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### THE LAW CAN BE DANGEROUS TO LAWYERS' MENTAL HEALTH

John Lande

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## THE LAW CAN BE DANGEROUS TO LAWYERS' MENTAL HEALTH

FEBRUARY 17, 2020 | JOHN LANDE | 2 COMMENTS

I've said it before and I'll say it again. The law can be a very dangerous thing.

Although the legal system inevitably is imperfect, it sometimes provides important benefits such as helping people solve difficult problems, making institutions function properly, and promoting justice.

Unfortunately, the litigation process needed to achieve these goals often is extremely stressful for litigants, as Michaela Keet, Heather Heavin, and I describe in our book, *Litigation Interest and Risk Assessment: Help Your Clients Make Good Litigation Decisions*.

And lawyers often experience vicarious trauma from representing clients, so says a new article in the ABA Journal, *When Caring Costs You: Lawyers Can Experience Vicarious Trauma from Work*.

The article lists various areas of practice where clients – and thus lawyers – are especially vulnerable to trauma, including bankruptcy, criminal law, personal injury, and family law. But intense, prolonged conflict in any type of dispute can be stressful for everyone concerned.

That's one of the reasons that so many of us have been attracted to the dispute resolution field – to reduce the damage caused by conflict and litigation. **Not only parties suffer stress, but also do lawyers, law students, and law professors.** So we all need to take care of ourselves and others.

The ABA Journal article concludes: "Vicarious trauma, along with other mental illnesses, needs to be discussed starting in law school, and seeking help for these issues should be normalized. On an organizational level, law firms, bar associations, public defender offices and district attorney's offices should regularly address lawyer well-being and make it a priority. Lawyers are not immune from mental health issues, and struggling with vicarious trauma isn't a personal failing. It's simply a sign that you're human."

## 2 THOUGHTS ON “THE LAW CAN BE DANGEROUS TO LAWYERS’ MENTAL HEALTH”

**Curtis Edwards**

APRIL 22, 2020 AT 10:32 AM

The mental health hazards of a career in law have been something lawyers have known about for a long time but I think law students and the public in general have little awareness of.

I think the article makes an important point about de-stigmatizing mental health issues and normalizing seeking help. The military has made great strides in this arena over the past 20 years and I think much could be learned from examining the approach our military branches took.

I think lawyers neglect to seek help for many of the reasons that military personnel neglect to seek help. They fear it may jeopardize their career, it will make them look weak, their security clearance or license in the case of lawyers will be impacted.

Addressing how to encourage lawyers to seek help is important but equally important is preventing the mental health issues from arising in the first place. I think the more widespread adoption of ADR could make a significant impact. I believe the ADR environment naturally puts people more at ease, taking them out of the stress inducing fight or flight mode they would be in throughout litigation.

Lawyers are just as much a part of the litigation process as the plaintiff and the defendant but we often only consider the effect a court battle will have on the litigants. Perhaps the impact on the lawyers fighting the battles in the courtrooms is something our justice system should start considering before we send cases to trial and truly consider if ADR may produce a better result, not only for the parties, but for lawyers as well.

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**Nicholas Lubenow**

MARCH 16, 2020 AT 10:27 AM

I think that this is a truly monumental issue in the field of law. As was briefly mentioned, this is certainly an issue that needs to be tackled while students are going through law school. Some students develop mental health difficulties while in law school, only to find

those difficulties exacerbated once they begin practicing as attorneys. While there is likely no real possibility of creating a stress-free career in the law, we should at least be giving students strategies and resources to deal with the stress and mental trauma they develop while in law school, and also prepare them to navigate the additional stress that they'll take on while in practice.

For practicing attorneys, the benefits of ADR cannot be understated. Avoiding long, acrimonious litigation is certainly one benefit of ADR, and avoiding that sort of litigation would do wonders for the mental health of many attorneys. Additionally, the ability to cultivate more positive relationships through the ADR process would help combat some of the negative emotions that attorneys face on a daily basis.

As a group, we owe it to ourselves, and to the next generation of attorneys, to make the legal field a healthier place to work.

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