

MANAGING STRESS, GRIEF, AND MENTAL HEALTH CHALLENGES IN THE LEGAL PROFESSION; NOT YOUR USUAL LAW REVIEW ARTICLE

Deborah L. Rhode*

INTRODUCTION

The statistics are shocking and the stories are worse. Lawyers report almost three times the rate of depression and almost twice the rate of substance abuse as other Americans.¹ Law ranks among the top five careers for suicide.² Although entering students rank better than students in other fields with respect to mental health and substance abuse, law graduates leave with higher rates of problems.³ Of equal concern are the numbers of current and future lawyers who, when surrounded by signals of distress, look away or fail to look at all. For example, one third of law students have reported that if they saw a classmate suffering, they would be very or somewhat likely to do nothing.⁴ And to state the obvious, the pandemic has made all these problems worse. New research suggests that about half of Americans believe that challenges posed by COVID-19 have adversely affected their mental health; a third of Americans are showing signs of clinical anxiety or depression, and rates of drug and alcohol abuse are soaring.⁵

* Ernest W. McFarland Professor of Law and Director of the Center on the Legal Profession, Stanford Law School. This Article was prepared for the Symposium entitled *Mental Health and the Legal Profession*, hosted by the *Fordham Law Review*; the Neuroscience and Law Center; the Center on Race, Law and Justice; and the Stein Center for Law and Ethics on November 6, 2020, at Fordham University School of Law. The research assistance of Carrie Lebel is gratefully acknowledged, as are comments by Ben Barton and Jason Solomon.

1. Sue Shellenbarger, *Even Lawyers Get the Blues: Opening Up About Depression*, WALL ST. J. (Dec. 13, 2007, 11:59 PM), <https://www.wsj.com/articles/SB119751245108525653> [<https://perma.cc/9V4Y-JHBG>].

2. Rosa Flores & Rose Marie Arce, *Why Are Lawyers Killing Themselves?*, CNN (Jan. 20, 2014, 2:42 PM), <http://www.cnn.com/2014/01/19/us/lawyer-suicides/> [<https://perma.cc/WZ54-DSSN>].

3. Kennon M. Sheldon & Lawrence S. Krieger, *Does Legal Education Have Undermining Effects on Law Students?: Evaluating Changes in Motivation, Values, and Well-Being*, 22 BEHAV. SCIS. & L. 261, 280 (2004); see also Jerome M. Organ et al., *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. LEGAL EDUC. 116, 119–20 (2016).

4. Organ et al., *supra* note 3, at 143.

5. PATRICK R. KRILL, WELL-BEING DISRUPTED, THE KRILL REPORT (2020) (citing Sandro Galea et al., *The Mental Health Consequences of COVID-19 and Physical Distancing: The Need for Prevention and Early Intervention*, 180 JAMA INTERNAL MED. 817, 817–18 (2020));

Stories of lawyer impairment are similarly disturbing because they put a human face on those statistics. One story that particularly affected me, and thousands of others, came to light in a 2017 *New York Times* article, now a book, *Smacked*.⁶ The author, Eilene Zimmerman, movingly described the death of her ex-husband, Peter, from an infection related to drug abuse. Peter was a partner at a leading Silicon Valley law firm who had exhibited signs of serious ill health and substance abuse that were missed or ignored by his colleagues. The Stanford Center on the Legal Profession subsequently invited Eilene to join a dialogue with Patrick Krill, one of the nation's leading experts on substance abuse in the profession, and Andrew Benjamin, who has done pathbreaking research on mental health among law students.⁷ Before a large and stunned audience, Eilene described a scene from Peter's memorial service. When a young associate from his firm "stood up to speak of their friendship . . . [q]uite a few of the lawyers attending the service were bent over their phones, reading and tapping out emails. Their friend and colleague was dead, and yet they couldn't stop working long enough to listen to what was being said about him."⁸

