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## A Qualitative Examination of Self-Care in Lawyers

by Mary E. Wood, Jacklyn E. Nagle, M.A.,  
and Pamela Bucy Pierson, J.D.



*Don't miss the consultant responses at the end of this article: Andrew M. Sheldon and Alison K. Bennett.*

"I honestly don't have a strategy. My goal is simply to make it to bed every night. And typing this makes me think this is something I should probably address!"

—Anonymous Alabama Lawyer

**I**T MAY SEEM OBVIOUS that self-care is important for well-being and success in life. However, self-care is not always practiced when work, bills, and other issues come into play. All individuals experience stress in their lives, but not all have identified specific strategies to adaptively cope with stress. Recent research has established the negative implications of work-related stress on well-being. Workplace stress includes workload, long hours, and demanding conditions (Cooper, Dewe, & O'Driscoll, 2001). Although many different occupations experience workplace stress, one of the most challenging and

strenuous workplace environments is the practice of law.

Lawyers may be particularly prone to stress and burnout in their careers (Kobasa, 1982). Research has noted that lawyers are particularly prone to psychological distress and maladaptive coping mechanisms (Beck, Sales, & Benjamin, 1996). Data have suggested lawyers have higher rates of depression and substance abuse than the general population (Rothstein, 2008). Impairment in lawyers due to poor well-being can lead to counterproductive actions and pose concern based on their important societal roles. This is especially problematic as their professional services often influence important matters in others' lives (Rothstein, 2008). In addition, part of practicing law includes the element of helping others and there is a paradoxical relationship with stress since helping, when either ineffective or even successful, leads to increased levels of stress. Based on the potential risks involved when lawyer well-being deteriorates, the need for self-care with these professionals is crucial.

Recent research findings by Joudrey and Wallace (2009) have suggested that leisure is an effective coping resource for law firm lawyers. However, leisure that was passive in nature was

not significantly effective in reducing psychological symptoms like depression. These passive and ineffective activities included watching television, reading, going to the movies, or working on hobbies at home. On the other hand, active leisure and social leisure were positively related to mental health in lawyers. Active leisure included working out at the gym, running/jogging, walking, playing sports, and cycling. Social leisure included frequency of visiting others, talking with others, eating out with others, or going to community or church meetings. The study also found that taking a vacation was also influential in reducing symptoms of depression in lawyers as well.

Additional investigations are needed to better understand the adaptive coping strategies and leisure activities involved in the self-care of practicing lawyers. Previous studies have been limited in utilizing self-report item ratings in order to measure self-care tactics. Qualitative research allows for a richer and deeper analysis by gathering data via open-ended questions. Rather than using quantitative collection methods with limited items, qualitative data collection offers participants with an opportunity to provide individualized, unique responses.

Given the importance of self-care behavior and effective coping (particularly in high stress jobs), we thought it important to investigate the prevalence of stress in practicing lawyers along with data on the primary methods of coping on which they relied and meaning derived from work. Participants, practicing lawyers, were recruited from the Alabama State Bar Association. Of the 93 lawyers who responded to the online survey, the majority were Caucasian and married. The age of participants ranged from 26 and 65 with an average age of about 42. Most participants had children and had been practicing law anywhere from one to 41 years.

Each participant completed the Perceived Stress Scale (PSS), a 10-item measure of levels of stress in one's life. Scores ranged from 4 to 35 (out of a possible 0 to 40 points) with an average score of 18.98 (SD = 7.42); higher scores indicative of more chronic levels of stress. Items on the Perceived Stress Scale (PSS) reference the level of uncontrollability and unpredictability of one's life. Results suggested average levels of stress overall.

Participants were asked an open-ended question about the methods with which they coped. Of the 81 participants who responded to this question, 140 responses were generated and categorized into 20 unique groupings. A total of 25 participants indicated exercise is a strategy they use to cope with stress. Nineteen participants reported they engage in a fun activity (e.g., golf, go to a concert, read) while 12 individuals identified faith and/or prayer as a method of coping. Of interest, and of potential concern, nine individuals identified alcohol use as a method of coping while another nine identified eating as a coping mechanism.

These coping strategies were categorized according to the active, passive, and social groupings investigated by Joudrey and

Wallace (2009). For participants who identified multiple coping strategies, the first listed strategy was used to categorize the response. For example, the participant who responded "exercise and talking with people" was categorized as Active. This new created variable was used as a grouping variable to investigate differences in perceived stress among groups. The model was not significant ( $p = .82$ ), suggesting that perceived stress did not depend on method of coping, as measured in this study.

