

Flame Out: Preventing Burnout in the Legal Profession

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As a clinical psychologist working directly with judges, lawyers, and law students, I often see people who are unable to quantify the malaise they are experiencing related to the work they are doing. They often tell me they no longer like what they do, they feel more negative and pessimistic than before, they feel helpless and hopeless that things can change, they dislike the practice of law, and all of these feelings are impacting the work they are doing. What I also discover in the assessment process is that these feelings have been there for an extended period and continue to increase over time, leading them to feel depressed, anxious, and sometimes suicidal. Oftentimes, they combat these troubling feelings with alcohol, prescription medications, or other substances to minimize the discomfort and stress these feelings are causing in their lives. When talking to them, there is a great deal of shame and embarrassment over their livelihood and work causing them such distress and acute fatigue. They often feel angry and resentful that they are experiencing loss or problems in other areas of their life including relationships, social connections, and overall physical and mental health.

Unfortunately, these feelings are not unusual in the legal profession. Judges, lawyers, and law students experience mental health and substance use issues at unusually higher rates than the general population. In a survey conducted by the American Bar Association and the Betty Ford/Hazelden Treatment Center and published in 2016, self-reported numbers were staggering. With almost 13,000 lawyers responding, 28% of lawyers reported having depression, 19% reported having an anxiety disorder, 23% reported

¹ The Lawyers' Assistance Program's (LAP) mission is to help, protect, and educate our legal community about substance use, mental health, and wellness. If you or someone you know needs support with mental health or wellbeing, do not hesitate to contact LAP or your state bar. LAP services are cost-free and 100% confidential. You can contact LAP at gethelp@illinoislap.org, via phone at (312) 726-6607, or online at illinoislap.org.

experiencing chronic stress, and almost 21% reported having a substance use disorder.² How can it be that highly educated and respected professionals have such significant issues?

In May 2019, the World Health Organization (WHO) expanded the definition of “burnout” in its medical diagnosis handbook, the International Classification of Diseases, known as the ICD-11, and recognized it as an “occupational phenomenon.” While it is not classified as a medical condition, it is legitimized as a “factor influencing health status or contact with health services.”³ WHO defined burnout as “a syndrome conceptualized as resulting from chronic workplace stress that has not been successfully managed.”⁴ Further, it characterized burnout as having three dimensions:

- (1) Feelings of energy depletion or exhaustion;
- (2) Increased mental distance from one’s job, or feelings of negativism or cynicism related to one’s job; and
- (3) Reduced professional efficacy.⁵

The implication of recognizing burnout as a workplace hazard is a step in the right direction and adds legitimacy to the emotions that so many people experience in the workplace but particularly in the field of law. As legal professionals, we must recognize the fatigue and depletion that can result from the work that we do. Of course, mental health professionals must first rule out that a mood disorder, anxiety, or other stress-related disorders are not present but may also consider burnout as a huge contributor to some of the mental health symptoms that are being manifested, particularly when associated with our relationship with work.

Given the statistics from the 2016 ABA/Hazelden study suggesting that legal professionals are already struggling with significant mental health and substance use issues, it is critical that we first recognize that our work can be hazardous to our overall health. Stress in the profession is considered a norm. But when one out of four attorneys

² Patrick R. Krill et al., *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46, 51 (2016).

³ *Burn-out an “Occupational Phenomenon”: International Classification of Diseases*, WHO (May 28, 2019), https://www.who.int/mental_health/evidence/burn-out/en/.

⁴ *Burnout*, INTERNATIONAL CLASSIFICATION OF DISEASES (11th ed. 2018).

⁵ *Id.*

indicate they are experiencing chronic stress, this must be recognized as a huge problem for our profession, one that can lead to a deterioration in overall physical and mental health functioning. Additionally, stigma remains one of the top barriers for legal professionals and prevents individuals from getting help for their struggles. The ABA/Hazelden study also determined that few lawyers get help, despite acknowledging and recognizing they have significant problems.⁶ Legal professionals feel a tremendous amount of shame for needing help and often their work environments do not support them slowing down or even getting help. People who experience symptoms of burnout may minimize these feelings initially and then worry about taking time off to remedy what they are experiencing. Often, they work harder to try to combat these feelings.

Legal professionals have often referred to acknowledging mental health or substance use problems or treatment in the workplace as “career suicide.” Judicial applications, bar applications, and obtaining higher security clearance for certain jobs are often jeopardized if a person acknowledges a history of mental health or substance use issues or treatment. The WHO’s recognition that burnout is legitimate may be the first step to change, which is clearly necessary in our legal community. Legal professionals are fearful that obtaining help for their problems may make them look “weak” or diminish their ability to “climb the corporate ladder.” We must diminish and dismantle the belief that burnout is uncommon, not serious, and a sign of human frailty and weakness.

