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Losing Our [Best] Minds

Addressing the Attrition Crisis of Women
Lawyers in a Post-Pandemic World



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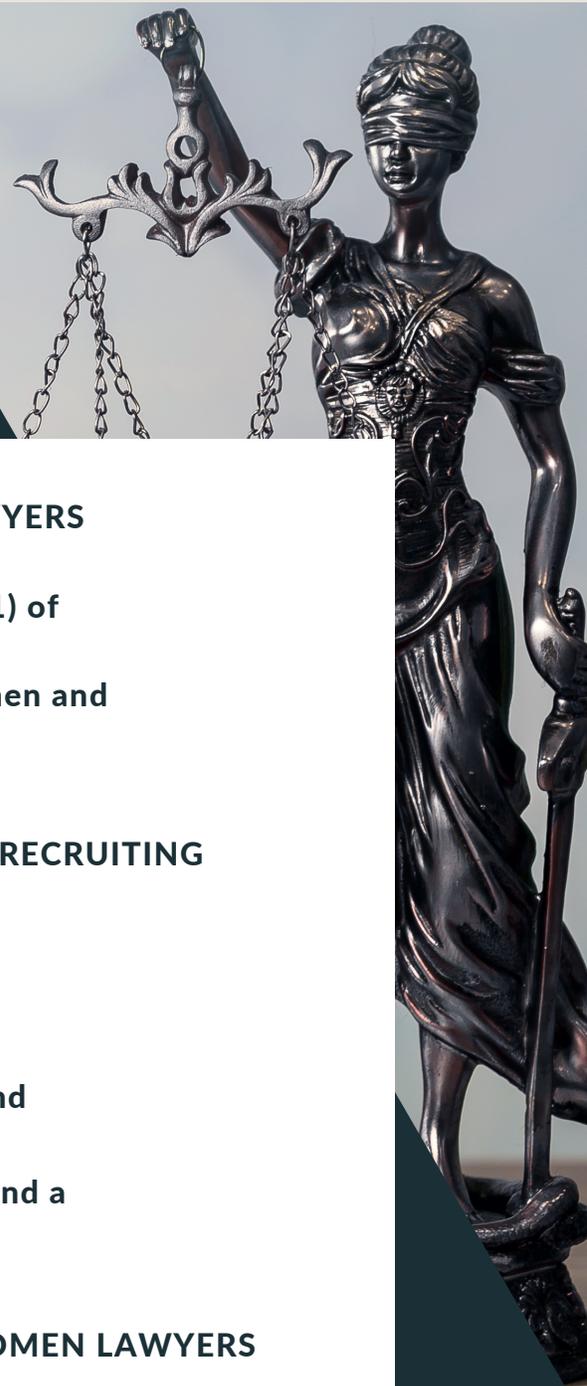
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I. THE ATTRITION CRISIS AMONG WOMEN LAWYERS

A. FINDINGS OF THE STRESS, DRINK, LEAVE STUDY OF CALIFORNIA AND D.C. LAWYERS

In 2021, a [new study](#) was published that shed light on the disturbing trend of women leaving the legal profession at alarming rates. Aptly titled, “Stress, drink, leave: An examination of gender-specific risk factors for mental health problems and attrition among licensed lawyers,” (hereinafter “Stress, Drink, Leave study”) this study of 2,863 employed California and D.C. lawyers found “the prevalence and severity of depression, anxiety, stress, and risky/hazardous drinking were significantly higher among women lawyers.” Alarming, researchers found that 24.2% of women were considering leaving the legal profession due to mental health problems, burnout, or stress, compared to only 17.4% of men surveyed.¹

The Stress, Drink, Leave study questioned lawyers about predictors that drive attrition, including stress, substance misuse, effort-reward imbalance, work overcommitment, likelihood of promotion, and work-family conflict. Women had significantly higher scores than men for effort-reward imbalance (reflecting greater effort needed for reward), overcommitment (reflecting greater exhaustion and overwhelm because of work demands), and work-family conflict (reflecting greater interference of work with family life). Men scored higher than women with respect to perceived likelihood of promotion.

The workplace-related factor most predictive of contemplating leaving the legal profession for women was work-family conflict. Work-family conflict was also a significant factor for men, but less so. This was true even though the men surveyed were more likely to be married with children than the women surveyed.² Elevated levels of work-family conflict have long shown to correlate with higher depression, anxiety, emotional exhaustion, illness symptoms, and alcohol misuse.

