

Recession, Depression, and the Legal Profession

Depression and Related Risks of Substance Abuse and Suicidal Behavior in Law Firms



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I recently saw a large poster at New York's John F. Kennedy Airport with a heading I couldn't ignore:

You'd never say, "It's just cancer. Get over it." So why do some say that about depression?

The text on the poster continued:

It's all in the head. It's just a bad mood. It's a personal weakness. They're just a few of the common misperceptions about depression. The truth? Depression is a real medical illness that can be as debilitating as other major diseases.

Like cancer, it can be fatal. And like diabetes, it's biologically based. But like other life-threatening illnesses, it can be treated.

Which means there is hope for everyone who has it.

The website listed at the bottom of the poster said it all:

DepressionIsReal.org

Depression is a real disease and a real concern for law firms.

Certainly, one of the biggest sources of anxiety for many lawyers during this economic downturn has been the uncertainty of it all: Will I lose clients? Will the work dry up? How will I pay my bills and take care of my family? What if I lose my job? What does the future hold?

These anxieties are real. It is estimated that at least 12,400 law firm

employees in the United States alone were made redundant during the first five months of 2009. At least 4,800 of these are lawyers. This follows more than 10,000 layoffs in 2008, including at least 6,500 lawyers.¹ Other legal markets likewise have reported similar proportionate magnitudes of redundancies, although in smaller absolute numbers than in the United States.

Most alarmingly, we are also beginning to hear anecdotal evidence of mental illness, increased substance abuse, and even suicidal behavior among lawyers, particularly those whose jobs have been lost or are threatened by the continuing worldwide recession.

What should lawyers and law firms do to manage these risks better?

Mental health problems can affect anyone, even lawyers and law firms.

The first step is to acknowledge that depression and its related risks of substance abuse and suicidal behavior are a significant management concern that requires attention, alertness, and commitment to action.

According to a February 2006 report, *State of Depression in America*, nearly 19 million people in the United States – more than 6% of the population -- suffer from depression.² Depression is not limited or most prevalent in the United States, however. It is a type of mood disorder that can affect anyone, regardless of age, ethnicity, place of residence, or economic background.

Up to 80% of those treated for depression show an improvement in their symptoms generally within four to six weeks of beginning medication, psychotherapy, attending support groups, or a combination of these treatments.³ However, nearly two out of every three people suffering with depression do not actively seek nor receive proper treatment.⁴

Women experience depression at twice the rate of men. This 2:1 ratio exists regardless of racial or ethnic background or economic status. The lifetime prevalence of major depression is 20-26% for women and 8-12% for men.⁵

What lawyers say about depression

My counseling psychology practice is limited exclusively to lawyers and other managers in law firms worldwide. Some of my clients have told me that they simply cannot let others know that they feel persistently unhappy and tired. This could be interpreted, they fear, as a sign of weakness or incompetence. They are afraid of losing the confidence of their clients and their peers.

It is frightening for professionals who pride themselves on their intellectual competence to experience feelings of depression that can include: worthlessness and self doubt; diminished interest in work, friendships, and careers; and a decreased capacity to concentrate.

Lawyers tell me that they feel self-conscious about asking for help from their law firms, their colleagues, or even family members. Mental health care is so often misunderstood and stigmatized, that lawyers fear a loss of professional credibility, social well-being, and sometimes even job security. In my experience, this occurs regardless of a lawyer's national origin.

Instead of talking to their family physician or seeking out a qualified mental health professional for a thorough evaluation, they begin self-destructive habits of "self medication," *i.e.*, using or abusing

drugs and alcohol to mask the symptoms of their depression. Unfortunately, this can cause depression to stay undiagnosed for a long time. Meanwhile, the substance abuse can become a downward spiral of its own from which it becomes increasingly difficult to escape.

Greater vulnerability in stressful times.

As the title of this article suggests, there is a link between economic recession and the disease of depression. When a crisis occurs, such as a loss of a job or financial instability, some people are already at risk and emotionally vulnerable. This is why depression should be an ongoing concern for the managers and leaders of law firms going through difficult financial times.

Everyone experiences feelings of sadness and anxiety from time to time, particularly in response to distress in their lives. Sometimes anxiety is a symptom of depression. Sometimes it is a separate illness.

Lawyers often report high levels of anxiety. Since they spend a great deal of their professional lives in stressful situations and high-risk activities related to their legal work, this is not unusual. Sometimes the excitement or adrenaline rush that comes with the legal profession and life style can be very invigorating and satisfying. However, the intellectual stimulation and professional satisfaction of legal practice and its stressors are in a delicate balance.

