

lawyers and mental health

by Stephen L. Braun, LMSW, JD

practicing law in the 1990's – alarming statistics

“The first thing we do, let's kill all the lawyers.”

– King Henry the Sixth
William Shakespeare
England 1590-91¹

Sound like a pleasant professional environment? Unfortunately, some things never change. Attitudes in Shakespearean England and twentieth-century America bear a striking resemblance. For example, a typical modern lawyer joke goes as follows:

“What's the difference between a dead snake and a dead attorney lying in the middle of the road?” Punchline: “No skid marks in front of the attorney.” The public is in a continual love/hate relationship with attorneys; holding them in great esteem, while at the same time blaming all the ills of society on them.

The negative views of lawyers come from certain stereotypical images which are hard to shake and too frequently rooted in fact (ambulance chasers, prima donnas, first and foremost concerned with their pocketbooks, never return phone calls, on and on). Given the negative images of lawyers outside the profession, it is not surprising that within the profession there are numerous elements which, if not dealt with directly and appropriately, actively cause the practice of law to interfere with the psychological well-being of its practitioners. (Example: Try doing your best work and giving valuable service to someone who really doesn't like you and what you do in the first place.)

The legal business is booming these days, at least in Houston, Texas.² But the extreme external and internal environmental pressures inherent in the practice of law are not without consequence in the 1990's. All practicing attorneys should take note of several frightening facts and figures:

1. Of 103 occupations studied in 1990 by John Hopkins researchers, attorneys lead the nation in the incidence of depression.³
2. Eleven percent of lawyers polled in North Carolina in 1991 admitted they consider taking their lives at least once a month.⁴
3. An ABA Young Lawyers Division survey from the early 1990s indicated that 41 percent of female attorneys are unhappy with their jobs.⁵
4. In 1996, lawyers overtook dentists as the professionals with the highest suicide rate.⁶
5. The ABA estimates that 15 to 20 percent of US lawyers suffer from alcoholism or substance abuse.⁷
6. In 1997, the Texas Bar Association's Lawyer's Assistance Program estimated it receives between 250 to 300 hotline calls per month from impaired attorneys, or others concerned about them. Approximately 80 percent of these attorneys suffer from alcohol or drug abuse. The other 20 percent suffer from depression, other mental illnesses, stress problems, and physical impairments.⁸

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7. Seven in 10 lawyers responding to a 1992 California Lawyer magazine poll said they would change careers if the opportunity arose.⁹

As evidenced by these statistics, practicing law and maintaining good mental and emotional health can be difficult for even the most dedicated, balanced practitioner. Despite this difficulty and the problematic environment for practicing law in the 1990's, attorney mental health is critical in a society like ours that depends heavily on its attorneys to enforce its rules and resolve its disputes. This article provides an overview of the issues which

typically influence the mental well-being of lawyers and gives practical advice and resources for dealing with and overcoming these issues.

what is mental health anyway?

Given that practicing law is generally highly stressful, and studies like the ones noted above consistently show that attorneys have much higher rates of suicide, depression, anxiety-related disorders, alcoholism and substance abuse than the general populace¹⁰, what does it really mean for an attorney to be mentally and emotionally healthy? There are several possible answers to this important question.

Carol Kelleher, Ph.D., an experienced psychotherapist and adjunct professor at the University of Houston Graduate School of Social Work, believes there are generally three areas to address when individuals wish to solve

psychological problems: a person's thoughts, their emotions, and their behavior.¹¹ Throw into this mix a person's relationship to their environment and certain chemical levels in their brain, and you've got five factors which anyone could look toward to gauge their own mental health.¹²

Practicing attorneys should be aware of how they are functioning in each of these areas. Consider the following.

Your

Thoughts:

Do you have a pattern of negative thoughts? Are your thoughts so pessimistic that you find you are not enjoying life? Do you have repetitive thoughts that you can't control or you don't fully understand? Do you have problems concentrating?

