



Combating Depression in the Legal Profession

A Call to Arms

BY CATHERINE CHAN

Lawyers suffer from depression disproportionately among professionals. In 2023, the ALM Media Company, a provider of news and information focused primarily on the legal, insurance, and commercial real estate sectors, updated a survey of attorneys that was previously performed in 2022. Despite recent efforts by law firms to improve lawyer mental health, the 2023 survey found that 38.2% of lawyers were depressed, up from 35% in 2022.¹ The same survey found that 71.1% of lawyers had anxiety, an increase of 5% from 2022, and the number of lawyers who said they had another mental health issue more than doubled to 31.2% in 2023 from 14.6% in 2022.

The ALM survey found that 63% of lawyers thought mental health and substance abuse problems in the legal profession had worsened,

up from 55% the previous year. “Roughly one in two lawyers said they knew colleagues who were depressed or had another mental health issue, while 44% said they knew coworkers who struggled with alcoholism. And nearly 15% said they knew someone in the profession who died by suicide in the past two years.”²

The *Journal of Addiction Medicine*, in February 2016, reported that lawyers suffer predominantly from depression, followed by severe anxiety, leading to high instances of “problematic drinking,” particularly for lawyers under 30 years old.³

How Depression Affects Everyday Life

According to the National Institute of Mental Health, “depression is a common but serious mood disorder. It causes severe symptoms

that affect how a person feels, thinks, and handles daily activities, such as sleeping, eating, or working.” Depression can be classified as “major depression, major depressive disorder, or clinical depression.”⁴ To be diagnosed with depression, symptoms must be present for at least two weeks.

Signs and symptoms of depression vary from person to person but may include:

- persistent sad, anxious, or empty mood
- feelings of hopelessness or pessimism
- feelings of irritability, frustration, or restlessness
- feelings of guilt, worthlessness, or helplessness
- loss of interest or pleasure in hobbies and activities
- fatigue or lack of energy
- difficulty concentrating or making decisions
- difficulty sleeping
- changes in appetite or weight
- physical aches or pains, headaches, or digestive problems that do not have a clear physical cause and that do not go away with treatment
- thoughts of death or suicide or suicide attempts
- increased anger or irritability
- becoming withdrawn, negative, or detached
- increased engagement in high-risk activities
- greater impulsivity
- increased use of alcohol or drugs
- isolating from family or friends
- problems with sexual desire and performance
- the inability to meet work or family responsibilities.

Dr. Abraham Maslow’s “hierarchy of needs,” a theory of psychological health predicated on fulfilling innate human needs in priority, identifies basic needs as physiological needs (food, water, warmth, and rest) and safety needs (security, safety). Psychological needs are defined as belongingness and love needs (intimate relationships, friendships) and esteem needs (prestige and feeling of accomplishment). The top echelon of the hierarchy includes the

self-fulfillment needs of self-actualization (achieving one's full potential, including creative activities).

Depression can negatively affect each of these hierarchies. For example, it can affect physiological needs by disrupting sleep or making it difficult for the person to relax or rest. It can impact psychological needs by causing the person to withdraw from relationships or by disrupting the person's functioning so much that they begin to question their self-worth. And finally, it can make self-actualization nearly impossible as the person struggles to cope with their symptoms.

How Lawyers May Become Depressed and What to Do About It

Of course, life outside the law can contribute significantly to depression. Major life events such as divorce or the death of a loved one can be precursors to major depression. At the same time, significant adverse childhood experiences can contribute to a person's proclivity toward depression. Within the profession, some indicia have been traced to possible sources of depression, including billable-hours requirements, inordinate expectations from superiors and clients, the confrontational nature of the practice of law, and personal and vicarious trauma.

Self-acknowledgement is the first step for people suffering from depression. A recommended next step is to consult with a mental health professional. Beyond that, it's important to abandon ideas of perfection, as expecting to execute all tasks without mistakes will invariably worsen underlying mental health conditions. In fact, all attorneys should prepare themselves for failure. There is usually a higher level of review that can undo your work (e.g., the US Congress upon the US Supreme Court justices). The law is not stagnant, it progresses and regresses, and an attorney's role is to guide the law without the right or obligation to be its ultimate determinant.