Work overcommitment was strongly associated with stress in the lawyers surveyed, with the relationship strongest in women. Interestingly, however, women were slightly less likely than men to leave the profession based on this factor. For those experiencing high work overcommitment, men were more than twice as likely to contemplate leaving the profession due to mental health with women following close behind at being 1.78 times more likely to leave.

[1] Since data collection occurred during the COVID-19 pandemic, efforts were made—both in the wording of the survey questions and in the statistical analyses—to control for the impact of the pandemic on participants' responses. The authors note that despite their efforts to mitigate the impact of the pandemic on the survey responses, it is of course possible that the accuracy of reporting from some participants may have nonetheless been affected.

[2] Women were significantly less likely to be married (58.3% vs. 75.3%), were more likely to be divorced (10.5% vs. 7.9%) or never married (21.4% vs. 9.3%) and were less likely to have children compared to men (51.4% vs. 69.3%).

Another workplace-related factor — the perceived likelihood of promotion — was associated with a lower likelihood of leaving or contemplating leaving the profession due to mental health, burnout, or stress for men, but not for women. The study authors speculate that likelihood of promotion is a less significant factor in keeping women in the legal profession because women frequently anticipate less opportunity or chance for promotion, thereby rendering that possibility less relevant to their calculation about whether to leave.³

In summarizing the study's findings, Krill writes:

"[M]ore women than men contemplated leaving the profession due to mental health problems, burnout, or stress. This is an undesirable outcome for a profession long bedeviled by its inability to retain female attorneys and raises the question of whether improving workplace factors that influence poor mental health might be an important missing ingredient in those efforts."

B. STUDIES REVEALING ATTRITION AMONG ALL WOMEN AND WOMEN OF COLOR

The Stress Drink Leave study builds on research conducted since the onset of the COVID-19 pandemic in March 2020 showing elevated levels of attrition (having already left a job) and attrition intention (planning to leave a job) by women lawyers:

- [ABA's Practicing Law in the Pandemic and Moving Forward](#), conducted in 2020, found that 37% of women were considering quitting the profession entirely, while 53% of women with children under five years of age were thinking about going part-time. Reasons cited for their plans to leave their current job all related to work-life balance concerns.
- Thomson Reuters' 2022 [Law Firms Stay-Go Report](#) found that the lawyers with the greatest flight risk were women, ethnic minorities, and the LGBTQ community. Lawyers (men and women) belonging to an ethnic minority had a 50% flight risk with black lawyers topping out at 60%.

Prior to the pandemic, the ABA report [Walking Out the Door](#) explored the attrition of senior women lawyers from the ranks of NLJ 500 firms. These women reported that, "on account of their gender, they are significantly more likely than their male counterparts to be overlooked for advancement; denied a salary increase or bonus; denied equal access to business development opportunities; become subjected to implicit biases, double standards, and sexual harassment; be perceived as less committed to their careers." In this study, experienced women lawyers indicated important influences on women leaving their firm were: caretaking commitments (58%), level of stress at work (54%), emphasis on originating business (51%), billable hours (50%), no longer wishing to practice (49%), work/life balance (46%), and health concerns (42%).

[3] The reasons for women leaving law firms and the legal profession extend beyond those studied, and can include harassment or abuse, as well as lack of opportunities for advancement.

I. THE ATTRITION CRISIS AMONG WOMEN LAWYERS

Research reveals the promise in focusing on improvements to mental health and overall well-being and indicates that this effort will pay dividends in reducing the number of women who are leaving the practice of law. In fact, the Thomson Reuters Stay-Go Report showed lawyers were leaving firms for reasons not related to compensation. Instead, the firms doing the best in retaining lawyers were those who expressed concern for their lawyers' well-being, fostered supportive and collaborative structures, focused on equitable treatment among all lawyers, and provided clear career paths.

“Losing so much of the talent pool before it reaches the equity partnership is bad for business and bad for clients. From a financial standpoint, firms sacrifice hundreds of thousands of dollars — if not millions — each year because of employee turnover. And if too many associates leave the nest...the entire law firm business model will be at risk.