Most international lawyers -- at least those with whom I've worked and observed -- are highly competitive, efficient and achievement oriented. They tend to work at a pace that exhausts them, mentally and physically. The ongoing accumulation of stressful factors in their day to day professional lives, such as the mental demands for perfectionism required by their work, long hours, the high stakes decision making they engage in - to say nothing of demanding clients - often cause them to operate on very thin margins of emotional

reserves. This can leave them at or near an emotional breaking point when a crisis occurs.

International lawyers, worldwide, are reporting to me that they must now manage increased "distress" during this time of economic uncertainty. Many have personally been hard hit by the global financial crisis. Some feel angry about sacrifices they feel that they have made over the years in order to meet the expectations of their partners, their firm and their clients. These sacrifices may include compromised familial and personal relationships, chronic stress and poor physical health. Many lawyers have not experienced "failure" before. Losing clients and losing their jobs translates into a sense of "losing face" with their peers and business and social contacts. Anger and humiliation turned inward may exacerbate what is a quickly escalating situation of crisis proportions for some individuals.

Chronic distress and tension can also lead to the use of alcohol and drugs to cope with anxiety, which in turn can also *cause* anxiety by setting off chemical changes in the brain.

If anxiety leads to the shutting off and shutting down of our feelings, we can eventually become emotionally numb. It is possible to deteriorate to the point that we begin to lose touch with what has brought us enjoyment and happiness in the past. We may begin to doubt our abilities or condemn ourselves for feeling depressed. We may become intensely uneasy about future uncertainties. Negative thought patterns may grab us and pull us into a downward spiral. Without intervention, it is possible to become completely nonfunctional or even suicidal.

Depression can be deadly.

People with depression are four times as likely to develop a heart attack than those without a history of the illness. After a heart attack, they are at a significantly increased risk of death or a second heart attack.⁶

Without adequate treatment, depression even can lead to suicide.

State of Depression in America cites suicide as the 11th leading cause of death among persons of all ages in the United States. In addition to the 30,000 Americans who die by suicide each year, another 730,000 people attempt suicide. Suicides outnumber homicides three to one in the United States. Most significantly, more than 90% of people who die by suicide have depression or another diagnosable mental or substance abuse disorder.⁷

This data strongly suggests that law firms cannot rule out, and must therefore manage the risk of, suicidal behavior, particularly among lawyers, during downsizing or other times of personally-threatening economic challenges. From a preventive perspective, the distinction between an attention-seeking suicidal gesture and a genuine suicidal attempt is irrelevant.

Substance abuse can cause depression.

Depressive disorders often co-occur with anxiety disorders and substance abuse.⁸

There is a close relationship between depression and substance abuse. They occur together in a high percentage of individuals. This happens in a number of ways.

For example, alcohol slows down brain functioning and diminishes cognitive abilities, as does marijuana. Both cause depression in a significant number of people.

Drugs of abuse, like cocaine, can elevate a person's moods temporarily, but lead to depression during the intoxicated state and the withdrawal period.

Depression can lead to increased substance abuse.

Sometimes people try to change how they feel by using drugs or alcohol. In some cases they are able

to accomplish this in the short term. For example, if a person has intense feelings of hopelessness because of depression, a drug might bring temporary feelings of relief. However, the drug of abuse can actually worsen a person's depression over time and create other problems related to work, relationships, and health. A negative spiral can exacerbate feelings of worthlessness and inadequacy and cause the mood disorder to go undiagnosed.

Economic impact of depression on law firms

Depression is an expensive illness. According to the World Health Organization, major depression is the leading cause of employee disability claims worldwide. Depression ranks among the top three workplace issues cited by human resources managers, following only family crisis and stress.⁹

When lawyers find that they are simply "going through the motions" at work, client satisfaction usually suffers. When lawyers are depressed, productivity drops. They have less physical and mental energy. They find it harder to make decisions and cope with the normal, day-to-day demands of working in a professional services culture.

What must law firms do?

Law firms do not have to wait for signs of depression to appear before acting to manage the risks and possibly prevent very serious consequences. There are a number of highly-effective low-cost strategies that should be part of a law firm's response to economic recession and its business impacts.

- **Provide education about the prevention and treatment of depression.** People need to know that they can't diagnose themselves.
- **Help others to recognize the symptoms of depression and anxiety.** Early detection of

depression, when combined with adequate treatment, can prevent depression from worsening and, in some cases, can prevent long-term disability or worse.