Attorneys can also benefit from living according to their values. For example, a transactional attorney may harbor needs for humanitarian endeavors but find this value lacking in their day-to-day work. Pro bono efforts can provide a mechanism to introduce humanitarian work to all lawyers. Identifying the need for and

negotiating a sabbatical on regular cycles can go a long way toward alleviating the burnout that most lawyers experience at work.

Additionally, attorneys should be willing to put just as much effort into their well-being as they would into a case. This self-care should include a lifetime of learning, whether it be learning about themselves, learning about effective emotional and mental health practices, or learning how to better understand and communicate with others.

An adaptive and empathetic attorney can reap emotional and mental health rewards. Treating yourself with dignity and respect will flow into your actions, allowing you to provide the same for others. Learning how to develop emotional agility may hold back the tsunamis of emotions that can accompany an attorney's life. Setting secure boundaries for yourself can stem the tide of indignities that can occur, disrupting moods that can turn dark very quickly. Exercising humility can allow for a graceful acceptance of your own shortcomings, along with those of others, thus prioritizing healthy relationships with yourself and other human beings.

Many years back I picked up a book with a cheeky title from a bookstore: *Why Your Life Sucks and What You Can Do About It*, by Alan H. Cohen. The author offers 10 reasons, with accompanying advice, as to "why your life sucks":


1. You give your power away.
2. You expect it to suck.
3. You get fooled by appearance.
4. You waste your energy on things that suck.
5. You keep trying to prove yourself.
6. You say yes, when you mean no.
7. You think you have to do it all yourself.
8. You try to fix other people.
9. You starve your soul.
10. You forgot to enjoy the ride.

The ideas in this book are not a cure for depression, but they provide a roadmap to identify what might be keeping someone stuck in a difficult phase of their life, and to identify how they might inadvertently be actively contributing to their own sadness.

We don't know what any given attorney may be suffering on a given day. We do know, however, that many of us suffer in our profession. With that knowledge, we should offer empathy

to ourselves and to our peers, we should seek out ways to self-soothe that are not harmful, and we should be vigilant toward helping ourselves and our peers when the dark clouds of depression do not part in our lives.

Recently on an attorney portal on a social media website an attorney's name was identified as having received a reprimand from the state attorney regulation counsel. That attorney committed suicide the next day. While we don't know everything that could have affected the attorney's decision to end his life, we can suppose that the public shaming of his name may have been one factor. I wish I was on that social media platform. I would have called that attorney and offered him solace and a listening ear for his frustration and sadness. I would have reminded him that all attorneys experience failure in their careers, and that this failure was not the identifying mark of his profession. I would have empathized with his shame and reassured him that it was something he could overcome.

I hope that attorneys pause and offer of themselves when they can lend support to another struggling attorney. I hope that attorneys don't dismiss their persistent feelings of sadness and that they find ever-innovative ways to help themselves, and our profession. 

NOTES

1. Roe, "There's a Lot of Backlog to Address: Why Mental Health in the Legal Profession is Getting Worse," *Amer. Law.* (May 18, 2023), <https://www.law.com/americanlawyer/2023/05/18/theres-a-lot-of-backlog-to-address-why-mental-health-in-the-legal-profession-is-getting-worse/?sreturn=20240930100533>.

2. *Id.*

3. See Krill et al., "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys," 10(1) *J. of Addiction Med.* 46 (Jan./Feb. 2016), https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx.

4. See National Institute of Mental Health, "Depression," [https://www.nimh.nih.gov/health/topics/depression#:~:text=Depression%20\(also%20known%20as%20major,is%20born%20is%20postpartum%20depression.](https://www.nimh.nih.gov/health/topics/depression#:~:text=Depression%20(also%20known%20as%20major,is%20born%20is%20postpartum%20depression.)