— Leopard Solutions, [Women Leaving Law](#)

These findings point to an impending attrition crisis of women leaving the legal profession at a time when meaningful — yet slow and still insufficient — strides towards gender parity were taking hold. The [2022 Glass Ceiling Report](#) (focused on the top 200 largest firms by headcount) showed that despite the fact that women now comprise 49% of associates, only 27% of all partners are female with approximately one-third of management committees being comprised of women. Somewhere along the way, the talent pipeline to the top effectively springs a leak as the number of women precipitously diminishes among the highest echelons of private practice.

Research shows the experiences of women of color differ from the experiences reported for women in general (which have typically reflected only the experiences of white women) in the legal profession. Little has changed since [foundational research](#) was conducted in the 2000s revealing that women of color feel invisible and unsupported in a work environment that is indifferent, if not outright hostile, to their unique perspectives and challenges. Not surprisingly, women of color were found to be leaving law firms for more flexibility, as well as more predictable and less subjective pathways for advancement. As discussed in the [2020 ABA Report, Left Out and Left Behind](#), researchers found that one-fourth of women of color associates make it to equity partner while one-half of white women associates achieve this prized status. Given market demands, law firms intent upon maintaining a competitive edge must uncover means to improve the flow of talent to the upper ranks. We believe a key to that success lies in mitigating the impediments to living a personally and professionally satisfying life currently presented by many firms' policies, practices, and overall culture.

C. CALL TO LEGAL EMPLOYERS FOR ACTION

To stem this tide of attrition by women, legal employers must identify — and then correct — the adverse conditions that are contributing to diminished well-being and that drove the Great Resignation, a significant trend during the COVID-19 pandemic that threatens the profitability and legitimacy of the profession.

“Losing talented lawyers due to attrition caused by poor well-being derails careers, negatively impacts individual well-being, reduces the limited talent pool in the midst of a shortage, and is inconsistent with the values of the profession in the 21st century.”

— Michael J. Kasdan, *Lawyering While Human*

Having a diverse firm is essential to having a thriving firm, one that is attractive to corporate clients who are increasingly demanding diversity on their legal teams. Any inability to recruit and retain women — and lawyers of color — at associate levels will result in a reduced pool of candidates for promotion to equity and leadership status. This diminished pipeline will continue to thwart diversity up the ranks if the firm is not adept at attracting and retaining lateral diverse hires. In a [2019 survey](#) published by the ABA, a large majority of managing partners said that diversity at senior levels was important to achieve better decision-making and to be responsive to markets. Despite this acknowledgement, changes to policies and practices which could effectively promote recruitment and retention have been slow.

“Why is diversity important to the success of a business? More than a decade of studies consistently shows that people from diverse backgrounds, working together, produce more innovation and achieve better solutions and results. Law firms that successfully hire, retain, and advance female lawyers and lawyers of color will have a competitive advantage.”

— Stephanie Scharf and Roberta Leibenberg, *The Red Bee Group*

This report seeks to define the problem of — and sound the alarm regarding — the attrition of women lawyers. Most importantly, it sets out actionable recommendations and strategies designed to positively impact the crisis. We also make suggestions for supporting legal employer accountability in efforts to address the attrition crisis. Additionally, we make recommendations to assist students and prospective lateral hires in finding the best employer fit, one where their well-being will be supported, and they have the best hope of having a thriving professional and personal life.

This report is for:

- Law firm leadership and those in supervisory positions, as well as human resources, professional development, and DEI staff;
- Lawyers and professional staff seeking solutions to promote within their workplace; and
- Prospective employees, particularly law students (the future of the profession and feeders of the employment pipeline) and laterals.

We invite these readers to consider the impact that diminished well-being and the loss of a significant segment of women lawyers will have on the profession. Those seeking to stem this trend will find a list of varied recommendations, and adoption of even some will be a step in the direction of creating a professional culture that honors the individual person first, thereby allowing each lawyer to work efficiently, and live a life of balance, health, and satisfaction.

II. RECOMMENDATIONS AND STRATEGIES FOR RETAINING WOMEN (AND ALL) LAWYERS

A. RECOMMENDATIONS FOR LEGAL EMPLOYERS

Understanding the factors that pose the greatest risk of women leaving the legal profession can help legal employers develop retention programs and policies that will effectively stem the tide of attrition by women – and by all lawyers, for that matter. To keep women lawyers, employers should focus on those factors that will reduce elevated levels of chronic stress created by work-family conflict and the corresponding burden of work over-commitment, better balance the level of effort needed to achieve firm rewards or recognition and create more meaningful paths for promotion.

