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**“When we put the canary down into the coal mine and the canary starts having problems with breathing and living and functioning, we don’t say ‘Oh shoot, how do we make that canary more resilient?’”**

## **Canaries in the Coal Mine: Working Together to Reduce Burnout in the Legal Profession**

*By Bryan Welch*

“I feel tired all the time. I can’t seem to get started on the things I need to do. I feel angry and irritated even when I’m home with my family. Nothing I do seems to help anyone—what’s the point? I can barely make myself go to work now—the thought of doing this for 15 more years is unbearable.”

Thoughts like these are often expressed by lawyers who come to the OAAP for help with what they see as a growing dissatisfaction with their work and are common signs of burnout. According to Christina Maslach, a professor of psychology at the University of California, Berkeley and one of the leading experts in this field, “burnout is a state of physical, emotional, and mental exhaustion, as well as cynicism and detachment from work.” Lawyers experiencing burnout usually have symptoms in all three of these dimensions. They may suffer from

physical ailments like fatigue or lack of energy, headaches and stomach problems, or panic attacks. They or their colleagues might notice mood shifts like irritability, anger, or withdrawal. Burnout fuels dissatisfaction, disillusionment, pessimism, and hopelessness. And burned out lawyers undergo emotional changes that often show up as numbness or disengagement from work and personal relationships, which in turn can lead to unhealthy coping strategies like increased substance use or misusing food, sex, or the internet.

## A Systemic Problem

Lawyers are particularly susceptible to burnout due to the high degree of stress that frequently comes with the profession. In a 2023 survey by the New Jersey Bar Association, lawyers reported burnout rates nearly twice that of the general population. Putting in long hours on weekends, expectations of availability outside normal business hours, and isolation all correlated with elevated levels of burnout. The unrelenting pressure to perform at an exceptional level, deliver outstanding results, and meet the demands of clients, colleagues, and the courts can be daunting and lead to feelings of inadequacy and frustration. In addition, a tendency toward perfectionism, the need for personal validation through achievement, and stressful life circumstances can all exacerbate this susceptibility.

It's critical to acknowledge that burnout diminishes cognitive function. Studies show that brain structures responsible for regulating attention, memory, logic, and other executive functions are impaired in people experiencing burnout. Medical imaging has revealed that the amygdala—the part of the brain that helps detect and manage response to threat—is larger in people exposed to chronic burnout. For lawyers, this all adds up to a heightened potential for mistakes, missed deadlines, and deteriorating relationships with clients and colleagues.

The decline in work satisfaction that comes with burnout also begets absenteeism and turnover, which can erode the overall efficiency of a law firm. In a recent Massachusetts survey of 4,450 lawyers, more than 75% of respondents reported experiencing burnout, and nearly half of those who responded had considered leaving their current job—or the legal profession—in the past three years. Burnout rates were even higher for women, caregivers, and members of marginalized groups. Paula Davis is a lawyer and coach who specializes in helping lawyers overcome burnout and authored the book, *Beating Burnout at Work: Why Teams Hold The Secret to Well-Being and Resilience*. She notes that “burnout is not just a personal problem, it's a problem for the legal profession as a whole. Burned out lawyers are less able to

provide high quality representation to their clients, and this ultimately undermines the integrity of the legal system.”

Burnout is more than a person's inability to cope with work stress. It is spawned by a workplace environment in which the demands of the job chronically outweigh the resources available. Says Davis, “Burnout is an individual expression of a workplace culture / systemic issue, and it should not be labeled as a personal illness or defined in medical terms.” That is, burnout is not a problem solved simply by doing more yoga or eating more salad. It is a problem that will exist so long as the conditions that created it exist. Addressing burnout in the legal system therefore requires a two-pronged approach. The first is to eliminate the causes of burnout by changing workplace culture to lessen job demands and enhance job resources. The second is to develop personal strengths to mitigate the symptoms of burnout.

## A Culture Change

Efforts to prevent burnout need to start by assessing the work environment. As Jennifer Moss, author of the *The Burnout Epidemic: The Rise of Chronic Stress and How We Can Fix It*, says, “When we put the canary down into the coal mine and the canary starts having problems with breathing and living and functioning, we don't say ‘Oh shoot, how do we make that canary more resilient?’” Instead, we look at how to make the environment more sustainable. Maslach identified six primary environmental factors (job demands) correlated with burnout (what Davis calls “The Core 6”): unfairness; unmanageable workloads; lack of control or autonomy; lack of communication, support, and connection; lack of recognition and reward; and, finally, a disconnect between employee and workplace values. To offset the impacts of these demands, employers can work to provide greater resources in each of these areas.

**Fairness.** *Do employees trust their managers to be fair?*

Employees are less subject to burnout when decision making is transparent, isn't perceived as arbitrary, and gives them a voice; when rules and policies apply equitably to all regardless

of position; and when opportunities for advancement or desirable assignments are based on merit.

**Workload.** *Do employees have what they need to do their job well?*

Lawyers are used to being highly productive. However, mounting billable hour pressure, staffing reductions, inadequate or outdated office systems, lack of training, and an expectation of constant availability explain why many attorneys feel overburdened by the sheer volume of responsibilities. Do they have a genuine opportunity to “turn off” work obligations, or are they expected to be accessible and responsive 24/7?