Burnout, once recognized, must be addressed by the person experiencing it. This is the first step to recovery. Having symptoms of burnout is not a sign of human frailty, but rather a sign of a dedicated, committed worker who has prioritized his work at the expense of his own personal health and wellbeing. We must prioritize self-care in our lives because it will lead to a belief that we have more control and self-efficacy over what happens in our lives. We often put off taking care of our needs in order to meet the demands and needs of the work force and others in our world, which increases the likelihood that burnout will result.

Legal professionals often experience unreasonable demands from the workplace, clients, and the profession. Managing the demands placed on us is critical to staying healthy and avoiding burnout. As

⁶ Krill, *supra* note 2.

problem-solving, high-achieving, compassionate people, we need to recognize that this sets the trap for burnout to develop. Working harder or longer is not the answer. This leads to a lack of perspective related to the work we are doing and how we define success. We must begin to recognize that oftentimes the workplace, and we as individuals, place unreasonable demands and expectations on ourselves and create a false identity associated with success. Money, power, title, and prestige as barometers for success, happiness, and life satisfaction often lead to feelings of dissatisfaction instead.

After recognizing there is a problem, self-care is the second step toward recovery. Adequate sleep and rest are critical for the brain to “recover.” Exercise and good nutrition help minimize the symptoms of burnout. We often cut corners in our self-care routine so that we have more time and energy for our work. Yet studies have shown that eating poorly and a lack of exercise increase maladaptive behaviors and increase physical and mental health functioning problems.

The third step toward recovery is increasing social connections with family, friends, and colleagues. Humans are socially connected beings and require positive support from others. The tendency toward isolation increases as burnout develops, and our feelings of depletion and exhaustion lead to the desire to avoid others, creating a perfect storm for more maladaptive behaviors, such as increased substance use, increased mental health symptoms, and sometimes suicidal thoughts. Every 40 seconds, we lose a person to suicide in this country. This is a horrific statistic that keeps increasing. Isolation increases the tendency for people to feel hopeless and helpless. By encouraging connection among legal employees and professionals and providing resources to them in times of need, it inherently gives permission for people to reach out for help and assistance without fear of repercussion.

Employers also need to take inventory of their workplaces and cultures. They need to determine if they are setting unreasonable expectations related to work hours, work expectations, and the overall health and wellness of the employees. Unfortunately, many legal settings talk about health and wellbeing in the abstract, without reviewing and changing their own internal policies, expectations, and cultures. Creating mentor/mentee relationships, a sense of community, a collegial work environment, a healthy work-life balance, and a sense of passion and purpose, and encouraging and promoting individual learning and growth, are all some ways employers can

increase health and wellbeing in their workforce. A workplace culture can be changed and can be built on a sense of community and shared purpose, leading to higher levels of resiliency among workers.

As legal professionals, we can no longer accept pushing through our distress as the solution. We need to take ownership—both individually and collectively as legal professionals—to minimize and decrease unhealthy behaviors and high levels of chronic stress in our work environments. As individuals, we need to seek help when we recognize early warning signs of deterioration, both personally and professionally. We need to be honest that our own internal barometers for success are not accurate and may be increasing burnout symptoms. We need to actively seek help and support from a mental health professional or human resource professional when individually we are not able to manage our symptoms.⁷

As an employer and profession, we need to recognize the serious health consequences from burnout and become engaged in proactive change within our work settings. Performance is not the ultimate criteria for success. We must look to individual and overall organizational health as the barometers for a healthy work culture. Encouraging legal professionals to thrive at work while meeting the demands of their job and knowing they have the support of their employer and peers, leads to higher levels of job satisfaction, an organizational culture of community and meaningful work, and more personal autonomy.

About the Author

Dr. Diana Uchiyama is the Executive Director of the Illinois Lawyers' Assistance Program (LAP). Prior to joining LAP, she was the Administrator of Psychological Services for DuPage County where she oversaw a DASA licensed outpatient substance use treatment program, including a Mentally Ill Substance Abuse (MISA program) and Seeking Safety program for individuals with substance use problems, who were also trauma survivors. While at DuPage County she also ran a 26-week Domestic Batterer Intervention Program for a court mandated population of clients.

Dr. Uchiyama has also worked for the Kane County Diagnostic Center, as both a Staff Psychologist and Juvenile Drug Court

⁷ LAP is always available to help in these situations and is confidential with immunity under Illinois Supreme Court Rule 1.6.

Coordinator, and has an extensive background doing court ordered evaluations including psychological, sanity, fitness, fitness to parent, and sex offender evaluations. She is a licensed sex offender evaluator in the State of Illinois. Dr. Uchiyama also conducts therapy with adults and adolescents. She has implemented numerous changes to court ordered programs both in Kane and DuPage County and is a SAMSHA certified trauma informed care trainer. She also has an Advanced Mindfulness Training Certificate in an effort to increase wellbeing among her clients.

Prior to obtaining her masters and doctorate in Clinical Psychology, Dr. Uchiyama was an Assistant Public Defender in Cook County working in various felony courtrooms at 26th and California in Chicago for over a decade. She obtained her law degree from Pepperdine University School of Law.