

How a NY Lawyer Lost His Job Because of Depression and Anxiety

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By Peter Lobl

Soon after becoming a fourth year corporate associate, Steve lateraled from a large regional firm in the Southwest to a big law firm in New York City. Steve was originally from the Northeast, and he moved to the New York area to be closer to friends and family. Steve went to a top ten law school, considered himself a good lawyer, and was initially excited at the prospect of this relocation. During the first week at his new firm, he received an orientation by HR, some of the partners in the corporate department dropped by to introduce themselves and he was soon put on a couple of transactions.

As his first year at this new firm progressed however, Steve's work performance began to decline and his hopes about the new job gradually dimmed. It took more and more effort for Steve to get out of bed and head to work each morning, and he began to dread the elevator ride to his floor, the walk down the long corridor to his office, and the long hours he spent every day alone in his office before the computer. Steve wanted to engage with other Associates, but he also felt increasingly alienated and sluggish, and as a result, he tended to avoid contact with others.

Steve knew something was not right with him, and he knew that - whatever it was - it was getting worse. During this period, he marveled at those Associates who seemed to “glide through the corridors” and through their assignments as if the law firm was their natural habitat, and he remembers thinking “why can’t I be more like that?” Some Partners at the firm were probably asking themselves the same question – about Steve.

At his annual review, Steve received negative feedback about his performance and he became acutely anxious that his job was in jeopardy – which it was. It was at about this time that Steve and I started working together in psychotherapy. Over the course of the next few months, Steve was let go from the firm, and his condition worsened. In time however, Steve emerged from his depression, gained some perspective on this chapter of his career, and found a work environment that fit his temperament and personality better.

The partners at this firm probably saw Steve as a lateral Associate who just didn’t work out: He overlooked too many details, took too many breaks during deals, and wasn’t proactive enough. At the time Steve was let go several years ago, the effects of depression, anxiety and substance use on attorney wellness were even less on the legal community’s radar than they are now.

In August 2017 the American Bar Association’s National Task Force on Lawyer Well Being published its report “The Path to Lawyer Well-Being: Practical Recommendations for Positive Change.” In this report, the task force included results from a 2016 study with nearly 13,000 participants composed of practicing lawyers. This study found “between 21 and 36 percent [of participating lawyers] qualify as problem drinkers, and that approximately 28 percent, 19 percent, and 23 percent are struggling with some level of depression, anxiety, and stress, respectively.” Much of this ABA report consists of specific recommendations for improving the training and working

environments for law students and lawyers. Sections 24 through 26 of the report consist of recommendations specific to legal employers.

High rates of depression, anxiety, and alcohol use among practicing attorneys have been attributed to a variety of factors including lawyer personality traits, the arduous nature of legal work, and the pressure of legal environments. In Steve's case, his depressive symptoms were attributable in part to temperamental predispositions. Lateralizing to a new law firm also set the stage for Steve's experience of alienation.

Though Steve's temperament and decision to lateral contributed to the emergence of his symptoms, I believe his clinical depression was made more likely due to contributing environmental factors. As mentioned above, much of the ABA's report comprises specific recommendations for changing lawyers' learning and working environments; the report thus implicitly identifies those environments as having a significant influence on lawyers' mental health. During the course of my years of clinical practice and based on my own experience as a former Associate at big law firms, I've come to distill these contributing factors to two principal ones: isolation and uncertainty.

Isolating is what people do when they get depressed. But the process can also happen in reverse: if people remain isolated, they are more likely to get depressed. As for uncertainty, it comes from not knowing; uncertainty can lead to pathological anxiety as an uncertain mind develops multiple, stressful scenarios that fill in the gaps of what is not known. If lawyers spend most waking hours in an environment where they are isolated and feel uncertain, they will be more likely to get depressed and anxious than the norm. To cope with or escape from the distress of depression and anxiety, some of them will drink.

Uncertainty may be an intrinsic part of current law firm structures and practices. The uncertainty is long term (will I make Partner? Will they let me stay?) and near term and constant (when and from whom will I get my next assignment? When it comes, how long will it last? What personal plans can I make and not make?). Though this is not the focus of this article, I believe there are some things law firms could do to decrease uncertainty - for example: establish specific, transparent, and healthy parameters for billables; assist each Associate with developing (and with updating) a plan for meeting those billable requirements; adopt uniform, firm-wide protocols for imposing deadlines and assigning work; develop a skills-based training program as an incentive for Associates to remain at the firm, especially if making Partner is not in the cards for a particular Associate.

If uncertainty is just part of working in an intense, high pressure environment where people pursue professional excellence, I don't see why isolation need be an element of that mix. Being an esteemed, serious professional organization and being a workplace that promotes a humanistic culture and professional connections amongst its employees are not inherently antithetical propositions. Promoting connections amongst lawyers would alleviate experiences of isolation, decrease environmental factors contributing to depression, and promote lawyer well-being. In addition, research published in occupational and organizational psychology journals show that promoting new hires' connections to an organization are related to stronger commitment to the organization and to decreased rates of voluntary turnover. To promote professional connections, I have two main suggestions: 1) integrate group cohesion exercises into the orientation of all new hires - be they first year Associates or laterals - and 2) commit to a strong, well defined mentoring program for Associates.

In addition to my private practice as a Clinical Psychologist, I also work as faculty in a Family Medicine residency program that has developed structured, orientation exercises aimed at fostering cohesion and connections among its incoming classes of residents. Residency training is rigorous and can at times be demoralizing. By promoting group cohesion and connections amongst residents at the start of residency, the residency program makes it more likely that residents will support one another during those distressing residency experiences.

The first few years as a law firm Associate and the years of medical residency training share many similarities in regards to the stress of transitioning from academic life to work life and the adjustment to authority structures, work and learning pressures, and professional responsibility. In order to help Associates adjust to their work lives, law firms could also develop structured orientation exercises aimed at fostering group cohesion and connections amongst its new hires.

Some law firms are also developing mentoring programs, and such mentoring can help with Associates' professional development and with their socialization to the firm. To develop a substantive mentor-mentee relationship, it's often less about what you do than about how you do what you do. Effective mentoring requires dedicated and protected time; it should be done by lawyers who want to mentor and who possess the applicable interpersonal skills.

Just fifteen minutes of dedicated attention per week by an engaged, interested mentor would likely make a big personal and professional difference to a mentee. Such attention would likely also facilitate stronger organizational commitment to the firm by the Associate. But meetings in which the mentor's attention is divided amongst the mentee; the phone; the computer screen; and interruptions by support staff and other attorneys send a clear message to the mentee about the significance of the meeting to the mentor and to

the firm. Meetings of this kind undercut the rationale in initiating the mentor-mentee relationship in the first place. The foregoing mixed messages can however be minimized with training, specific protocols, and unequivocal top down commitment to mentoring.

Uncertainty and isolation are the birthplaces for anxiety, depression and substance abuse. Living with uncertainty about day to day work and about one's career path may just be part of big law firm practice. But why should isolation also be a part of such practice? There are some concrete steps law firms could take to decrease such isolation, foster connections amongst lawyers, and promote group cohesion within Associate classes. Decreasing isolation amongst lawyers would shrink depression's breeding ground. Promoting connections amongst lawyers - both peer-to-peer and mentor-to-mentee - would help decrease rates of voluntary turnover and strengthen organizational commitment to the law firm.

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