019 SJC Steering Committee Report. In carrying out its charge by the SJC to implement the recommendations of that Report, the Standing Committee provides this statement to influence legal workplaces to rethink norms, structures, and policies that will benefit everyone in the workplace, and to take concrete steps to create a culture of inclusion.

The pandemic made clear that flexibility in legal workplaces is possible and in fact permits lawyers across many demographics to succeed and thrive. Previously, the assumption was that full time, in-person work was always preferable, an assumption that generally ignored or excluded the lived experiences of those who balance work with individual challenges, disabilities, or significant external obligations (such as caring for themselves, young children, aging parents, or others).

This moment represents a critical juncture for the legal community to demonstrate the true extent of support to increase diversity, equity, and inclusion in the profession; an opportunity to make positive changes in the legal workplace that will truly support the well-being and increase diversity, equity, and inclusion of our entire profession, including those from underrepresented and historically excluded backgrounds and identities.

The recommendations stress acceptance of flexibility as a standard and emphasize that decision-making among legal organizations, including with respect to post-pandemic workplace formats and structures, must include voices from diverse identities, backgrounds, experiences, and interests. As a measure of accountability, the Standing Committee plans to follow up with the legal community with a survey in approximately one year and to publish that data in aggregate form to evaluate whether this was a moment of evolution and culture change in the profession.

Find more information at the webpage (<https://lawyerwellbeingma.org/>) and at <http://lawyerwellbeingma.org/s/Recommendations-for-Legal-Workplaces-Post-Pandemic-June-3-2021.pdf>

## Dave Nee Foundation – Lawyers & Depression

*Cited statement from the daveneeefoundation webpage:*

The Dave Nee Foundation's mission is to eliminate the stigma associated with depression and suicide by promoting and encouraging not only the diagnosis and treatment of depression among young adults, but also the education of young people, their families, and friends about the disease of depression.

We believe that a principal reason for the high suicide rate in the United States is a glaring lack of sufficiently candid discussion about, and early treatment of, depression. We hope to spread the message that depression and thoughts of harming oneself are common and that treatment for depressed and suicidal thoughts must become socially acceptable.

Mental health issues in law schools have an impact on student retention, achievement and, ultimately, on bar admission. These concerns affect the future of the law profession. Below are some startling facts and statistics about depression and suicide in law school and in practicing lawyers.

- Depression among law students is 8-9% prior to matriculation, 27% after one semester, 34% after 2 semesters, and 40% after 3 years.
- Stress among law students is 96%, compared to 70% in med students and 43% in graduate students.
- Entering law school, law students have a psychological profile similar to that of the general public. After law school, 20-40% have a psychological dysfunction.
- Psychological distress, dissatisfaction and substance abuse that begin in law school follow many graduates into practice.
- Only half of lawyers are very satisfied or satisfied with their work.
- Chronic stress can trigger the onset of clinical depression.
- Lawyers are the most frequently depressed occupational group in the US.
- Lawyers are 3.6 times more likely to suffer from depression than non-lawyers.

See <http://www.daveneeefoundation.org/> and <http://www.daveneeefoundation.org/scholarship/lawyers-and-depression/>

## American Bar Association – Well-Being in the Legal Profession

*Cited statement from the americanbar webpage:*

“The campaign, organized by the **ABA Working Group to Advance Well-Being in the Legal Profession**, is designed to address the profession’s troubling rates of alcohol and other substance-use disorders, as well as mental health issues. **Recent studies** have documented that lawyers struggle with these problems at levels substantially above both the general population and other highly educated professionals.

“I wholeheartedly support this important effort to assist and improve the health of lawyers in this country,” ABA President Bob Carlson said. “Many lawyers have struggled with alcohol, other substance-use or mental health disorders, and many more of us have watched friends wrestle with them. This pledge campaign will give these issues the attention they deserve by raising awareness throughout the profession and making help available to lawyers in need. I hope all law firms consider taking the pledge.”

Based on a framework developed by working group member Patrick Krill, the campaign’s goals are to raise awareness, facilitate a reduction in the incidence of problematic substance-use and mental health distress and improve lawyer well-being. From education to policies to culture, the seven-point pledge identifies the core areas on which firms should focus and the concrete steps they should take as they seek to achieve those goals.”