In addition to coping, we were interested in the meaning one derives from the job. This was investigated as meaning derived from work may lessen levels of perceived stress, or result in more adaptive methods of coping. Of the 83 participants who responded to a qualitative item regarding the meaning they receive from the job, over half (60%) responded "helping people," or some variation of that response. Various other responses included reference to problem-solving or using one's wits, winning, the positive impact/influence of the job, justice and fairness, and money. Four participants indicated that nothing about the job was meaningful. Levels of perceived stress were not different among individuals who indicated that "helping people" was the most meaningful aspect of the job, nor were there differences in coping strategies utilized according to responses on this item.

The purpose of the current study was to investigate perceived stress and coping strategies in practicing lawyers. In response to an open-ended question about coping, participants provided responses ranging from drinking alcohol and exercise to faith/prayer and relaxing with friends. Of interest, coping method (i.e., active, passive, social) did not differentiate among levels of perceived stress, inconsistent with prior research (Joudrey & Wallace, 2009). This finding (or lack thereof) may be an artifact of the way the variable was recoded rather than a true absence of an effect. Future research should seek to investigate this possibility.

Regardless of the inconsistency with prior research, we wanted to highlight the importance of coping in high-stress jobs, such as the practice of law. Self-care and coping are imperative to managing job-related stress, but also to the relative stability and happiness outside of work. Active methods of coping (e.g., exercise) tend to be more effective than passive methods, though this general conclusion was not supported with the current data. In addition, the rate of burnout in helping professions is higher, likely given the rate with which that helping is ineffective. The authors developed the following recommendations to address and protect self-care and coping, especially for high-stress positions, like that of law:

In short, we encourage individuals to engage in self-care and coping in an effort to sustain work productivity and general efficacy. Understanding and awareness of one's limits and finding support and downtime are essential components of the self-care equation. ©

*Mary E. Wood, M.A. is a doctoral candidate in the Psychology and Law Concentration of the Clinical Psychology Program at the University of Alabama. Her research interests include the broad intersection of psychology and the law with a particular emphasis on issues related to offenders with intellectual disabilities.*

*Jacklyn Nagle, M.A. is currently completing her pre-doctoral clinical psychology internship at WVU Health Sciences Center in Charleston, WV. She is a clinical psychology PhD student at the University of Alabama. Her research focuses on nonverbal behaviors and expert witness testimony and various health psychology issues. Her CV and recent publications may be found on the UA Witness Research Lab website*

*Pamela Bucy Pierson is the Bainbridge-Mims Professor of Law, University of Alabama School of Law. Prior to entering teaching, she served as an Assistant United States Attorney, Criminal Section, EDMO. She is the author of seven books, has testified before Congress three times, been recognized by law students as outstanding teacher seven times, and recognized as outstanding alumnus by her college and law school. She has been awarded the Outstanding Commitment to Teaching Award and the Burnam Award for outstanding scholarship by the University of Alabama.*

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## Andrew M Sheldon responds:

*Andrew Sheldon, part lawyer, part psychologist, has long been concerned about the negative impact of the law practice on people who decide to become lawyers. A senior trial consultant at SheldonSinrich LLC, he can be reached at [andy@sheldonsinrich.com](mailto:andy@sheldonsinrich.com).*

## Maybe It Starts in Law School

Back in the day (late sixties), when I was in law school, I felt the stress these authors talk about. It was not fun. For one of my classmates, it was deadly; for others, it was just depressing and anxiety provoking. Of course, my best friend thought all my concern was silly because he was having a helluva good time in law school. Law school was a joy for him and he was not alone. But then I wasn't alone either.

Benjamin, Kaszniak, Sales and Shanfield did the study that opened my eyes to possible explanations for my varieties of unhappiness.<sup>[1]</sup> Listen to the abstract for their 1986 paper:

“Data were collected, using four standardized self-report instruments (Brief Symptom Inventory, Beck Depression Inventory, Multiple Affect Adjective Checklist, and Hassle Scale) on subjects before and during law school and after graduation. Before law school, subjects ex-

pressed psychopathological symptom responses that were similar to the normal population. Yet during law school and after graduation symptom levels were significantly elevated.”

What does “significantly elevated” symptom levels exactly mean? Here's what they said:

“During law school . . . symptom levels are elevated significantly when compared with the normal population. These symptoms include obsessive-compulsive behavior, interpersonal sensitivity, depression, anxiety, hostility, phobic anxiety, paranoid ideation, and psychoticism (social alienation and isolation).” At page 225. And, they noted, 20 to 40% of a law school class had these symptoms of illness and distress (depending on the symptom).

These symptoms of illness and dysfunction did not disappear on graduation. “Finally, further longitudinal analysis showed that the symptom elevations do not significantly decrease between spring of the third year and the next two years of law practice as alumni.” P 246

If that's not indictment enough, the study also discovered that the deleterious effect of law school affected everyone, not just people with “unique and rare vulnerabilities.” Moreover, when

compared to that other very stressful education, medical school,

“law students developed significantly more distress than medical students for all symptoms except somatization and phobic anxiety.”