We encourage legal employers, particularly larger law firms, to embed within their structures practices and policies so that well-being becomes integral to the firm experience. Ideas addressed by this report that can provide the greatest impact include⁴:

1. Flexible employment practices, including equitable work policies and compensation practices;
2. A focus on employee well-being, including providing opportunities for rest and regeneration and eliminating any workplace toxicity;
3. Professional development and leadership training; and
4. Strategies to promote connection, especially within affinity groups

1. OFFER FLEXIBLE EMPLOYMENT

Flexible employment policies are one way in which employers can help lawyers reduce work-family conflict, as well as find a better balance of work while still advancing their careers. Addressing this conflict is vital for firms concerned about the well-being of their lawyers as studies have consistently shown that elevated work-life conflict is related to higher depression, anxiety, emotional exhaustion, illness symptoms, and alcohol misuse. This much sought-after balance is also of increasing importance to associates and – likely – the generations to follow. As evidence of this trend, 2021 research of 3,700 mid-level associates at large U.S. law firms showed that 60% would consider leaving their current firm for better work-life balance, while only 27% would leave for higher compensation. A recent ABA study shows that younger generations highly value flexibility and freedom to balance their work and personal lives in a fluid manner. Additionally, they look to and expect that their employer will support them in these efforts.

[4] These recommendations build upon the varied evidence-based strategies encouraged by the profession-wide well-being movement, including mindfulness, meditation, and yoga, in addition to education on identifying behavioral health disorders and the expansion of employer-provided behavioral health resources, inter alia. An excellent source for learning about implementation of these recommendations is the ABA Toolkit for Lawyers and Legal Employers.

Policies to promote flexibility can include:

- Offering scaled hours matched to scaled compensation, while maintaining paths to leadership and equity partnership. A growing number of firms report allowing reduced-hours tracks that still lead to partnership. Other firms offer reduced hours tracks with no partnership path (sometimes pejoratively referred to as a “mommy track”) but these should still permit lawyers to participate in leadership in meaningful ways, whether serving on committees, heading practice groups, or otherwise contributing to firm leadership. And no matter the track, these lawyers should have the opportunity to work on interesting matters that are valued by the firm.
- Considering alternatives to traditional billable hours models. While most firms operate using some form of billable hour requirement or goal for lawyers – and are not likely to abandon the concept – firms can help reduce stress around the billable hour. Transparency in expectations is important. If the stated billable hour requirement is 1,900, that should be the true requirement, not a baseline. Law firms should implement better methods of valuing non-billable, firm citizenship time –the time spent on administrative tasks such as internal meetings, client development, marketing, recruitment, and mentoring. This is especially important for the retention of women and minority lawyers who often bear heavier administrative burdens at firms, especially in recruitment, mentoring, and managing DEI efforts. Giving billable credit for pro bono hours also can aid with attorney retention, as these cases often provide a boost in job satisfaction.
- Permitting remote work. The COVID-19 pandemic taught us that traditional workplace norms – emphasizing face time in the office – are not necessarily required for productivity. Law firms that never considered allowing telework pre-pandemic quickly converted, out of necessity, to virtual workspaces, with lawyers and staff working from home all or most of the time. Even as the pandemic is winding down, many firms maintain hybrid workforces, with lawyers and staff continuing to work remotely at least part of the time.⁵ Allowing at least some telework days can help improve employee job satisfaction, whether by giving parents more family time in lieu of commute time, allowing minority lawyers a break from majority-white office environments, or simply allowing lawyers a more comfortable and safer workspace at home.

“While the pandemic drastically changed how people work, it also gave us a glimpse of just how successful a flexible workplace could be post-pandemic when structure and thoughtful support systems are in place.”

— Manar Morales, CEO, Diversity & Flexibility Alliance

[5] Indeed, a survey of Am Law 200 firms conducted in February 2022 by multinational professional services firm Aon shows that 79% of firms expect all or most of their workforce to be eligible for a hybrid work arrangement, and 80% have completed or were developing formal assessments of roles and individual workers eligible for full remote work in perpetuity. (2022 U.S. Law Firm Work/Life Benefit Survey, Aon (April 2022), available online at: <https://www.aon.com/risk-services/professional-services/major-us-law-firms-invest-in-non-traditional-benefits-for-attorneys-and-staff>.)

