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This Year, Let's Invest In Lawyer Resiliency

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This year I decided to take a sabbatical. After 15 years of practicing law as a BigLaw partner and senior counsel at [Apple](#), I left my job. When I shared the news, I heard from many attorneys and their desire for a break of their own. Even more concerning, 15 close colleagues between the ages of 35 and 50 in the practice opened up about their experiences with serious health scares — including heart attacks, diabetes and mini-strokes. Then, a former litigation colleague of mine died at age 62 of a heart attack soon after he finally decided to “dial it down.”



I experienced my own scare in 2012. I was under pressure-cooker deadlines near the end my 20-hour workday when the entire left half of my body went numb. It was not a heart attack or a stroke, but terrifying nonetheless. The incident catalyzed me to leave the law firm practice and go work as in-house counsel.

The new environment both allowed and valued the time for regular sleep, yoga twice a week, and daily meditation, as well as provided on-site medical and wellness care. These changes not only affected my fitness, but also had a significant impact on my work — increased capacity for calm under pressure, higher productivity, and deeper

insight into working with clients and colleagues. These simple practices may also have prevented something far more serious.

Consider for a moment:

- The [Centers for Disease Control](#) and Prevention ranked lawyers fourth when comparing the proportion of suicides in that profession to suicides in all other occupations in the study population (adjusted for age). Lawyers rank right behind dentists, pharmacists and physicians.
- Lawyers are more prone to depression — 28 percent of lawyers struggle with some level of depression. That's compared with less than 8 percent for the general population, according to the CDC.
- One study suggests that 40 to 70 percent of disciplinary proceedings and malpractice claims against lawyers involve substance abuse or depression, and often both.

Two things are certain: (1) the inevitable stress in the practice of law causes serious health effects and (2) the legal profession does not prepare attorneys to manage this stress or stay healthy. The result is that performance suffers or attorneys leave the practice of law. Firms have complicated matters by blurring the lines between work and home. The expectation is that an attorney can go home late and work even more hours to meet client demands. If there's little opportunity for care or rest at home, and attorneys are expected to work at all hours, the practice needs to take greater responsibility for attorney health at the workplace.

In the name of zealously representing clients, attorneys are increasing the intensity and stress against their opponents and ultimately on themselves. This outdated framework must change. Even physicians have more recently come to understand the hypocrisy of harming themselves in the pursuit of care. The industry now has many

successful physician wellness programs to reduce the risk of burnout among trainees, clinical educators and practitioners. These efforts can also benefit the bottom line. Highly profitable companies have comprehensive corporate wellness programs that realize plateauing health care costs, greater employee engagement, and a demonstrable competitive advantage. The legal field needs a similar awakening.

There has been some progress. The ABA National Task Force on Lawyer Well-Being recently issued a lengthy report on “[Creating a Movement To Improve Well-Being in the Legal Profession](#),” which outlines a range of simple changes for legal employers. It is premised upon the notion that “To be a good lawyer, one has to be a healthy lawyer.”

Attorneys producing work product can be analogous to what machines do on a factory floor. Rather than run their machines until burnout, however, manufacturers spend time and money on equipment maintenance. Most legal employers provide incredible health insurance, but an attorney's well-being is generally his or her own responsibility. While attorneys expend all their energy on the workplace demands, who is coming around to oil these machines? The expectation to simply replace them upon burnout is bleak and one that we as a profession should actively seek to change. The current practice is unhealthy, costly, and ultimately squeezes the joy out of the practice.

There are three key steps law firm management and legal employers can take to address this issue:

- Assess your current environment by fostering an honest dialogue with lawyers and use the feedback to make real effort to implement solutions that work for your particular work environment.
- Create a culture of health by getting management commitment and buy-in to value and incentivize attorney well-being, including

encouraging annual medical check-ups, physical activity and healthy eating. It is also important to measure the impact of any programs by through regular inquiry and metrics.

- Support the practice of mindfulness meditation as a way to increase acuity and reduce stress when attorneys are working, but also to help ensure that in their downtime attorneys are actually clearing their heads and getting rest.

The return on these investments will certainly bear out — for lawyers, law firms, and ultimately in the work product.

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