Your

Emotions:

Are you normally sad or fearful? Do you often feel angry or irritated? Do your emotions get the better of you and affect the way you function at work or in social settings? Do you have mood swings which are unpredictable and feel paralyzing panic at times?

Your

Behavior:

Do you lash out at loved ones and then regret it? Do you scream at or honk persistently at others fighting the same traffic jam as you? Do you find yourself always needing another hit, another drink, or another sexual experience? Do you do certain things over and over when once or twice should be enough?

Your

Environment:

Do you wish you were someplace else in life? Would you prefer another circle of friends or even another loved one? Do you feel stuck where you are and uncomfortable or unhappy there? Do you feel you have little control over your surroundings?

Your

Chemical Balance:

Obviously, a psychiatrist's judgment is critical in assessing this factor. It is important because of the leaps made in medical science in the last 25 years proving that many mental disorders may be effectively treated, if not cured, by appropriate psychopharmacological medications.¹³

If your thoughts, emotions, behavior, and environment are allowing you to be happy, fulfilled, and function well in social, occupational and educational arenas, then you probably have excellent mental health. If, however, these areas are out of balance or control; if they do not typically allow you to feel happy and fulfilled; or if they are causing you to function less than desired in social, occupational, or educational settings, then you may want to take steps to improve your mental health and emotional well-being (see Section IV below).

Dr. Michael R. Winters, Associate Director of the Rice University Counseling Center, notes that mental health is a difficult concept to define. However, he notes that several studies point out areas shared by people who are happy, productive, and socially effective. In answering the question, "What is mental health?", Dr. Winters points to the following four characteristics:

1. *Quality social relations* – mentally healthy individuals generally have excellent relations with a variety of other people. Often this includes an intimate partner, but not always. If one has a wide enough circle of supportive friends and family (a quality support system), a partner is not necessary to meet this requirement.
2. *Flexible problem solving ability* – mentally healthy people do not always have to have things their way. If plans or circumstances change, a healthy person is able to adapt relatively quickly and easily to the unexpected situation.
3. *Grounded belief system* – mentally healthy people generally have a good sense of their place in the world and their world view. For some, this may take the form of organized religion. For others, it may be a cause or idea that they believe is important. Having a grounded belief system connects one with others and the larger universe.

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4. *Positive self image* – mentally healthy people believe they are of value. The feeling of value typically comes from within the person, rather than from external sources. If one derives his or her value from others' opinions, then one is constantly dependent on others. Because their self image is internal, healthy people are generally not dependent on drugs, alcohol, or other sources of external reinforcement (sex, a particular relationship, etc.).¹⁴

If you're well grounded in these four areas, chances are you are doing fine and the demands of practicing law have not negatively influenced your emotional and mental well-being.

particular problems in law – why is it harder for lawyers to maintain mentally healthy lifestyles?

Now that we have a couple of broad descriptions of how a mentally healthy person functions, it is important to understand the factors which cause lawyers as a profession to lag behind the remainder of the population in so many areas of mental health. While few studies have attempted to identify these factors scientifically and empirically, there are a number of factors which are self-evident. These contributing factors fall into two general categories: 1) factors stemming from the various types of people drawn to (or falling into) the practice of law and 2) factors related to the very nature of practicing law.

With regard to the first category, people who decide to go to law school are generally high achievers, intelligent, and hard workers. They probably have done well thus far in life and have always been in the top percentage of their classes. This is where the going gets rough, because everyone else in law is used to being at the top as well. Unfulfilled goals of always finishing first can lead to lower self-esteem and questions of self-worth.

Many people may also be attracted to law because they know they are smart and have usually been able to do pretty much what they want in life. Practicing law is in many ways prestigious and

can lead to a higher standard, if not quality, of living, so why not give it a try.

But many of these lawyers may not have really understood what it means to be a lawyer. Perhaps these lawyers should have never entered the profession in the first place, but may feel stuck there for various reasons. Law schools have for many years been "the dumping ground for liberal arts majors," and these reluctant

barristers may be ill-suited to the severe and mundane aspects of practicing law.¹⁵ People forced into the highly competitive, stressful legal environment without the tools or motivation to compete constantly may suffer. This suffering can result in mental or emotional issues.

