



Lawyers Need Love, Too

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Apr 6, 2010, 09:26 PM

There aren't too many professions more maligned than the legal profession. In an August 2009 Gallup Survey, only 25% of Americans had a positive view of lawyers. Only three industries – real estate, the automobile industry, and oil and gas – received lower ratings. In the throes of a recession fueled by Wall Street greed, even bankers scored better than attorneys in the Gallup Poll (by three percentage points).

Lawyers have taken a real pounding in this troubled economy as well. According to Sageworks, a provider of private company data, law firms saw their "sales" drop 21% for 2009. That put them in the dubious position of ranking as the second worst business of the year, behind only the wood product manufacturing industry's 26% sales decline. In the two years since the start of the recession, the legal sector lost 55,900 jobs, according to the Bureau of Labor Statistics. In 2009 alone, 12,196 people were laid off by the nation's largest law firms – the worst year on record. The 10 largest law firms in the country accounted for roughly 16% of the total layoffs.

And with the specter of job uncertainty staring them in the face, one would think that would-be lawyers would slow their mad dash to gaining a J.D. Unfortunately, just the opposite is true. Applications to ABA-accredited law schools increased by 5% for the 2010 incoming class, according to the Law School Admissions Council. Last September, more than 60,000 students lined up to take the Law School Admissions Test (LSAT) – more students than have ever taken a single administration of the LSAT in the history of the exam. That represents the largest percentage increase in about 8 years.

For these incoming law students, it's a six-figure bet that there will be a job – and one that pays enough to take care of a crushing amount of student loan debt – waiting at the end of the rainbow. That bet has become riskier in recent years as the legal job market worsens, and even students from top tier law schools and students with good grades and the prestige of law journal experience report a tougher time finding employment. A recent LexisNexis survey found that, as a result of the changing legal marketplace, 21% of the law students polled wished they had not gone to law school. The Internet is rife with angry blogs like "Exposing the Law School Scam" and "Third Tier Reality," where frustrated law students discuss the glut of lawyers, high law school tuition and student debt, and the unrealistic expectations many individuals have about attorney compensation and lifestyles.

In the midst of all of these negative reviews, at least one person wants you to show lawyers a little love. Steve Hughes – a non-lawyer, I hasten to add – has campaigned

for and gotten April 13th recognized as “National Be Kind To Lawyers Day.” Strategically placed after April Fool’s Day but before April 15 (Tax Day), Hughes wanted a day to honor the approximately 1,143,358 active and inactive lawyers in the U.S. (about 100,000 in Texas alone). Among Hughes’ suggestions for commemorating the day are taking a lawyer you know to lunch, thanking a lawyer who’s helped you in the past, or simply refraining from telling lawyer jokes.

The fact of the matter is, there’s a lot more reason to show lawyers a little kindness than you think. According to a 1990 Johns Hopkins University survey of over 12,000 workers encompassing 28 occupations, lawyers were the most likely to suffer from depression; in fact, they were almost four times more likely to experience depression than the average worker. Clinical studies show that, at any given time, anywhere from 3 percent to 9 percent of the population may experience depression. A research study of lawyers in the state of Washington, on the other hand, revealed that 19% suffered from depression. And in 1991, a survey conducted by the North Carolina Bar Association showed that nearly 20% of the attorneys responding exhibited symptoms of clinical depression, with almost 12% confessing that they contemplated suicide at least once a month.

Indeed, the American Bar Association reports that suicides among lawyers are two to six times the rate of the general population. Back in 1992, the National Institute of Occupational Safety and Health’s Annual Report found that male lawyers between the ages of 20 and 64 were at least twice as likely as the general population to commit suicide. For years, suicide has ranked among the leading causes of premature death among lawyers. In addition, when you examine the risk factors for suicide – factors like depression, anxiety, stress, divorce, alcohol and substance abuse – lawyers experience many of these at rates consistently higher than the general population. A study in one state concluded that 18% of the lawyers responding had drinking problems, a statistic roughly double what was expected.