See <https://www.americanbar.org/> and <https://www.americanbar.org/news/aba-news/aba-news-archives/2018/09/aba-launches-pledge-campaign-to-improve-mental-health-and-well-b/>



## Harvard Center for the Legal Profession – Approaching Lawyer Well-being

*A road map to the article “Capitalizing on Healthy Lawyers”  
by Jarrod F. Reich*

*Cited statement from the [thepractice.law.harvard](https://thepractice.law.harvard.edu) webpage:*

“Part I of this article is an overview of the studies of the last three-plus decades demonstrating the prevalence of depression, anxiety, and other mental health concerns as well as substance abuse in the legal profession. It shows that lawyers have consistently suffered from these issues in much greater proportion than the general population. It also demonstrates that the profession has long understood the need to change the paradigm to support attorneys struggling with mental illness and addiction, but it has largely remained silent in the face of calls for such change.

Part II examines the personal and professional risk factors that negatively affect mental health and addiction as well as lawyer distress generally. In particular, it addresses whether and to what extent there exists a lawyer “personality” that is inherently predisposed to mental illness and addiction. Further, relying largely on self-determination theory and related research, I explore how both law school and law practice can contribute to and exacerbate lawyer mental illness, addiction, and mental distress.

Part III sets out why law firms have turned a “blind eye” to attorney well-being. Appeals to law firms – made largely on moral and humanitarian grounds – to provide support and resources to their lawyers and to make systemic changes to their practice largely have not resulted in meaningful change, and in this part I analyze why firms have had little incentive – both financial and cultural – to change their model.

Finally, Part IV makes the business case for law firms to promote and prioritize attorney well-being. In this part, I first analyze the different direct and indirect costs that firms face in failing to address lawyer mental health and addiction issues, from a rise in malpractice claims and sanctions to a decline in productivity to costs associated with high lawyer attrition. I also argue that now is the time for the law firm paradigm to shift to one that prioritizes attorney well-being.”

See the full article at <https://thepractice.law.harvard.edu/article/capitalizing-on-healthy-lawyers/> within the special issue “Approaching Lawyer Well-being” at <https://thepractice.law.harvard.edu/issue/volume-6-issue-3/>.

# APPENDIX II: ABOUT THE MAIN AUTHORS AND EDITORS

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## **Kai Jacob**

Kai Jacob is the founder and co-chair of the Liquid Legal Institute, a think tank for the transformation of the legal market based in Munich. He is also a partner in Legal Operations & Transformation Services (LOTS) at KPMG Law since 2021.

Kai is involved in various projects and initiatives concerning agile working in the legal department, the health of the legal profession and the future of legal managed services. He publishes regularly on these and other topics, in professional journals (Anwaltsspiegel, Going Digital, Business Law Magazin), publications (LIQUIFY, CLM, Lawyer Well-being) and in the series of publications he co-founded, Liquid Legal (at Springer Verlag). Prior to joining KPMG Law, Kai was a partner at Deloitte Legal and previously spent many years at SAP SE. Kai Jacob was admitted to the bar in 2004 and studied law in Marburg, Göttingen and Osnabrück.



## **Jutta Löwe**

Jutta Löwe is an in-house lawyer and Global Data Protection Privacy Officer for the Brenntag Group, a listed company in the chemical distribution sector. In the Group, which has over 17,000 employees in 77 countries worldwide, Ms. Löwe heads the global data protection department, consisting of a central department in Essen and local data protection coordinators in the regions worldwide. With her team, she implements an international data protection management system and oversees all divisions related to data protection and privacy. Before joining Brenntag, she worked for various companies, both in-house and in her own firm. Since her studies, her professional focus has been on IT, data protection and media law, as well as strategic and legal advice on all aspects of digitalization.



### **Diane Manz**

Diane Manz is a qualified psychologist, systemic business coach (certified according to DBVC), stress management & burnout coach and qualified as a specialist for mental health in the workplace. Since 2017 she has been leading her own consulting company *brandung | coaching & consulting*. Her main focus lies in communication, leadership and self-management, especially with regard to dealing with stress. With 17 years of experience in human resources, including 13 years as human resources manager in a major international law firm, advising law firms is an industry-specific focus of her work.



### **Dr. Dierk Schindler**

Dierk Schindler is one of the co-founders of the Liquid Legal Institute e.V. serves as Co-CEO, together with Kai Jacob and Bernhard Waltl. He is co-author and co-editor of numerous publications on innovation and transformation in the legal profession, most notably the two previous volumes of the book-series "Liquid Legal" (Springer) in 2017 and 2020.

In 2019, Dierk joined Robert BOSCH GmbH as their Vice President Corporate Legal Services, Mobility Solutions, Supply Chain and Logistics. In his role he drives the adoption of digitally supported Agile practices and, jointly with the leadership team, the digital transformation of the legal team. Prior to BOSCH, Dierk has spent 14 years with NetApp Inc., where he built the EMEA Legal Team, established the Deal Management function, and implemented the Global Legal Shared Services Team.