Since that occasion, I have registered the need to write more about wellness for lawyers and have done so both in law review articles and in my casebooks *Legal Ethics* and *Leadership for Lawyers*. All of these publications review research on the scope and causes of the challenges and the sources of meaning and happiness that can insulate those individuals from distress.⁹ I won't reiterate all of those research findings here. Rather, this Article provides a brief updated overview of the problem and essential responses. It proceeds in three parts. Part I offers a brief overview of recent research on the scope of mental health challenges in the legal profession and

Patrick Krill, *The Events of 2020 Have Changed Our Collective Mental Health—and Risk-Profile*, LAW.COM (June 30, 2020, 11:58 AM), <https://www.law.com/2020/06/30/the-events-of-2020-have-changed-our-collective-mental-health-and-risk-profile/> [<https://perma.cc/DXX3-L8E6>]; Nirmita Panchal et al., *The Implications of COVID-19 for Mental Health and Substance Use*, KAISER FAM. FOUND. (Feb. 10, 2021), <https://www.kff.org/health-reform/issue-brief/the-implications-of-covid-19-for-mental-health-and-substance-use/> [<https://perma.cc/QV7X-HF4P>].

6. EILENE ZIMMERMAN, *SMACKED* (2020); Eilene Zimmerman, *The Lawyer, The Addict*, N.Y. TIMES (July 15, 2017), <https://www.nytimes.com/2017/07/15/business/lawyers-addiction-mental-health.html> [<https://perma.cc/N4MH-LXYR>].

7. Patrick Krill is the founder of a behavioral-health consulting firm for the legal profession and the former director of the Hazelden Betty Ford Foundation's treatment program for addicted lawyers, judges, and law students. Andrew Benjamin is a law and psychology professor at the University of Washington. A recording of the program is available, and it makes for an unsettling experience. See Stanford L. Sch., *The Elephant in the Room: The Legal Profession, Mental Health, and Substance Abuse*, YOUTUBE (Feb. 16, 2018), <https://www.youtube.com/watch?v=sJngsXBIQeQ> [<https://perma.cc/3FWD-CSV3>].

8. Zimmerman, *supra* note 6.

9. See, e.g., DEBORAH L. RHODE, *AMBITION: FOR WHAT?* (forthcoming 2021); DEBORAH L. RHODE, *LEADERSHIP FOR LAWYERS* 82–85, 625, 627 (2020); DEBORAH L. RHODE ET AL., *LEGAL ETHICS* 1–3, 1037–46 (8th ed. 2020); DEBORAH L. RHODE, *THE TROUBLE WITH LAWYERS* 9–29 (2015) [hereinafter RHODE, *THE TROUBLE WITH LAWYERS*]; Deborah L. Rhode, *Preparing Leaders: The Evolution of a Field and the Stresses of Leadership*, 58 SANTA CLARA L. REV. 410, 413–24 (2019).

its underlying causes. Part II suggests some institutional strategies for change. Part III provides some strategies for individuals who are struggling with these issues.

I. MENTAL HEALTH CHALLENGES

A. *The Scope of the Problem*

The most comprehensive recent study of lawyers and substance abuse was cosponsored by the American Bar Association and Hazelden Betty Ford Foundation. Based on responses from almost 13,000 attorneys, it found that about a fifth of all lawyers qualify as problem drinkers and suffer from anxiety and just over a quarter struggle with mild or serious depression.¹⁰ Figures on drug use are unreliable because three-quarters of the survey participants declined to answer even an anonymous survey question, a refusal that reflects the stigma and illegality associated with such substance abuse.¹¹

A smaller 2019 study by ALM Intelligence of 3800 lawyers and allied professionals in large law firms reported even higher frequencies of problems.¹² For example:

- Almost two-thirds of respondents reported feelings of anxiety and over three-quarters knew of colleagues who did.¹³
- Almost three-quarters of respondents reported that work conditions were contributing to the respondent's own issue(s) of anxiety, depression, substance abuse, and/or other mental health problems.¹⁴
- Two-thirds of respondents reported that work has caused their personal relationships to suffer.¹⁵
- Seven out of ten respondents believed that mental health and substance abuse were significant problems within the profession.¹⁶

Even the accumulation of relatively minor “microstressors” can make people more vulnerable to physical and mental health difficulties and impair judgment, motivation, and work performance.¹⁷ By some estimates, at least 60 percent of doctor-related visits have something to do with stress-related complaints.¹⁸

10. Patrick R. Krill et al., *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46, 46 (2016).

11. Zimmerman, *supra* note 6.

12. ALM INTEL., MENTAL HEALTH AND SUBSTANCE ABUSE SURVEY (2019).

13. *Id.*

14. *Id.*

15. *Id.*

16. *Id.*

17. Rob Cross et al., *Don't Let Micro-stresses Burn You Out*, HARV. BUS. REV. (July 9, 2020), <https://hbr.org/2020/07/dont-let-micro-stresses-burn-you-out> [<https://perma.cc/E46F-GZJ5>].

18. *Id.*

B. Underlying Causes

Primary reasons for lawyers' disproportionate vulnerability involve both the characteristics of those who enter law and also the priorities and pressures that they encounter in legal education and legal practice. Research generally suggests that law attracts a disproportionate number of individuals with personality traits such as competitiveness, combativeness, and pessimism, which combine to make them especially susceptible to pressure, stress, and related mental health difficulties.¹⁹ Law school often compounds the problem. Entering students rank better than students in other fields in terms of mental health and substance abuse but graduate with higher rates of problems.²⁰ Reasons include the excessive work, crushing debt burdens, intense competition for jobs and grades, and lack of resources concerning psychological health.²¹ For students of color, racial bias and feelings of isolation and exclusion create further challenges.²² Students from socially and economically disadvantaged backgrounds experience related stigma and a perceived lack of cultural competence.²³

Even students who recognize that they have problems are often understandably reluctant to seek help. They worry about reputation, stigma, expense, and threats to bar admission, employment, or academic status.²⁴ In one recent survey of fifteen law schools, although over 40 percent of students thought that they had needed help for mental health problems in the prior year, only about 20 percent received counseling from a mental health professional.²⁵ Although a quarter reported signs of excessive drinking, only 4 percent reported ever receiving assistance for substance abuse.²⁶ Students with the most serious issues were the least likely to seek assistance.²⁷ Only

19. See NANCY LEVIT & DOUGLAS O. LINDER, *THE HAPPY LAWYER: MAKING A GOOD LIFE IN THE LAW* 74–75 (2010); see also RHODE, *THE TROUBLE WITH LAWYERS*, *supra* note 9, at 17, 155 n.56.

20. Organ et al., *supra* note 3, at 117; Sheldon & Krieger, *supra* note 3, at 262.

21. NAT'L TASK FORCE ON LAW. WELL-BEING, *THE PATH TO LAWYER WELL-BEING: PRACTICAL RECOMMENDATIONS FOR POSITIVE CHANGE* 35 (2017), <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFINAL.pdf> [<https://perma.cc/3HE8-UDBU>]; Rhode, *supra* note 9; Kathryn M. Young, *Understanding the Social and Cognitive Processes in Law School That Create Unhealthy Lawyers*, 89 FORDHAM L. REV. 2575 (2021).

22. Bonita London et al., *Psychological Theories of Educational Engagement: A Multi-method Approach to Studying Individual Engagement and Institutional Change*, 60 VAND. L. REV. 455, 462–63 (2007); see also Rhode, *supra* note 9.

23. London et al., *supra* note 22, at 462–63. For cultural competence, see Grover E. Cleveland, *Helping First-Generation Lawyers Thrive*, LAW PRAC. TODAY (Apr. 13, 2018), <https://www.lawpracticetoday.org/article/helping-first-generation-lawyers> [<https://perma.cc/G2PV-5VHD>].