**Autonomy.** *Do managers trust their employees to do what they need to excel?*

The ability to have agency over how one conducts their life is a basic human need, particularly for independent, high-functioning professionals like lawyers. At work, this can look like having some choice about what to work on, whom you work with, when and how you work, etc. Micromanagement is counterproductive and destroys trust and confidence.

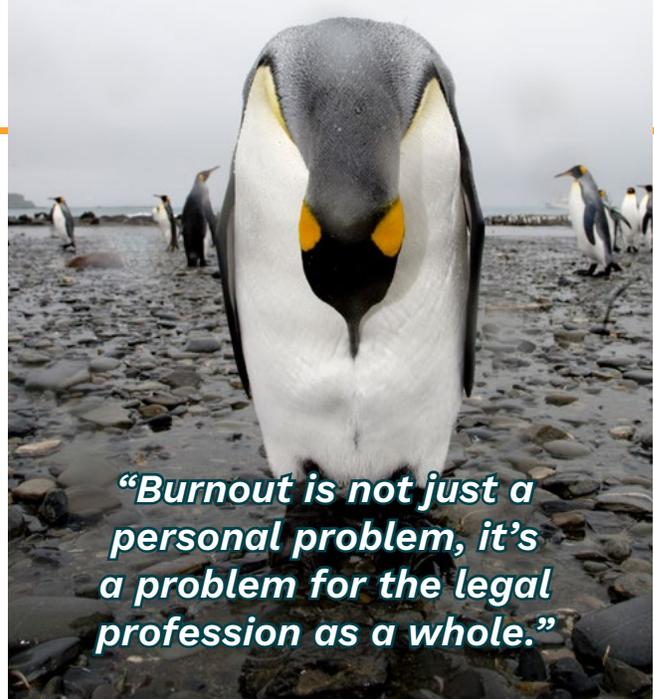
**Communication, Support, Connection.**

*Do employees feel like they are a valuable member of the team?*

We all know instinctively that having friendships at work has many benefits—it reinforces psychological safety, improves job performance, sparks innovation, and reduces absenteeism. According to a 2022 Gallup survey, people who had a best friend at work were twice as satisfied with their job as those who didn’t. Creating opportunities to forge these relationships at the office is crucial, even more so in the wake of the pandemic. Feeling connected is important; so is feeling supported, especially for new lawyers and new employees. Firms can minimize burnout by embracing real mentorship and training, by delivering timely and meaningful feedback on work product and behaviors, and by fostering open channels of communication.

**Recognition and Reward.** *Do employees feel that their hard work is seen and appreciated?*

Recognition and reward include being compensated commensurately for the work,



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but fair pay alone is not sufficient. Taking time to celebrate successes as a team and directly acknowledging team members’ achievements and contributions is also key.

**Values.** *Do employees find their work meaningful?*

Be able to articulate company values and mission. Are firm actions consistent with those values? Whom are you serving? Why is this work worthwhile? Are employee skills and talents being put to their best use?

According to Davis, acknowledging the problem, getting leadership buy-in and support for change, and assembling and nurturing thriving teams within the organization are all vital to successfully confronting workplace burnout. If you’re interested in learning more, refer to *Beating Burnout at Work* where she describes how she has helped organizations create these teams.

## **Developing Personal Strengths**

So what can lawyers do to build their own strengths to help them alleviate the symptoms of burnout? Here are a few ideas:

- **Take breaks:** It’s essential to take breaks from work to recharge and refocus. Whether it’s a short walk outside or a longer vacation, time away from one’s job duties and other professional commitments can help prevent burnout. If you’re lucky enough to have paid leave, use it. That’s

what it's for. If instead you work for yourself, set an intention and block off time to be away from the office.

- **Practice self-care:** Yes, I know I said that beating burnout isn't about doing more yoga, but engaging in activities that promote physical and mental well-being—such as good sleep, exercise, meditation, or favorite hobbies—can help moderate the effects of stress and symptoms of burnout.
- **Set boundaries:** Preventing overload and maintaining work-life balance requires setting clear boundaries around work and nonwork time. Carve out time to turn off the phone. Establish limits on when you'll check email. Let clients know when they should (and shouldn't) expect responses.
- **Advocate for yourself:** If you find that you need additional support around any of the “Core 6” job demands listed above, start the conversation. If the workload is too much, let your manager know. Ask questions if you need a clearer picture of the task or your role. If need be, look for resources outside of your firm for mentorship and training.
- **Seek support:** Finally, get help if you're feeling overwhelmed. Lawyers pride themselves on being self-sufficient,

but they should not be afraid to ask for assistance when things feel unmanageable. This could mean talking to a therapist or seeking counsel and encouragement from friends, family, colleagues, or a mentor. Or call us here at the OAAP. We can offer guidance and resources to help you and your organization thrive.

– **BRYAN WELCH**  
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## OTHER WORKS BY BRYAN WELCH AT OAAP.ORG

### *inSight*

- The Heartfelt Importance of Social Connection During the Holiday Season (Winter 2023)
- The OAAP: Providing Confidential Help for Over 40 Years (Summer 2023)

### **Thriving Today**

- Savoring a Summer Shower (August 7, 2023)
- Flashing Lights and Guiding Lights: Lawyers and ADHD (March 15, 2021)

## ENDNOTES

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