Dierk's teams have been awarded IACCM "Global Innovation Awards" in 2014 and 2015. He teaches at the Management Center Innsbruck (MCI) on Innovation Management, Digital Business Law, and Compliance. Dierk is a certified lawyer, took his doctorate degree from Augsburg University, Germany, and his Master of International Law from Lund University, Sweden.



### **Dr. Roger Strathausen**

Roger Strathausen is a business consultant, author, and lecturer with expertise in legal operations, learning, and leadership whose clients are chiefly multinational companies. He took his Ph.D. from Stanford University in 1996 and was an employee at SAP and an executive at Accenture. In 2015, he published his book *"Leading When You Are Not the Boss"* (Apress, New York), and in 2017 and 2020, he co-edited two contributed volumes on the digital transformation of the legal industry, called *"Liquid Legal"* and *"Towards a Common Legal Platform"* (Springer, Heidelberg). He is a co-founder of the *Liquid Legal Institute* and serves as vice chair of the supervisory board.



### **Dr. Bernhard Waltl**

Bernhard Waltl has been an academic researcher and designs, develops, and evaluates technology and methods transforming the future of law. In 2017 he was invited from the Stanford University CodeX: Center for Legal Informatics where he conducted research on text mining and artificial intelligence in the legal domain. He is part of an international network of leading researchers from computer science, informatics, and legal science, and organizes scientific workshops at relevant conferences. He successfully had many projects with industry partners on text mining for the legal domain and also consulting projects for governments on algorithmic-decision-making.

## APPENDIX III: ABOUT THE CONTRIBUTORS

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### **Zoë Andreae**

Zoë Andreae is a young entrepreneur in the legal tech space, having taken over the family's legal software business LECARE in Hamburg at the age of 23. In between her business studies at EBS University, ESADE Business School, the London School of Economics and St. Gallen University, she gained international work experience in venture capital, global venture development, digital and strategy consulting all over the world. As CEO, she actively engages in devising innovative and competitive strategies for her software company, inspired by courses taken at the Harvard Business School and Stanford Graduate School of Business. In 2018, Ms Zoë Andreae was named Woman of Legal Tech 2018, for her pioneering Master Thesis on Legal Tech Startups and their Role in the Digital Transformation of the German Legal Industry and her efforts in advancing the legal tech scene in Europe. Ms Zoë Andreae is a founding member of the Hamburg chapter of the Legal Hackers and since 2019 is a member of the supervisory board of the Liquid Legal Institute e.V. In 2020, Ms Zoë Andreae has co-authored the book "Liquid Legal – Towards a Common Legal Platform", contributing a chapter about which fundamental aspects to consider when developing a common legal platform. In 2021, she co-authored the book "Generation Verantwortung", contributing a chapter about how the next generation within family businesses has the responsibility to lead their businesses' digital transformations and how to apply best practices in doing so.



### **Nadine Becker**

Nadine Becker works as an account manager at Join GmbH. Join GmbH creates intelligent solutions for internal and cross-company communication and collaboration. Join GmbH supports its customers to achieve better success by making technology useful for people and society, for example, with Microsoft 365 components. Furthermore, Mrs. Becker qualified as a stress management specialist and is interested in modern

conditions and the appropriate use of information and communication technologies. Previously, she worked in the health sector and led teams in medical practices and clinics. Thereby she gained insights into the health status of diverse groups of employees.



### **Martin Clemm**

Martin Clemm serves as Senior Vice President Global Legal and General Counsel at Software AG since May 2019. This is how he describes his mission:

"Meanwhile in the role of a General Counsel in the IT industry, for the past 7 years my team and I have been focusing strongly on the automation of processes and extraction of relevant data through digitalization & integration as well as its strategic exploitation in the operations of our legal department. In my view, the biggest challenge as well as disruptive opportunity for our industry will be to completely rethink contractual agreement processes – starting with the shutdown of analog contract media without exception and extending through individual automation of truly digital contract content to the definition and use of universally valid clause libraries that allow price-relevant, (partially) automated and regionalized configuration of contracts between parties from a risk and use case perspective.

At the same time, the use of digital legal operations applications will become standard – we use agile low-coding solutions here with currently 10 running applications – and the trend is increasing.

We are still at the beginning of this market development, but if we want to secure room for own design preferences, we must more urgently than ever jointly redefine the workflows in legal departments and the interaction of the entire legal market itself. An exciting endeavor!"