24. Organ et al., *supra* note 3, at 141; Young, *supra* note 21.

25. Organ et al., *supra* note 3, at 140–41.

26. *Id.* at 140.

27. *Id.*

half of students say that their law school places substantial emphasis on preparing them to handle the stresses of law practice.²⁸

In many professional settings, the problems escalate. Causes include excessive competition and workloads, concerns about job security, and a culture that rewards immediate accessibility. Law is the nation's second most sleep-deprived occupation, which escalates the risk of anxiety and depression and impairs performance.²⁹ Availability 24/7 functions as a proxy for commitment, and overwork is a major cause of psychological and physical challenges.³⁰ As a cartoon in *The New Yorker* puts it, “[a]ll work and no play makes you a valued employee.”³¹ Technologies that have made it easier to work from home have made it increasingly difficult not to. In the ALM Intelligence survey, the most commonly identified problems were: always being on call (72 percent); billable hour pressure (64 percent); lack of sleep (59 percent); and client demands (59 percent).³² Almost two-thirds of respondents struggled to use all their vacation, and when on vacation, almost three-quarters felt unable to disconnect.³³

Microstresses that cumulatively cause impairment fall into three general categories:

- those that drain your personal capacity (the time and energy available for life's demands);
- those that deplete your emotional reserves; and
- those that challenge your identity and values.³⁴

Many of these problems are particularly pronounced for lawyers of color and for women. Other pieces in this Symposium detail the challenges of structural racism.³⁵ Other studies detail the difficulties for women, who still assume a vastly disproportionate share of work in the home and pay the price in the world outside it.³⁶ One female associate in the ALM Intelligence survey described the challenges: “The ability to disconnect is non-existent,

28. LAW SCH. SURV. OF STUDENT ENGAGEMENT, STUDENT ENGAGEMENT IN LAW SCHOOL: ENHANCING STUDENT LEARNING 7 (2009), <https://files.eric.ed.gov/fulltext/ED512516.pdf> [<https://perma.cc/PJ25-XZF8>].

29. Anahad O'Connor, *Really?: The Claim: Long Work Hours Can Cause Depression*, N.Y. TIMES (Feb. 6, 2012, 11:40 AM), <https://well.blogs.nytimes.com/2012/02/06/really-the-claim-long-work-hours-can-cause-depression/> [<https://perma.cc/JU7C-JG6A>]; Catherine Rampell, *America's 10 Most Sleep Deprived Jobs*, N.Y. TIMES (Feb. 22, 2012, 4:41 PM), <https://economix.blogs.nytimes.com/2012/02/22/americas-10-most-sleep-deprived-jobs/> [<https://perma.cc/RAP8-JV9Z>].

30. JEFFREY PFEFFER, DYING FOR A PAYCHECK: HOW MODERN MANAGEMENT HARMS EMPLOYEE HEALTH AND COMPANY PERFORMANCE—AND WHAT WE CAN DO ABOUT IT 133–35 (2018).

31. Leo Cullum, Illustration of Executive Speaking to His Employee, *in* THE NEW YORKER, Apr. 20, 1998, <https://www.newyorker.com/magazine/1998/04/20> [<https://perma.cc/N5YY-C7KA>].