Why do lawyers seem more prone to this than anyone else? Consider the personality traits of those drawn to the legal profession. Lawyers are more likely to be driven by perfectionism and competitiveness. Such traits drive us to excel – in college, in law school, and our careers. Yet at the same time, these qualities have a dark side. They make a person less likely to seek help, for one thing. And experts on stress management and suicide have observed that perfectionists “are driven by an intense need to avoid failure . . . [and] are unable to derive satisfaction for what ordinarily might be considered even superior performance,” as noted by Dr. Sidney Blatt in the journal *American Psychologist*. This chronic feeling that nothing is good enough, a hallmark of perfectionism, is part of a recipe for disaster that includes not just emotional factors but chemical ones as well. Perfectionism causes levels of the stress hormone, cortisol, to rise; chronically high levels of cortisol have been linked to a variety of health problems, including depression. When a mistake is inevitably made, perfectionism magnifies that sense of failure.

In addition to the personality traits of those drawn to the legal profession, the nature of the work itself accounts for many of the stress factors that contribute to depression. The legal system itself is adversarial and conflict-driven by nature – the other side is out to prove us wrong. There are time constraints and deadlines at every

corner, with the work being performed always under scrutiny – from opposing counsel, the courts, even our clients. The stresses can be high, involving not just the loss of property or money in the civil arena but for criminal lawyers the loss of a client's freedom or even his life. Our professional training demands that we anticipate the downside of situations, forcing us to be attuned to the negative. These are just a sampling of the factors that "come with the territory" for lawyers.

Suicides by lawyers in the past year have focused new attention on these issues, pulling them out of the shadows. Last April, Mark Levy – the head of a large law firm's Supreme Court and appellate advocacy practice group – died in an apparent suicide at his law office in Washington, D.C. Levy had a resume that any lawyer would envy, including stints in the government and arguing 16 cases in front of the U.S. Supreme Court. Yet his business had suffered due to the recession, and he was among 24 lawyers being cut by his firm in its latest round of layoffs. In Connecticut, attorney James Ripper had spent his 37-year career focusing on commercial and residential real estate transactions as well as zoning matters. With the real estate market in a death spiral, Ripper's practice dwindled. On November 13, 2009, he hanged himself in his Wethersfield, Connecticut home. According to Mark Dubois, the chief disciplinary counsel for the Connecticut bar, "It appears he saw no way out." In a tragic, ironic twist, Ripper's office was just down the street from Lawyers Concerned for Lawyers, a crisis intervention service for members of the Connecticut bar.

Closer to home, on January 18, 2010 Houston attorney John Mason Mings committed suicide, shooting himself on a beach in Galveston. The 45 year-old seemed to have it all, at least professionally; since 2008, the well-regarded intellectual property litigator whom colleagues called "brilliant" had been a partner at Baker & Hostetler since 2008, and before that was a long time partner at another large firm, Fulbright & Jaworski. According to Lisa Pennington, the managing partner of Baker & Hostetler's Houston office, "We just didn't see it coming."

For lawyers like Mark Levy and James Ripper, it's easy to point to the troubled economy as a significant factor in their decisions to take their own lives. Indeed, the American Bar Association began sponsoring a continuing legal education program on lawyer suicide prevention last May, entitled "What Lawyers Need to Know About Suicide During a Recession: Prevention, Identity and Law Firm Responsibility." But the fact of the matter is that, regardless of the condition of the economy, the very nature of the legal profession and the personality traits of those drawn to it put lawyers at greater risk for suicide risk factors like depression.

It only takes one person to make a difference in someone else's life. Lawyers already suffer from a lousy image in society's eyes. Be kind to lawyers, whether it's April 13 or not. And if you know one who needs help, or if you're an attorney in crisis yourself, there are resources out there, such as the State Bar of Texas Lawyer's Assistance Program (1-800-343-8527) or the National Suicide Prevention Lifeline (1-800-273-8255). No matter how frayed your rope may seem, there are others out there to help pull you back.