Dr. Benjamin and I talked a bit back then (mid-seventies) mostly because we were both law and psychology dual degree holders seeking some affiliation with like-minded others, and discussed the possibility that “learning to think like a lawyer”, the oft-stated goal of legal education, really meant something like “getting sick.” A stretch, maybe, but maybe not much of a stretch for at least 20 to 40% of a law school class.

Like the authors of this article being reviewed, I decided something should be done to help lawyers. I sent letters to all recent law school graduates in the area offering a support group. “Let’s talk about it.” No takers. Not one.

Then I received a call from a high powered lawyer with a high powered law firm asking me to come meet with him to discuss a presentation on stress at the senior partner’s retreat in the spring. At the meeting, I inquired: Why do you want this presentation on stress? What are the issues you all are dealing with?

His quick reply: I can’t think of anything.

But I presented anyway in the naïve belief that maybe one person would take away something helpful. The meeting immediately prior to my little talk about Type A and Type B personalities was a personnel committee meeting in which it was decided to terminate the insurance coverage of a long-term secretary with the firm. She had cancer and “was probably going to die anyway.” Undeterred, and after a very nice introduction, I delivered my information about stress. In the question/answer session that followed, a statement came from the floor: “This typology is good for us because we are looking only for Type A personalities. They’re the ones that work the hardest.”

And there were more similar experiences over the years. In short, my experience with lawyers is that those in the trenches, embedded in daily conflict and attempting its resolution, may begin to feel bad. When that occurs, they should pay attention to those feelings and get some help, as these authors suggest. It may be possible to make the professional adjustments and life changes necessary to bring life back into a constructive balance. Or, in many cases, it may be time to move on to something you love more. If that’s the case, don’t dally. <sup>10</sup>

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<sup>1</sup> “The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers,” American Bar Foundation Research Journal, Vol. 11, No. 2, Spring 1986.

#### Alison K. Bennett responds:

*Alison K. Bennett, MS, is a Senior Litigation Consultant with Bloom Strategic Consulting, a full service trial consulting firm with a nationwide practice.*

#### A Response to A Qualitative Examination of Self-Care in Lawyers


According to a Johns Hopkins study (Eaton 1990), lawyers are 3.6 times more likely to be depressed than the general population, and are fifth in the incidence of suicide as compared to 104 occupational groups. This article posits a lack of self-care in lawyers may lead to depression that makes it difficult or impossible to properly serve clients. Given this, it is important for lawyers to embrace and pursue good mental health with the same vigor that many place on their physical well being, or to simply value their mental health at least as much as their careers.

From an economic standpoint, depression could be related to the mass exodus of attorneys from the field of law each year, which can cost large firms millions in recruiting and training costs. According to a recent American Bar Association Law Practice Management article, (Weiss 2014), about half of lawyer departures at law firms are unwanted. According to the National Association for Law Placement and the Massachusetts Institute of Technology, 57 percent of lawyers leave law firms altogether before their fifth year of practice, and 31 percent of female associates leave private practice altogether after leaving their law firm. In addition to the financial burden this places on law firms, this exodus comes at a time when an increasing number of Americans are having trouble finding affordable legal help. So this could be another cost of depression in lawyers.

There are many contributing factors to depression in lawyers, from unrealistic expectations for the field that begin in law school and a legal culture that rewards perfectionism, pessimism, and excessive work habits. Many state bars have started Lawyer’s Assistance programs, but the more depressed a person is, the less likely he or she is to seek help. Thus, self-care – as outlined in the study – is key, but it is also important for big firms to follow the lead of state bar associations and take proactive measures to prevent, detect, and encourage treatment for its employees. Given recent advances in technology, incorporating a mentally healthy lifestyle into the legal environment is easier than ever with the increased development of smart watches that monitor various health statistics, as well as technology-driven sleep monitors and aids that encourage good sleep habits. It would also be wise to lay the groundwork for self-care and normalizing the seeking of mental health care in law school. One study (Andrew and Benjamin, et al. 1986), found that about 40 percent of law students are clinically depressed by the spring of their third year.

This study of self-care in lawyers is a qualitative study, so sample size and demographic diversity was not emphasized as much as it may have been in the Joudrey & Wallace, 2009 study cited

by the authors. This could account for why this study found different effects on depression among passive leisure activities – such as watching T.V. – as opposed to active leisure activities such as exercise and sports, and social activities. Nonetheless,

it is a good step toward a worthy cause of encouraging a proactive approach to good mental health of lawyers, which in turn benefits the public who relies on their talents and energy. 

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