2. PRIORITIZE EMPLOYEE WELL-BEING

To attract and retain the best lawyers, legal employers should embed well-being into their organizational structures and create policies that may blunt the effects of law's inherently high and chronic levels of stress. Methods of prioritizing well-being include:

- Maintaining a well-being committee, with ties to – and buy-in from – firm leadership. The firm should allocate to it adequate funding and authorize a scope of work that includes – but also extends beyond – developing creative, experiential offerings such classes on meditation, tips on mindfulness, get-away-from-your-desk lunches or breaks, group hikes, or healthy cooking classes. This committee could also be consulted on firm benefits, policies, and practices that may positively or negatively impact staff well-being.
- Adopting policies that promote well-being and support help-seeking for those experiencing a behavioral health issue. Every mid- to large-size firm should have well-publicized leave policies that encourage use of paid leave for vacation, time spent with family, treatment of physical and mental health issues, and rest and rejuvenation. Firm requirements for taking time away for a behavioral health reason (from a couple of hours each week to attend talk therapy to several months for inpatient treatment) should be explicit, with direction given as to whom in the firm requests should be made, assurances of confidentiality, and guidelines on what will be expected of both the employee and the firm to ensure successful reintegration. An example of such a leave policy can be found [here](#) on the ABA's website.
- Increasing the volume of communications about mental health and well-being with regular missives from leadership (not just human resources) stressing the importance of these topics to the firm and underscoring the imperative of seeking help sooner rather than later. Clear information should be included about how to access the firm's well-being and mental health resources.
- Creating a culture of respecting lawyers' personal time, running counter to the prevailing expectation of being always on call. This will require firms to communicate their philosophy with clients, while reassuring them that their needs will be met by refreshed and engaged lawyers during reasonable work hours. Even more important than clients, firm leaders and those with supervisory functions must fully buy in to the importance of placing some guardrails on expectations of around-the-clock availability. The [U.S. Bank](#) has developed best practices around this thorny topic. Some general ideas for building more flexibility into team time-management practices include:
 - Clearly communicating response-time needs in emails, especially if the sender chooses to send the email after-hours or on a weekend
 - Specifying deadlines and expressly stating when projects are not urgent
 - Routinely consulting with affected persons (whenever possible) before setting and agreeing to deadlines
 - Designating one day each week as “meeting free” or “zoom free”

- Adopting zero-tolerance policies toward discrimination, harassment, and bullying. Firms should foster a culture of teamwork, based upon mutual respect, collaboration, and open communication. Psychological safety has become a watch word for firms seeking to create a workplace where all members feel they can speak their mind, ask for help, and admit mistakes. Additionally, firms should be mindful of micro-aggressions that can accumulate to the detriment of women and minority lawyers who may ultimately find they must leave to simply protect their own well-being.

“Firms [must] be willing to have tough conversations to address more nuanced interactions that are isolating and demoralizing, including passive-aggressive behavior, condescension and intimidation, failure to observe personal boundaries, and micro-aggressions.”

— The American Lawyer’s 2022 Young Lawyer Editorial Board.

- Conducting a review of resources available for lawyers and staff who may be experiencing a behavioral health problem. Often, personnel are directed to the firm’s employee assistance program, which may present a daunting challenge to quickly finding an available, culturally appropriate, and high-quality therapist or other behavioral health provider. Firms should also confirm that their behavioral health insurance coverage meets California (or relevant state) and federally mandated parity requirements.

3. ENHANCE ATTENTION TO LEADERSHIP TRAINING AND PROFESSIONAL DEVELOPMENT

The behavior of a firm’s leaders sets the tone for the entire firm and is the most definitive influence – for ill or otherwise – on their members’ quality of life. Because their words and deeds are scrutinized by all members of the firm, they have an outsized role in creating or ameliorating the attrition crisis. Professional development is an area where legal employers can also have a strong impact on their members’ experiences, signaling that the firm is invested in their professional success and well-being.

- For all law firm personnel in leadership and supervisory positions, training on effective, empathetic communication should be offered at regular intervals. They are also primarily responsible for creating the firm’s culture, particularly when it comes to shaping members’ perceptions about the extent to which the firm does – or does not – support well-being and work-life balance. Depending upon their actions and attitudes, employees quickly learn whether behavioral health issues and general well-being are valued or taboo topics at the firm. When stigma around mental health is observable, personnel will predictably remain silent and avoid engaging in efforts to seek help for a behavioral health issue for themselves or a colleague.

“Firm leaders [must] prioritize culture like they do revenue, billable hours, superior client service, and business development, by evaluating themselves and talking about culture as much as they do those other things.”