### **Univ.-Prof. Dr. med. Tobias Esch**

Tobias Esch is a neuroscientist, health researcher and general practitioner. Since 2016, he has been Institute Director and Head of the Institute for Integrative Health Care and Health Promotion at the University of Witten/Herdecke, where he also founded the university outpatient clinic in the sense of a "Medicine of Tomorrow". One of his central research areas is the development of individual and collective happiness or life satisfaction over the lifespan, in addition to work on self-regulation and the brain's own reward system, including meditation and mindfulness research. His non-fiction books – including "The Self-Healing Code" („Der Selbstheilungscode") or "The Better Half" („Die Bessere Hälfte") with Dr. med. Eckart von Hirschhausen – have won several awards, been translated into several languages and reached top positions on the bestseller lists. Recently published: "More Nothing! Why we need less of the More" („Mehr Nichts! Warum wir weniger vom Mehr brauchen").



### **Dr. Yana Heussen**

Yana Heussen is the founder of WIL. Wise Impact Lab (WIL) is a global group of experts on conscious leadership. WIL supports leaders, their teams and organizations such as eBay, Deloitte, or Deutsche Bahn, with cultural transformation solutions that foster trust and integrity and end shame and blame. To this end WIL offers consulting, training, coaching and keynotes, grounded on research in (neuro-)science and organizations. Dr. Heussen creates transformational journeys on the basis of her scientific background in neuropsychology, her own experience as a consultant and her personal 10+ years of mindfulness practice.



### **Evgeny Ioffe**

Evgeny Ioffe is Liquid Legal Institute's Head of Business Development & Administration. He holds M.Sc. degree from the University of Ulm, Germany, with specialization in management, economics, auditing and informatics. Evgeny is passionate about process management, psychology, digitalization and the interplay of those aspects with his specialty. He believes that the emerging world of new technologies, disruptive innovations and business opportunities will mean salvation for some and damnation for others. He often says: "Innovation takes longer than you think, but then it emerges faster than you thought."



### **Dr. Claudia Junker**

Claudia Junker is Senior Managing Director (Generalbevollmächtigte) of the Group for Law & Integrity at Deutsche Telekom including Law, Data Protection and Compliance since 2020. She continues to be the General Counsel of Deutsche Telekom heading the legal department, a position that she took over in November 2010.

She is also active as President of the German Federal Association of Inhouse Lawyers (Bundesverband der Unternehmensjuristen), vice-president of the European General Counsel Association, member of the board of the Bucerius Center on the Legal Profession and in the Committee for Economy and Law (Arbeitskreis Wirtschaft und Recht). Since 2012 Dr. Junker also teaches at Cologne University. She publishes regularly, e.g. as a co-author of a commentary on corporate law (2021), on the Management Board in a company group (in: "Vorstand der AG" 2021), on the women quota (in: Neue Ztschrft f. Gesellschaftsrecht 2015) or on the law of inhouse legal counsel (in: Betriebsberater 2016).

Before joining Deutsche Telekom Dr. Junker worked for many years as a lawyer in private practice and specialized on corporate law (including M & A). During that time she often worked for Deutsche Telekom. From 2008 until she started working for Deutsche Telekom she was a partner in an international law firm. Since 2007 Dr. Junker is also a specialized lawyer for commercial and corporate law (Fachanwältin für Handels- und Gesellschaftsrecht).

She studied law in Germany, Switzerland (Geneva) and the U.S. She holds a Ph.D. from Heidelberg University and an LL.M. from Cornell University.



### **Steffen Klink**

Steffen Klink is Division Manager Corporate Health at EUPD Research.





## **Fritjof Nelting**

Fritjof Nelting was born in Hessen in 1983. As the eldest son of the physician for psychosomatic medicine Dr. Manfred Nelting and the nurse and body therapist Elke Nelting, both known as founders of the Gezeiten Haus Clinics, he grew up in natural, rural conditions. He traveled around the world and spent a lot of time in China. There, he learned to speak Chinese fluently.

As a medical economist, he founded the Gezeiten Haus Academy in 2009. In 2013, Mr. Nelting took over as managing director of the first clinic, Gezeiten Haus in Bonn. Enthusiastic about the idea of helping people who are in a crisis or need help in coping with vital life issues, he founded additional clinics at now four locations. He opens up the possibility to be part of a company concept for almost 500 employees.

For his own health maintenance and as a role model for all employees, Fritjof Nelting practices Taiji Qi Gong, a meditative form of movement from Traditional Chinese Medicine on a daily basis. It gives him the necessary calm and strength to realize his ideas and tirelessly generate new ones.

In 2019, he was honored by the Kölner Stadt-Anzeiger as a "TOP 40 under 40 – Makers from Rhineland" („TOP 40 unter 40 – Macher aus dem Rheinland") award. In 2020, he became a member of the scientific advisory board at the German-Chinese Association for Nursing e.V. ("Deutsch-Chinesische Gesellschaft für Pflege e.V.", DCGP).