- **Increase awareness about problem drinking and drug use** and the link between substance abuse and depression.
- **Educate staff and lawyers about suicide and its indicators.** Do not exclude support staff from this effort. Sometimes a staff member who works closely with a lawyer might notice indicators that are overlooked by other lawyers. Impress everyone that signs of severe depression must be taken at face value and warrant a prompt response. The presence of a suicidal indicator is no time for "the benefit of the doubt" or "wait and see."
- **Promote open communication about workplace stress, depression, and treatment options** for firm members and their families. Openness in communication can contribute to a "stigma free" workplace culture that encourages people to ask for assistance and to seek help without fear of recrimination. Depression is an illness, like diabetes or cancer. It is not a character flaw.
- **Keep people informed and give them an opportunity to talk about their feelings** when particularly stressful events occur in the life of a law firm, such as downsizing or a merger.
- **Offer peer support programs.** These give people the opportunity to share knowledge, experiences, and coping skills with each other in a safe environment. Knowing that you are not alone can also reduce feelings of shame and guilt.

- **Provide training, tools and resources to staff and lawyers so that they can learn to take better care of themselves:** physically, mentally and emotionally. I have personally known law firms to offer the following:

- ▶ in-house massage;
- ▶ discounted memberships for exercise and health facilities;
- ▶ in-house psychologists
- ▶ flexible working hours;
- ▶ “mental health days” (with no strings attached);
- ▶ celebratory events at the firm for staff and lawyers;
- ▶ family social gatherings and retreats;
- ▶ training in stress management and relaxation techniques;
- ▶ paid time off for community service and charitable work;
- ▶ coaching and leadership training during periods of change.

Each of these is a small investment that can provide substantial and measurable economic benefits to the firm.

- **Encourage staff and lawyers to seek professional help,** particularly when their distress is severe or long-lasting and interferes with their ability to perform at satisfactory levels in

the workplace. The firm should have information and resources already available, so that people know about available mental health services and options if they want to seek professional help.

- **Be alert to substandard performance.** It is often the first sign that a person is in trouble. Do not make negative assumptions, such as “He has a poor attitude” or “She just doesn’t want to work hard.” Instead, the firm’s management should talk to the person about specific things that have happened. Speak with the other person in a calm way when you are not angry. Be prepared to help the person think through possible courses of action.
- **Know what helps and what doesn’t help when your colleague has depression.** Even when well-intentioned, these statements usually are not helpful:

How could you do this to us?

Look on the bright side.

We all go through times like this.

You’ll be fine, stop worrying

Just snap out of it!

Instead, say something like:

I may not be able to understand exactly how you feel, but I care about you and I want to help.

You are not alone in this, I’m here for you, I’m listening.”

The need for alertness and action

Challenging economic times – particularly the deep, prolonged recession in which many law firms

find themselves – elevate the mental health risks for law firms. Although lawyers sometimes display more effective coping mechanisms, because of the need for problem-solving and resourcefulness in their practices, they are as vulnerable as anyone else.

Do not wait for depression, substance abuse, and related disorders to take their toll on your firm’s performance. The probability of these challenges is very high during financially stressful times. Expect them.

Law firms can take highly effective preventive measures to promote a personally supportive workplace culture, healthy relationships within the firm, and the ability to respond to even the most urgent business crises promptly, efficiently, and in a way that helps the firm and its people to manage the stress.

Why wait until a crisis or tragedy occurs? Act now.

Notes

1. *Law Shucks Layoff Tracker*, <http://lawshucks.com/layoff-tracker> (June 2009). This website tracks law firm redundancies in the United States based on press releases and other information in the public domain. For these reasons, the *Layoff Tracker* probably under-reports law firm layoffs.
2. *State of Depression in America*, Depression and Bipolar Support Alliance (February 2006). This report is important to lawyers everywhere because it originates from a large population in which depression has been well-documented. Because depression is a human disease, and not a cultural or national phenomenon, the findings in *State of Depression in America* are relevant worldwide.
3. U.S. National Institutes of Health (1998)
4. Depression and Bipolar Support Alliance (1996)
5. *Journal of the American Medical Association* (1996)
6. U.S. National Institutes of Health (1998)
7. *State of Depression in America*, Depression and Bipolar Support Alliance (February 2006)
8. *Archives of General Psychiatry*, 2005 Jun; 62(6): 593-602
9. Employee Assistance Professionals Association Survey (1996)



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