32. ALM INTEL., *supra* note 12.

33. *Id.*

34. Cross et al., *supra* note 17.

35. Gregory S. Parks & Julia Doyle, *The Rage of a Privileged Class*, 89 FORDHAM L. REV. 2541 (2021).

36. DEBORAH L. RHODE, WOMEN AND LEADERSHIP 17–21, 83–86 (2017).

so much client pressure and internal pressure I'm on track to bill 2,150 hours this year and I have a 19-month old baby. This set-up is not sustainable and completely unhealthy."³⁷ Such problems have intensified during the pandemic, as women take on greater caretaking responsibilities for elderly relatives and children coping with distance learning from home.³⁸

Yet many workplace leaders place responsibility for solutions anywhere and everywhere else. In my prior survey of managing partners and general counsel, common views were:

- "Everyone feels stressed. . . . It's the profession we've chosen."³⁹
- "Clients expect availability twenty-four hours a day."⁴⁰
- "It's a real tough issue. We do programs on the subject but I'm not sure people have time to attend."⁴¹

In the ALM Intelligence survey, 60 percent of respondents believed that their firms had sincere concerns for their mental health, yet only 37 percent believed that such concerns influenced the firms' practices and business models.⁴² When asked if their firm pushed back on unreasonable client demands, more than 70 percent said "No."⁴³

II. INSTITUTIONAL STRATEGIES

Changing the culture, policies, and practices that contribute to these issues is no small challenge. The National Task Force on Lawyer Well-Being has sketched out a comprehensive reform agenda, with forty-four specific recommendations for legal employers, legal educators, bar regulators, and other stakeholders.⁴⁴ The ALM Intelligence survey also identified reform priorities for law firms. They included setting reasonable expectations for lawyer workloads, resisting excessive client demands, and reducing reliance on billable hours in reward structures.⁴⁵

Further lessons have emerged from the pandemic. Considerable evidence has suggested that reducing face time and commutes and giving lawyers more flexibility to work remotely and control their schedules can increase

37. ALM INTEL., *supra* note 12.

38. Lauren Weber, *Women's Careers Could Take Long-Term Hit from Coronavirus Pandemic*, WALL ST. J. (July 15, 2020, 8:00 AM), <https://www.wsj.com/articles/womens-careers-could-take-long-term-hit-from-coronavirus-pandemic-11594814403> [<https://perma.cc/X379-YFLP>]; *see also* Joan C. Williams, *Opinion, Real Life Horror Stories from the World of Pandemic Motherhood*, N.Y. TIMES (Aug. 6, 2020), <https://www.nytimes.com/2020/08/06/opinion/mothers-discrimination-coronavirus.html> [<https://perma.cc/R5MR-RYZN>].

39. Deborah L. Rhode & Lucy Buford Ricca, *Diversity in the Legal Profession: Perspectives from Managing Partners and General Counsel*, 83 FORDHAM L. REV. 2483, 2500 (2015) (quoting Telephone Interview with Susan Blount, Exec. Vice President & Gen. Couns., Prudential Fin., Inc. (n.d.)).

40. *Id.* (quoting Interview by Deborah L. Rhode with participant (June 24, 2014)).

41. *Id.* (quoting Telephone Interview with Stephanie Corey, Chief of Staff for Gen. Couns., Flextronics Int'l Ltd. (July 17, 2014)).

42. ALM INTEL., *supra* note 12.

43. *Id.*

44. Buchanan & Coyle, *supra* note 21.

45. ALM INTEL., *supra* note 12.

productivity and enhance psychological well-being.⁴⁶ Yet one large-scale study also found that the average workday was almost an hour longer during the pandemic.⁴⁷ And although workers appreciated the flexibility to address caretaking needs during the day, having job obligations bleed into evening hours brought corresponding downsides. Employees were expected to be constantly accessible.⁴⁸ That is not a new phenomenon, as noted above.⁴⁹ Employers need to be careful that as the profession expands opportunities to work from home, it also preserves opportunities not to.