— The American Lawyer’s 2022 Young Lawyer Editorial Board

- The true leadership capacity of women lawyers should be highlighted and nurtured. When women are empowered with leadership skills, critical psychological needs of autonomy and competence are met with a resulting increase in one’s sense of well-being, a strong protective factor against the corrosive effects of stress and, by extension, attrition. Professional staff should also be included in these efforts given their indispensable role in providing supports for all functions of the firm.
- Leadership training programs should focus on traits that are frequently associated with women and that are often overlooked in the business and legal world, including a leader’s capacity for empathy, level of emotional quotient (EQ), and how she combines her empathy and EQ to effectively communicate with clients and colleagues. Clients are looking to be understood, listened to, and appreciated —all traits of effective leaders.
- Law firms that are intent upon retaining talent should provide career or executive coaching, as lack of career progression contributes to dissatisfaction and a desire to leave. Likewise, a lack of interest in professional progress by the firm’s lawyers drives diminished well-being in and of itself. A [2022 study](#) by Patrick Krill revealed a striking health hierarchy among lawyers that appears linked to their employers’ values, such that lawyers with the best mental and physical health — and lowest rate of attrition — work in environments that make them feel most valued for their skill, talent, professionalism, or inherent worth as a human being. In contrast, lawyers who were valued merely for their billing ability — coupled with those who were given little to no feedback — were experiencing worse health, an increase in alcohol usage, and — by a large margin — were more likely to report attrition intentions. By focusing on a lawyer’s career path, the firm conveys to the lawyer that she is valued for her skills as a lawyer rather than as “a cog in the wheel.” Well-designed and supported mentoring programs can bolster efforts to highlight career paths within a firm, potentially obviating intentions to move where the “the grass is greener.” These programs should focus on creating opportunities and supports that will increase the lawyer’s ability to move up the firm ladder, such as client interaction, taking the lead on a case, ensuring recognition for achievements, etc.

“When women face barriers to advancement, and don’t see a path forward, they won’t stay.”

— Jacqueline Bell in A Deep Dive Into the Glass Ceiling Report, 2022

4. DEPLOY STRATEGIES TO PROMOTE CONNECTION AND A SENSE OF BELONGING

Lawyers who feel connected to their work, their employers, their peers, and their legal community are apt to be less stressed and more likely to stick with their legal careers. Legal employers are well-served, then, by encouraging and promoting these types of connections:

- Connections to work. Employers can help lawyers, especially newer lawyers, feel more connected to their work and career path by providing formal or informal development plans, mentoring, check-ins about work allocation and projects, and discussions of future opportunities and plans.
- Connections to colleagues. Firms can create intentional network groups – based in or across practice groups and offices – to allow lawyers to connect and find mutual support. Well-organized mentoring programs can also provide means for productive and supportive relationships.
- Connections to the legal community. Employers should encourage lawyers to participate in local bar associations, whether based on geography (city or county bar associations), practice area (e.g., employment law groups), diversity (e.g., [California Asian Pacific American Bar Association](#), [California Women Lawyers](#), or other women’s bar associations) or affinity (e.g., LGBTQ+ bar associations, including regional affiliates of [The LGBTQ Bar](#)). Inns of Court are also great ways to connect with local lawyers and judges.
- Connections to peer support groups. The [State Bar of California’s Lawyer Assistance Program \(LAP\)](#) helps current, former, and disbarred lawyers, law students and State Bar applicants dealing with mental health and/or substance use issues affecting their personal and professional lives.⁶ Local bar associations also may offer peer support groups to help lawyers who are struggling. Law firms, too, may provide peer support groups or other in-house support, as well as Employee Assistance Programs that provide counseling for behavioral health issues.⁷ Finally, the Lawyers Depression Project provides peer-to-peer mental health support groups for those in the legal profession.

[6] Information about LAP is online at <https://www.calbar.ca.gov/Attorneys/For-Attorneys/Lawyer-Assistance-Program>. The website includes a Resources page that includes links to self-assessment tests, publications, and other online resources.

[7] Other resources include the Lawyers Depression Project (<https://www.lawyersdepressionproject.org/>), an online peer-to-peer support group for legal professionals, and the American Bar Association’s Commission on Lawyer Assistance Programs (https://www.americanbar.org/groups/lawyer_assistance/), which provides a directory of LAPs throughout the country as well as links to mental health and other resources.

