

US Law Week

How Law Firms Can Help Litigators Foster Mental Wellness

By Elizabeth Ortega

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Help Litigators Foster
Mental Wellness

Litigators often have a gladiatorial mindset that can impair their mental health, argues legal communications consultant Elizabeth Ortega, principal of ECO Communications in Florida. She suggests some positive steps law firms can take to improve litigators' well-being.

Litigators live lives of unrelenting pressure. Consider the tension between winning, achieving, and appearing brilliantly perfect, composed and poised on the one side—and experiencing skepticism, insecurity, and fear of defeat on the other.

The chase, the hunt, and the heavy armor come at a cost. They take root in the self, infect family life and extend to the workforce and society as a whole.

Frequently handling trauma-exposed litigation, litigators pay an unseen cost to uphold justice. Generally, they lack trauma-specific training and the tools to detect and address the mental changes that result from stress.

In its quest for success, the legal industry has normalized dysfunctional practices.

Advocates are starting to break the silence. A recent survey of lawyers and staff from around the world on mental health and law firms found that three-fourths of respondents, about 74%, indicated work environments contribute to mental health issues.

Leadership is in the business of making decisions to drive the success of their firms and its lawyers. Correspondingly, leaders must offer the supportive resources needed to reconceptualize dealing with stress from a litigator's mindset.

How 'Gladiators' Can Deal With Stress

Recently, English professional mixed-martial artist Paddy Pimblett, recognized as "The Baddy," took a giant leap toward promoting well-being. In a poignant moment after a personal triumph, he vocalized his pain from a mate's death by suicide.

"Ricky, lad, that's for you," he said. And a door to wellness swung open.

He humanized a tough public persona by embracing a healthy identity while inspiring others to follow suit.

As Kevin Iole, a combat sports columnist wrote: "No one should ever feel too macho to talk about how they're feeling or to seek help for problems that seem overwhelming. There's *always* help and *always* someone who cares, even if it doesn't seem like it. That's where sports stars and celebrities come in. They can remind us that it's OK, that mental health issues are just a part of life and that the right thing to do is to *always*—seek out help."

As the legal community seizes the mental wellness narrative, more people will openly discuss systemic challenges in law and drive change around emotional health and cooperation. For example, Ontario, Canada's Chief Justice George Strathy co-authored a paper about the tension between mental health and the widely accepted myth of the invulnerable legal gladiator.

Professional fighter The Baddy used his mental strength to articulate the importance of speaking the unspoken parts aloud. He humanized a tough public persona by embracing a healthy identity while inspiring others to follow suit.

A chief justice and a professional UFC fighter grasp the concept of mental health—litigators and law firm leadership need to as well.

Here are some truisms about working in the legal arena:

1. To survive the inherent stresses of litigation, lawyers adopt a fighter's persona. They're self-consciously unbreakable and invincible, since the alternative appears weak and signals vulnerability to adversaries or, even worse, to clients.
2. 69% of 1,700 lawyers reported symptoms of anxiety, low mood and depression, according to a 2021 survey report by the well-being charity LawCare.
3. Lawyers keep quiet about mental health. A study by the International Bar Association revealed that of 3,000 surveyed, 41% said they would not discuss the topic with their organization for fear of stigma, bullying or backlash.

Advocacy is about influencing authority through common sense, creativity, and straight talk. Leadership can apply this to mental health and break the cycle of silence.

Healthy Management

Trailblazing law firms and others are emphasizing healthy management.

US Bank and seven law firms launched a pilot strategy to drive communication and work-life balance for outside counsel relationships. Clifford Chance recently welcomed its first head of well-being to establish and effect its inaugural global well-being plan. And Canadian law firm Bennett Jones runs a program to prioritize wellness and equalize work and life principles.

Here are some steps law firms can take to protect litigators:

1. Engage publicly in mental health dialogue. This demonstration of acceptance will not only normalize emotions, but destigmatize mental health issues by raising awareness.
2. Create and implement a mental health policy along with a designated committee to oversee preventative resources, confidential peer support and a safe, stigma-free workplace culture.
3. Go back to basics. Remember that lawyering is about teamwork. No one is completely self-sufficient; a sense of community contributes greatly. Take steps to instill one and pay it forward.

If a client submits a query outside the time constraints of a trial, the lead lawyer on the file should be able to verify that it's all right to answer within a reasonable time frame.

Should someone on the team be overwhelmed, constantly seek to spread the caseload equitably among the team.

If a teammate is struggling mentally, listen and talk to them. If possible, share a relatable story. Show how you were able to meet and master a similar encounter.

As dialoguing about mental health becomes standard practice within the legal circles, litigators may come to accept that they are not isolated, but rather part of a supportive network. They may be impacted differently by demands, but their strength is in joint effort and action as we are all part of a physiological and emotional system.

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