III. INDIVIDUAL STRATEGIES

A. *Setting Priorities and Managing Time*

In periods of stress, setting priorities and managing time are especially critical because people have limited bandwidth and may be easily distracted. Research demonstrates that “attention deficits” under stress can significantly impair both work performance and personal relationships.⁵⁰ So during these periods, researchers advise taking care of basic health needs (sleep, exercise, diet), avoiding alcohol and drugs, structuring your time to match your values, and developing strategies to maximize efficiency.⁵¹ Experts recommend scheduling crucial work for the time of day when you perform best, protecting that time from nonessential interruption, and dividing daunting tasks into smaller manageable ones.⁵² They also advise against multitasking and working for too long or too short a stretch.⁵³ To avoid being overwhelmed, individuals under stress should delegate, ask for help, and focus only on what is most critical and most urgent.⁵⁴

46. Susan Smith Blakely, *What Can Law Firm Leaders Learn from a Pandemic?*, ABA J. (May 14, 2020, 8:30 AM), <https://www.abajournal.com/voice/article/what-can-law-firm-leaders-learn-from-a-pandemic> [<https://perma.cc/HTX7-92MPJ>]; Joan C. Williams, *The Pandemic Has Exposed the Fallacy of the “Ideal Worker,”* HARV. BUS. REV. (May 11, 2020), <https://hbr.org/2020/05/the-pandemic-has-exposed-the-fallacy-of-the-ideal-worker> [<https://perma.cc/J6M9-EXNPJ>].

47. Evan DeFilippis et al., *Collaboration During Coronavirus: The Impact of COVID-19 on the Nature of Work* (Nat’l Bureau of Econ. Rsch., Working Paper No. 27612, 2020). For discussion, see Jena McGregor, *Remote Work Really Does Mean Longer Days—and More Meetings*, WASH. POST (Aug. 4, 2020, 4:47 PM), <https://www.washingtonpost.com/business/2020/08/04/remote-work-longer-days> [<https://perma.cc/257N-VZQU>].

48. McGregor, *supra* note 47.

49. See Rhode & Ricca, *supra* note 39, at 2483, 2500–01.

50. Edward M. Hallowell, *Overloaded Circuits: Why Smart People Underperform*, in HBR’S 10 MUST READS ON MANAGING YOURSELF 79, 82, 90–94 (2010).

51. Robert Steven Kaplan, *What to Ask the Person in the Mirror*, in HBR’S 10 MUST READS ON MANAGING YOURSELF, *supra* note 50, at 147, 154, 150.

52. David A. Rasch & Meehan Rasch, *Overcoming Writer’s Block and Procrastination for Attorneys, Law Students, and Law Professors*, 43 N.M. L. REV. 193, 229 (2013); John Rampton, *Manipulate Time with These Powerful 20 Time Management Tips*, FORBES (May 1, 2018, 8:00 AM), <https://www.forbes.com/sites/johnrampton/2018/05/01/manipulate-time-with-these-powerful-20-time-management-tips/?sh=65caa13457ab> [<https://perma.cc/X7CW-H496>].

53. See Rampton, *supra* note 52; see also Rasch & Rasch, *supra* note 52.

54. Hallowell, *supra* note 50, at 82, 91–93.

However, the conventional wisdom that people should not “sweat the small stuff” can be misleading in professional contexts. Researchers find that conscientiousness is a key predictor of effective performance and that inability to handle small matters promptly and courteously is a sign of performance failure.⁵⁵ For example, responding promptly to emails is a signal that the person is conscientious, organized, dependable, and hardworking.⁵⁶ That does not mean responding instantly or outside of normal working hours. But, researchers suggest, if “you’re habitually ‘too busy’ to answer legitimate emails, there’s a problem with your process. It sends a signal that you’re disorganized—or that you just don’t care.”⁵⁷ Of course, that signal may not be accurate for people under exceptional stress. They may not be indifferent or totally disorganized, just intermittently overwhelmed. Because so much communication was now online, and alternative distractions were less available during the COVID-19 crisis, people’s expectations for prompt responses have escalated.