5. UTILIZE STRATEGIES FOR ACCOUNTABILITY

While the foregoing ideas can begin to effectively “move the dial” on well-being in a law firm, competing interests and agendas can distract from their successful implementation. Inclusion of accountability strategies to track the firm’s progress – or the lack thereof – towards greater well-being should also lead to improved recruitment and retention of personnel, women in particular.

- Use internal surveys to identify well-being needs, causes of poor mental health, experiences of work-life conflict, etc. While best intentions may spur action on these issues, a sustainable and effective overall strategy for promoting well-being should be created in direct response to perceived needs of the firm’s members. To that effect, we recommend use of anonymous surveys to determine how members perceive their well-being needs and whether those are met, how current policies and practices impact those needs, and how they believe the firm should respond in the future.
- In the annual cycle of performance reviews, systematically include a review of well-being needs, perceived barriers to improved well-being, and other factors that impact work-life conflict and retention.
- Sign on to the Well-Being in Law Pledge Campaign. The [ABA Well-Being Pledge Campaign](#), which currently boasts 212 signatories and includes some of the largest firms in the world, sets out a seven-point framework for guiding those signatories in the creation and maintenance of a variety of initiatives designed to promote the well-being of their members. The ABA holds semi-annual meetings for signatories to share and learn from one another.
- Review the [U.K.’s Mindful Business Charter](#) tenets to which signatories pledge, including a commitment to openness and respect, running “smart” meetings and time-saving communications, honoring rest periods, and being mindful when assigning work. International firms should consider signing on to the charter.

III. RECOMMENDATIONS FOR THOSE SEEKING LEGAL EMPLOYMENT

A. RECOMMENDATIONS TO FIND THE BEST WORK ENVIRONMENT FOR WELL-BEING

For those seeking employment as a lawyer – whether for a first job or a mid-career lateral move – finding the right employer fit is key to good mental health in the future. Here are some basic tips and considerations for how to include well-being criteria into one’s job search.

1. LEARN ABOUT THE WELL-BEING IN LAW CRISIS

For prospective employees, including law students and lateral hires, we recommend the following:

- Spend time researching and learning about the well-being crisis in the legal profession. Know where you fall on the spectrum of well-being and identify the supports that you will need in your employment to thrive. One resource that provides free and confidential behavioral health services to law students is each state's [lawyers assistance program](#).
- Use readily available well-being indicia (e.g., [Vault's annual rankings of the best law firms for wellness, the ABA Well-Being Pledge Campaign](#)) to help you evaluate firms and see which aspects of the ratings align authentically with you so that your professional dreams and needs are realized.
- Learn more about the well-being in law crisis as it affects law students by listening to the seven-part podcast series, [The Path to Law Student Well-Being](#), created by the ABA Commission on Lawyer Assistance Programs.

2. ASSESS THE FIRM'S CULTURE AND THE PRIORITIZATION OF THE WELL-BEING OF ITS PERSONNEL

Better understanding your prospective employer's approach to well-being will allow for more informed decisions about the type of work environment you choose and increase the likelihood of it being a good fit over time.

- Reviewing a firm's website for declarations regarding well-being of employees, benefits and programs is just the beginning of learning about a firm's work culture. Dedicate time to looking at ALL the offerings by an employer and ask questions such as these:
 - Do the employer's core values match yours? A firm will typically advertise their guiding values and mission on their website. In the absence of this transparency, ask about this topic during your interview process.
 - What do others say about this employer? Can you interview current or past employees to find out the truth of how employees are treated?
 - What does your gut tell you about the employer? How does this information sync up with the well-being indicia that you researched?
- [NALP](#) (formerly known as the National Association for Law Placement) also provides valuable guidance regarding well-being issues for those involved in the job search process.
- Spend time compiling any questions and comments you have about an employer and then go through your network for answers. [LinkedIn](#) can be most helpful in finding a current or former employee who is willing to provide objective feedback.

B. WOMEN LAW STUDENTS AS CHANGEMAKERS IN THE PROFESSION

The Stress Drink Leave study found that younger lawyers were two to four times more likely than their older colleagues to report moderate or high stress. The distress of young lawyers is a natural result of distress levels of those in law school. A [major study of law students](#) published in 2021 showed that rates of those coming into law school with depression and anxiety had increased significantly since an earlier study conducted by the same authors in 2014. New questions asked in 2021 showed that 70% of students reported experiencing at least two or more types of trauma, with at least a quarter of these respondents having a score high enough to recommend evaluation for PTSD. Most concerning of all, nearly 70% of respondents reported needing help in the prior twelve months for mental health problems, up 42% from 2014.