The second category is even more problematic. The practice of law itself often creates a demanding, hyper-stressful atmosphere which may last for long hours or even days. Lawyers obviously are just people, even if they sometimes attempt to work superhuman hours, or expect superhuman results. As humans, lawyers are subject to all the childhood experiences, genetic encoding, and other possible shortcomings, which could give rise



to mental problems in other segments of society. Put an ordinary human with unresolved issues or inadequate defenses in the intense and competitive environment of the modern legal system and something may give.

Other aspects of practicing law require lawyers to spend less time and attention on their own needs – physical, mental, and emotional. Almost all practices require long hours of intense concentration, frequently with inadequate breaks. There are a multitude of deadlines which may overlap and be out of the lawyer's control. Unless a lawyer has made it to that rarely seen "rainmaker" status, his or her workload may be consistently more than even above-average individuals can complete without sacrificing other aspects of a healthy life. All this causes a very stressful work environment which many lawyers are unable to keep from influencing their non-work environments. This stress is frequently bolstered by the surprises and emergencies which attorneys must handle along with their "normal" workload. Surprises and emergencies may be unilaterally delivered by a superior, a court, an important client, or an opposing counsel. Despite their best efforts, many attorneys lose control of their schedules while trying to maintain control of their lives.

The list goes on. Most attorneys are required to serve several masters – clients, judges, and demanding supervisors, to name a few. These masters may have conflicting interests, but unanimously believe their demands take priority. Of course, most attorneys have very, very high expectations, and want to be sure each master is completely satisfied.

The adversarial process is another central component of the legal system which may not fit well with the emotional needs or personality styles of many devoted practitioners. Winning, not necessarily how you play the game, may be the ultimate goal. The adversarial system, because of its approach to conflict resolution, often tends to distort the truth, exacerbate conflict, and discourage open communication.¹⁶ One Los Angeles attorney who changed careers after ten years of practice, noted, "[a]spects of myself that I liked weren't being called upon enough. There was perhaps an over-emphasis on the intellectual, the combative and the competitive."¹⁷

Several other factors negatively influencing attorney mental health could certainly be mentioned, but one final facet of the practice of law perhaps provides the most insight. When asked to explain his long and productive life, comedian Bob Hope responded that his career always dealt with the positive, fun side of life. Lawyers are not so lucky. They are called upon to do the jobs in society which are typically the most problematic and the most difficult – frequently working in the negative side of life. This experience can eventually take its toll.

practical solutions – there is so much reason for hope!

Fortunately, no article about the inherent dangers of practicing law and maintaining quality mental health would be complete without a happy ending and the inclusion of one vital fact: people can and do improve their mental health all the time. With today's rapidly expanding knowledge about the human experience, there are innumerable proven medical, psychological, and self-help solutions to mental health problems. Below are ten which could be of particular value to lawyers who recognize a need to improve their lives.

1. *See a Shrink.* Psychiatrists today are typically more like a general family doctor treating a variety of ailments than they are like Sigmund Freud, performing psychoanalysis on a patient lying on a sofa. A psychiatrist will typically ask you questions designed to determine if you have a particular disorder (a medical diagnosis) which could be effectively treated by a prescription medication. Depression, obsessive-compulsive disorder, attention-deficit/hyperactivity disorder, anxiety disorder, and bipolar disorder are just a few of the major mental disorders which may be treated by drug intervention.¹⁸ Dr. Mark Moeller, a clinical professor at Baylor College of Medicine and psychiatrist who regularly treats attorneys, notes that psychiatrists also utilize their general medical training to rule out other medical causes of mental and emotional dysfunction before prescribing any psychotropic medication.¹⁹

It must be emphasized that psychiatric medications are not a magic bullet, and many people, especially lawyers, have reservations about using them for "mental" or "head" problems.²⁰ Still, since the 1950s, research has consistently proven their effectiveness.²¹ One recent study has even demonstrated that abnormal levels of serotonin, a neurotransmitter protein in the brain, may predispose depressed people to commit suicide.²² Typically, people are not afraid to take insulin, if necessary, when diagnosed with diabetes. The same reasoning should be applied by individuals suffering from mental disorders which are effectively treated by medications.