In this context, it is important to make every effort to avoid missing important deadlines. But, not all deadlines are created equal. When I clerked for Justice Thurgood Marshall, and he saw his clerks looking excessively and unnecessarily stressed, he would remind us, “No one is on death row.” But he also had ample experience in dealing with individuals who were. In those circumstances, his hours were legendary and he expected the same of others, stress be damned.⁵⁸ Although few legal tasks have the urgency of those involved in capital cases, law is a profession where deadlines generally matter. Extensions are not always possible and missed deadlines can cause real hardships for clients, colleagues, students, staff, and publishers. So, even those in distress should try to meet key due dates and to leave some margin for error.

The key when facing serious challenges is to recognize which deadlines and obligations are unrealistic or just far too costly to your health and other responsibilities. Engaging in triage and deferring nonessential tasks can sometimes buy enough time to meet critical obligations. But, sometimes bailing is the only plausible choice, and what matters is when and how you do it. Waiting until the last minute in the hope that you can manage is riskier than alerting others while there is time for them to make reasonable accommodations. Helping to find others to replace you signals your acknowledgment of the disruption you have caused and your commitment to minimize it.

55. Adam Grant, *Opinion, No, You Can’t Ignore Email. It’s Rude.*, N.Y. TIMES (Feb. 15, 2019), <https://www.nytimes.com/2019/02/15/opinion/sunday/email-etiquette.html> [https://perma.cc/WH5C-WSRQ].

56. *Id.*

57. *Id.*

58. DEBORAH L. RHODE, CHARACTER: WHAT IT MEANS AND WHY IT MATTERS 180 (2019); Deborah L. Rhode, *Lessons from Iconic Leaders: Thurgood Marshall and Nelson Mandela*, 48 HOFSTRA L. REV. 705, 711 (2020).

B. Reframing, Refocusing, and Reaching Out: The Value of Gratitude and Giving

Research from positive psychologists makes clear the benefits from being grateful for what you have, instead of dwelling on what you do not.⁵⁹ Experts recommend reframing your circumstances by comparing them to something worse, because that can give you hope and perspective.⁶⁰ I usually pick cancer because it has caused so much pain for members of my family, and I have had several personal scares. During the pandemic, when I was experiencing symptoms, I tried modifying my reframing exercise. “Well, at least I don’t *know* I have cancer,” or “at least my cancer is one of the good treatable kinds.” It also helped to broaden my horizons. I reminded myself of all the pandemic miseries I was spared: people dying because they don’t have access to the kind of health care I could afford. “How about doing something for them?” I told myself.

Altruism is always a good strategy for making people feel better about themselves, and it can be particularly important for those in distress because it diverts focus from their own problems. When I was a child, my mother (a social worker) often invoked the cliché that “it is better to give than to receive.” I dismissed it then as platitudinous nonsense. I know now the ways that she was right. When you give something meaningful to others, it gives pleasure both to you *and* the recipient.

A large body of research bears this out. Activities that “contribute to the world beyond ourselves” are best able to promote meaning, fulfillment, and well-being.⁶¹ And they generally bring greater long-term satisfaction than activities that are just pleasurable in the moment.⁶² Even if the meaningful pursuits are not always enjoyable at the time, they tend to make individuals feel good afterwards because they resonate with deeply held personal values.⁶³ Although cultural messages push us constantly to think about what

59. Michael F. Steger et al., *Being Good by Doing Good: Daily Eudaimonic Activity and Well-Being*, 22 J. RSCH. PERSONALITY 22 (2008); Kori D. Miller, *14 Health Benefits of Practicing Gratitude According to Science*, POSITIVEPSYCHOLOGY.COM (Feb. 19, 2021), <https://positivepsychology.com/benefits-of-gratitude> [<https://perma.cc/H4MC-A3H2>]; *In Praise of Gratitude*, HARV. HEALTH PUBL’G (June 5, 2019), <https://www.health.harvard.edu/mind-and-mood/in-praise-of-gratitude> [<https://perma.cc/33PZ-EKQB>].