Given the difficulty new lawyers can have with onboarding to a law firm, law schools can and should play an increased role in better equipping their students for the stresses of the legal profession. In fact, [academics](#) have begun to posit that law schools have an ethical duty to ensure they are creating a learning experience that promotes law student well-being and prevents a decline in their psychological health.

If you are a law student, please know that you are empowered to advocate for programs and practices that will go towards creating a culture of care rather than one of competition, ones that will help you maintain well-being over the course of both your law school and legal career. The aim is to support you and your fellow students in graduating with a sense of well-being and having tools to use to support your well-being as you begin your practice. Likely, the best first contact in these efforts will be your dean of student affairs.

In 2017, the National Task Force on Lawyer Well-Being launched the current well-being in law movement with the groundbreaking study titled, [The Path to Lawyer Well-Being: Practical Recommendations for Positive Change](#), which set out nine recommendations directed at law schools for improving student well-being. In your advocacy, you may suggest that your school adopt or consider the following strategies which are based upon that report:

- Incorporate well-being into the curriculum by either offering a well-being class as a required (or at least “for credit”) course or including the topic in courses on professional responsibility. For more detailed information on implementation of this idea, see [this article](#) by University of Miami School of Law Dean of Students Janet Stearns.
- Conduct an anonymous well-being survey of the student body to determine rates of disorders, barriers to accessing help, needed resources, etc.
- Provide confidential peer support groups for students who may be struggling with the effects of chronic stress or other behavioral health concerns, as well as a student organization dedicated to mental health issues.
- Embed a mental health counselor from either the main campus mental health center or the [state’s lawyers assistance program](#).

- Hold social events that are not centered around drinking alcohol so that those who do not imbibe (for reasons related to health, religious beliefs, addiction, etc.) may also be included in the event.
- Work to reduce the stigma associated with mental health and substance use problems, and to promote help-seeking by students by hosting regular well-being events and sending student body-wide communications on behavioral health topics.

The ABA Committee that governs law school standards adopted [revisions to Standard 508](#) (effective February 2022), with implementation being mandatory by fall 2023. Look to see how your school is implementing requirements that schools provide all students with information about or services related to mental health, including substance use disorder. Interpretation 508-1 also directs law schools to mitigate barriers or stigma to accessing such services within the law school and wider legal community.

“Take care of yourself’ messages do little for students who feel as though they are drowning. Law schools need to forge a culture in which self-care is not only possible but also valued.”

— Jonathan Todres of Georgia State University College of Law, in [Bloomberg Law, 2022](#)

C. SPECIAL CONSIDERATIONS FOR WOMEN LAWYERS SEEKING NEW EMPLOYMENT

As a lawyer, you should and can advocate for policies, practices, and programs at your workplace that will promote – rather than diminish – your well-being. Change in any setting does not happen without advocacy and access to information from those who work there. Regardless of the size of your practice and firm, consider spearheading, or at least suggesting, in-depth and continuous training and coaching with respect to each lawyer’s well-being and person, peer support groups, more consistent attention to time off for rejuvenation, and a focus on healthy workplaces and processes. Many major law firms who are making a real effort to bring about change begin with the creation of a well-being committee which allows for a space for the firm’s other would-be well-being advocates to coalesce and strategize. Another common means to ensure the inclusion of well-being into the firm culture is to create a position dedicated to this topic.

IV. CONCLUSION

As revealed in the Stress, Drink, Leave study and others cited above, current trends in legal employment are pointing to a potential loss of some of the most talented and valuable legal minds, those of its women lawyers. Unless consistent and effective efforts are made to create a profession that is more sustainable for the humans that comprise its ranks, law is set to experience a backslide in diversity.

“A career in law should not be antagonistic to the full expression of lawyer’s humanity.”

— Patrick Krill, Stress, Drink Leave study

The detrimental humanitarian and corporate impact will be difficult to reverse. By supporting the well-being of its people – and allowing them to work in this esteemed profession while also honoring the basic tenets that make our humanity worth living – law firms and legal employers of all types can remain competitive, profitable, and desirable places to work for the absolute best minds.

APPENDIX A – ACKNOWLEDGEMENTS

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