2. *See a Counselor.* Psychotherapy is still a major part of successfully treating mental illnesses. Of course, counseling is also very effective in helping people deal with difficult issues which would never be considered "illnesses." These lesser, but still difficult, problems might include grief issues, career issues, stage of life issues, relationship issues, and adjustment problems. Clinical psychologists, social workers, marriage counselors and others can provide excellent interventions to allow people to get back on track. Frequently, therapists provide the guidance and environment to help people help themselves. Many studies prove that just the positive steps of seeking out counseling and developing a relationship with a counselor, greatly improve a person's chances for positive change.²³

Although counseling is increasingly a norm in American society, there still seems to be a stigma associated with seeking professional help for difficult personal problems within the legal profession today. Attorneys may feel it would be a sign of weakness to fellow attorneys or opposing counsel to recognize problems and seek help. But, in the final analysis, who is stronger – the attorney who confronts and seeks solutions to his or her problems or the attorney who shrinks from peer pressure, and allows personal problems to grow to emergency proportions?

Grace Stuart, LMSW-ACP, LPC, a Houston therapist who has treated dozens of Houston attorneys in her 25 years of private practice, notes, "[a] trusting relationship with a knowledgeable and caring therapist is crucial. If the therapeutic experience doesn't feel right, find someone else! A good therapist listens well, encourages, teaches, gives advice when appropriate, laughs with the client, feels compassion, helps him or her

relax, challenges, facilitates painful self-analysis when necessary, explores with the client the meaning and purpose of his or her life, and gives strong affirmation for self-fulfillment and happiness.²⁴

3. *Change Your Attitude.* PMA (Positive Mental Attitude) sounds like an old worn out and forgotten slogan from the 1960s and 1970s. But it works! Your attitude can have a huge impact on your mood, your level of happiness, and your everyday functioning. If negative thoughts tend to dominate your outlook on life, then your emotions and behavior will likely follow down the negative road.

Become aware of negative thought patterns and try to avoid them. Known as "cognitive distortions," these patterns can make everyday life much less rewarding and cause difficult or stressful situations to be much worse than they really are. Be sure your glasses are half full, not half empty. Learn to give yourself credit when credit is due and not to assume you are a total failure if you don't get everything in life to work out exactly as you planned.

4. *Avoid Perfectionism.* You weren't born perfect. You will never be perfect. And those people demanding perfection from you,

aren't perfect either. So why expect perfection and judge yourself and your accomplishments by a standard of perfection?

Some of the following suggestions may be sacrilegious in the legal profession, but they may increase your ability to be balanced and have a realistic sense of self-esteem.

- Set realistic and reachable goals based on what you have accomplished and experienced in the past.
- Avoid all-or-nothing thinking in relation to your goals. Learn to discriminate between the tasks which require high priority and those that are of lesser importance. On less important tasks, choose to put in less effort.
- Recognize that if a mistake is made (and they will be made), an opportunity is provided for learning and growth. When you make a mistake, ask yourself, "What can I learn from this experience?"
- Confront the fears that may be driving your perfectionism, and ask, "What am I so afraid of?" and "What is the worst thing that could happen if this isn't absolutely perfect?"

- Use feelings of anxiety and gloom as warnings and opportunities to ask, "Have I or someone else set up impossible expectations for me in this situation?"

Perfection is an illusion which is unattainable.²⁵ Do yourself a favor, realize that perfectionism is undesirable and develop a strategy to decrease its impact on your emotional well-being.

5. *Seek Balance in Your Life.* We've all heard Justice Joseph Story's warning: "[The law] is a jealous mistress, and requires a long and constant courtship."²⁶ Practicing law usually requires lots of demanding hours. Still, balance in life helps people to maintain a sense of bearing and happiness. Make sure law isn't the only piece in your life puzzle. Your other essential life ingredients may include family, church, friends, relaxation, travel, exercise, volunteering, and hobbies.