He is now the proud father of two daughters and lives in Bonn.



## **Su Reiter**

Su Reiter is a law student with a professional background in the media industry. She represents the younger generation of lawyers and is involved in digital transformation and legal tech in her free time.

Besides her studies, she freelances for various legal companies and legal tech projects. As a specialist editor and free-hand digital illustrator, Su presents legal content in a visual and easily accessible way.



### **Valérie Saintot**

Valérie Saintot, LLM, PhD, is a lawyer with 27 years of experience in both private and public sector. She started her career at the European Court of Justice in Luxembourg in 1994. She is currently the Head of Legislation Division, Directorate General Legal Services at the European Central Bank in Frankfurt. She also leads a team in charge of legal knowledge management. She is a life-long learner and holds four postgraduates in law, psychology, management, and research. She regularly speaks at events promoting visualization and is author of management articles in this domain.

Valérie is passionate about helping teams activate their full potential. To this end, she has been using for two decades knowledge visualization and design thinking. She has experienced the power of both to support collaboration, innovation, decision-making and communication. Valérie managed the team in charge of the creation of the ECB visitor centre which opened in 2017. This project gave her the opportunity to manifest in a large scale the power of visual and design thinking. She is also working on developing legislative data visualization methods to help experts and citizens alike navigate online legal frameworks in a more transparent and intuitive way.



### **Karla Schlaepfer**

Karla Schlaepfer is a (PCC)<sup>TM</sup> certified professional business coach (ICF) and facilitator with 25 years of people development experience. Born in Southern California, she earned her first degree at UC Berkeley USA, then moved to Germany and acquired her Master's degree at Freiburg University. Her broad and deep interest in human-centered Design Thinking and agile processes triggered books, articles, and certificates in scrum mastery and product ownership. She is also the co-author of a non-fiction book on cultural change processes and the founder and CEO of the professional coaching and innovation agency, Design Change. Ms Schlaepfer works with diverse international executive and legal clients. An active member in LLI since 2019, she loves the LLI collaborative spirit! Karla regularly steps out of her perpetually busy mode and finds clarity and a more spacious mind through mediation. She believes that maintaining a healthy mind is a responsibility we all share.



### **Torsten Schneider**

Torsten Schneider is Head of HR at Luther Rechtsanwalts-gesellschaft. Both professionally and privately, he lives the balancing act between consistency and change. His passion is to develop others (people and organizations) in an implementation-oriented way so that they can achieve their goals. Whether leadership, talent management or corporate development – he provides impulses and future-oriented approaches to solutions, promotes dialogue with those involved and affected during implementation and does everything in his power to ensure that things move forward. Torsten does not consider knowledge to be the “source of success”, but rather the “experience gained from applying knowledge”.

Torsten Schneider has more than 15 years of leadership and management experience, gained in corporate groups, medium-sized businesses, and owner-managed and partnership-based companies.



### **Britta Spachtholz**

Britta Spachtholz, Head of People Solutions at VARIO Legal GmbH, started her career as a lawyer and team coordinator in the HR department of an international corporation and later moved into legal recruitment. Britta has a broad expertise in Human Resources and almost 20 years of experience in People Solutions. She knows the consulting market very well and enjoys meeting with attorneys and cultivating relationships with clients to design and implement customized people solutions.



### **Dr. Michael Zollner**

Michael Zollner, Co-Head at VARIO Legal GmbH, is responsible for the strategic orientation of VARIO in Germany.

Michael initially worked as a lawyer in the field of technology law for several years, e.g. as in-house counsel for a leading international semiconductor manufacturer, as head of legal for a medium-sized software company, and in the TMT team at Pinsent Masons before founding his own law firm. Michael then built up the German location of a leading international alternative legal service provider.

## APPENDIX IV: ABOUT OUR LWB SPONSOR "VARIO LEGAL"

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With a handpicked pool of highly qualified interim lawyers and experienced project lawyers, VARIO offers flexible support for legal departments. Clients and lawyers have been benefiting from efficient and smart solutions for flexible legal resources and managed legal teams since 2012.

More than 400 VARIO lawyers in Germany offer clients high-quality advice. The range of advice includes the entirety of commercial law – from general contract law, commercial and corporate law to tax law.

In their work, VARIO lawyers particularly appreciate the flexibility combined with personal independence.

As part of Pinsent Masons Vario with over 1,200 lawyers at 16 locations on four continents, VARIO is one of the leading international providers of flexible legal services based in Germany.

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