Being a "balanced" successful attorney is much easier said than done. But even if your life balance is tipped in favor of your legal practice, the other important aspects of your life will help counter-balance "The Law" and keep you, and your mental health, in harmony.

When asked what issues she sees again and again in attorney clients, Ms. Stuart answered, "I think because attorneys work so hard and spend a lot of time with one another, it's easy for them to lose balance in life. In my experience, it's especially important for good mental health for attorneys to pay extra attention to their physical health, to read and learn in other areas of human life, and to keep their interests broad and creative. It is very important for them to "make time" to have fun – I don't mean expensive things necessarily – just fun, laughing, time with friends and such."²⁷



6. *Learn to Manage the Stress of Practicing Law.* Most legal practices are stressful. Since the stress is difficult to avoid entirely, it makes better sense to accept it and learn how to manage the stress of your practice. Stress management is something that can be learned and implemented on an on-going, day-to-day basis. To manage the intense stress of practicing law in the fourth largest city in America, adopt a comprehensive strategy to serve as your personal stress management plan. Below are two possibilities for starting a quality stress management program.

First, the Mind/Body Medical Institute of the Memorial Herman Hospital Systems teaches a four-prong stress management strategy to patients whose illnesses appear complicated or worsened by stress. The four prongs are:

1. Elicit the relaxation response on a daily basis;
2. Restructure stress-causing thought patterns;
3. Exercise regularly; and
4. Maintain a proper healthy diet.²⁸

Focusing on these four elements could be the centerpiece for your own plan.²⁹

Second, remember and use the four "C"s of "stress-hardiness" during pressure-cooker situations. The 4 "C"s refer to common characteristics found in people in very stressful occupations who cope best with their job stress.³⁰

Learning to be stress-hardy may even allow you to thrive in stressful settings. The four "C"s are:

1. *Commitment:* People who are high on commitment are fully involved in what they are doing. They give activities their best, not their perfect, effort. They have a curiosity about what they are doing instead of a feeling of hanging back or isolation.
2. *Control:* People who feel in control believe they can influence events and surroundings and that they have the capacity to make things happen. These people develop a strong sense of self-efficacy instead of feelings of powerlessness.
3. *Challenge:* People who look on life as a challenge tend to welcome new situations as opportunities to learn, grow, and develop rather than looking at new prospects as threats.
4. *Closeness:* People who develop closeness to others are never alone and don't feel alone or isolated. They have others who serve as confidants when times are tough and when times are good.

Concentrating on practicing law with commitment, control, challenge, and closeness can allow you to move toward being a stress-hardy lawyer who can manage stress instead of being managed by stress.

7. *Know Thyself.* We all have our own distinct likes and dislikes, personality types, and psychological make-ups. The more we know ourselves, the more we are able to avoid those aspects of life that are disagreeable to us. By knowing our strengths and our limitations, we can accentuate our positives, and avoid the ill effects of our weaknesses. By knowing ourselves, we can plan our lives better and anticipate where problems may develop before they actually do.



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As lawyers, it is important to know whether we are Thinkers or Feelers, Introverted or Extroverted, Intuitors or Sensors, and Judgers or Perceivers. These four dimensions of personality types from Jungian psychology can dictate how well suited we are to our practices, and how successful and happy we will be in our day-to-day tasks. An excellent self-help book available at most bookstores is *Please Understand Me* by David Keirsey and Marilyn Bates.³¹ This book explains in simple terms how character and temperament types influence the way we live our lives.

Knowing oneself is a lifetime endeavor. Our needs and even psychological make-up may change over time. Along with knowing ourselves comes the important task of knowing what solutions or self-helps are right and timely for us. For example, should prayer or even meditation or yoga be a regular part of our lives? Do our batteries get recharged by spending time alone or by socializing with friends? Finding the answers to these questions and adjusting our practices and lives to match our personalities can go a long way toward establishing and maintaining sound mental health.

8. *Find Your Niche.* All legal practices have similar elements, but they are not all the same. Solo practitioners deal with different stressors than lawyers in big downtown law firms. Many litigators like to know judges on a first name basis, while many corporate attorneys aren't really sure where the courthouse is. Even your geographic location can make a significant difference in your law practice. For example, many lawyers in Austin, Texas, swear they can stay "laid back" and still make a comfortable living without committing malpractice.

If you know law is your cup of tea, but you still experience too many feelings of despair, gloom, boredom, or being out of place, then consider changing your practice. Changes in practice areas, practice environments (private, public, or in-house), atmosphere, billable hour requirements and even required office attire, may significantly influence your psychological well-being as a lawyer.

9. *Call the TLAP.* The Texas Lawyers' Assistance Program (1-800-343-TLAP) of the State Bar of Texas, is a free, confidential assistance, information, and referral service which may be your first resource for determining whether you or someone you know needs help. TLAP is staffed 24 hours a day by two full-time counselors, both attorneys, trained to help other attorneys overcome alcohol and drug abuse, depression, and any other physical or mental impairment.³²
10. *Love It or Leave It.* The legal profession is not for everyone. If you're not committed to your practice, don't view it as an enjoyable challenge, feel little control over your professional life, and find it hard to feel close to others in your office, then maybe you're trying to fit a square peg into a round hole. Many career experts who have studied lawyer personalities find that many types don't fit well with the practice of law, no matter how intelligent, conscientious, or well-educated the practitioner is.³³


For example, 75 percent of male attorneys and between 50 percent and 60 percent of female attorneys are thinkers as defined by scientific instruments such as the Myers-Briggs Personality Type Indicator. However, in the general

population, only 60 percent of males are defined as thinkers, and only 40 percent of females are thinkers.³⁴ When feelers – the opposite of thinkers – enter the practice of law, problems can arise. Feelers tend to be the unhappiest and least adjusted attorneys, according to Larry Richards, a career counselor who works primarily with lawyers in Philadelphia.³⁵ “Feelers, who pay attention to the people side of an equation – rather than ideas alone – are not likely to get their needs met in the legal environment,” Richards explains. Another reason feelers tend to be uncomfortable in law, he explains, is that they, “have a very difficult time dealing with conflict”.³⁶

If you doubt whether law is the right profession for you, all is not lost. Deborah Arron, JD, the author of *Running From the Law*, has given seminars across the United States to nearly 10,000 lawyers seeking new career opportunities based on their legal backgrounds.³⁷ Ms. Arron’s career planning manual for lawyers, *What Can You Do With a Law Degree?*, might be a valuable tool for attorneys ready for a career change.³⁸

Here in Houston, career counseling opportunities abound. Even the downtown public library has a good career reference area. Rice University also has an excellent Career Services Center, which provides its services to the Houston community through continuing education classes, or individually for a fee most practicing attorneys can afford. Individual career counseling from the Rice Career Services Center involves personality, aptitude and interest testing, as well as several hours of work with an experienced career counselor. For more information, call (713) 527-4055.³⁹

conclusion – the first bite is yours

Ed Horner, the popular and venerable retired Baylor Law professor, used to give valuable words of advice to first-year law students groping their way through his Contracts class. Professor Horner admonished his overwhelmed students that learning the law was just like eating an elephant – you have to do it one bite at a time. These words of wisdom ring true for attorneys who may be struggling with the rigors of their practice, and finding that the emotional and psychological aspects of their lives are overly strained. Improving this situation is best done one bite at a time, just like eating Professor Horner’s proverbial elephant or dealing with many of life’s other major dilemmas. Any of the ten suggestions set out above, or a combination of them, could be a valuable “bite” toward a healthier, more emotionally fulfilling life. If one seems appetizing to you, please give it a try. The first bite is yours! 

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- Rice Career Services Center, Rice University, Houston, TX., Services to the Houston Community (1998) (brochure on file with author or available from Rice University Career Services Center).



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