60. See Nuala Walsh & Suzanne M. Egan, *Things Could Have Been Worse: The Counterfactual Nature of Gratitude*, in PROCEEDINGS FOR THE 26TH AIAI IRISH CONFERENCE ON ARTIFICIAL INTELLIGENCE AND COGNITIVE SCIENCE 339, 344 (2018); Alex M. Wood et al., *The Role of Gratitude in the Development of Social Support, Stress, and Depression: Two Longitudinal Studies*, 42 J. RSCH. PERSONALITY 854 (2008).

61. TAL BEN-SHAHAR, *HAPPIER: LEARN THE SECRETS TO DAILY JOY AND LASTING FULFILLMENT* 33 (2007); BILL BURNETT & DAVID JOHN EVANS, *DESIGNING YOUR LIFE: HOW TO BUILD A WELL-LIVED, JOYFUL LIFE* 218 (2016); EMILY ESFAHANI SMITH, *THE POWER OF MEANING: CRAFTING A LIFE THAT MATTERS* 15 (2017); Daryl R. Van Toneren et al., *Prosociality Enhances Meaning in Life*, 11 J. POSITIVE PSYCH. 225 (2015).

62. ED DIENER & ROBERT BISWAS-DIENER, *HAPPINESS: UNLOCKING THE MYSTERIES OF PSYCHOLOGICAL WEALTH* 225 (2008); Veronika Huta & Richard M. Ryan, *Pursuing Pleasure or Virtue: The Differential and Overlapping Well-Being Benefits of Hedonic and Eudaimonic Motives*, 11 J. HAPPINESS STUD. 748, 757–58 (2009); Steger et al., *supra* note 59, at 38–39.

63. DIENER & BISWAS-DIENER, *supra* note 62, at 225; Huta & Ryan, *supra* note 62, at 759.

will make *us* happier, researchers find that focusing attention solely on ourselves tends to diminish happiness over the long run.⁶⁴ “Selfless” activities are good for the self. Activities aimed at helping others result in greater physical and psychological health, longer lives, higher satisfaction, and even more effective performance.⁶⁵ One British commentator put it this way: “We make a living by what we get; we make a life by what we give.”⁶⁶ Gifts where you have some personal connection to the recipient or the cause are especially beneficial.⁶⁷

For similar reasons, concern for others can help you keep from letting your own stress and related difficulties cause problems for those who work with and for you. One major cause of mental health challenges in our profession comes from colleagues or supervisors who let their own challenges or lack of planning cause chaos for those around them. Subordinates end up picking up the balls that their superiors drop or having to work excessive or inconvenient hours because their stressed supervisors were willing to impose stress on them. Constant directives to “just make it happen” by thoughtless coworkers breeds what Patrick Krill calls a “trickle down toxicity [and] downward flowing distress.”⁶⁸

What is, in short, needed for the legal profession is not a short agenda. At both the individual and institutional levels, lawyers need to develop far better strategies for assisting themselves and others who are coping with stress. Making more individuals aware of the pervasiveness of problems and the best ways to deal with them can help reduce the disabling consequences of distress and the stigma. That compounds the problem. Acknowledging our own and our profession’s vulnerabilities and resolving to address their causes are among the greatest contributions we can make to our collective well-being. That is part of how we all get through life’s challenges and help others do so as well.

64. DIENER & BISWAS-DIENER, *supra* note 62, at 187.

65. See ALLAN LUKS & PEGGY PAYNE, *THE HEALING POWER OF DOING GOOD: THE HEALTH AND SPIRITUAL BENEFITS OF HELPING OTHERS* xi–xii, 17–18, 45–54, 60 (2d ed. 2010); DEBORAH L. RHODE, *PRO BONO IN PRINCIPLE AND IN PRACTICE: PUBLIC SERVICE AND THE PROFESSIONS* 30–31, 58 (2005); JAMIL ZAKI, *THE WAR FOR KINDNESS: BUILDING EMPATHY IN A FRACTURED WORLD* 166 (2020); Joo Yeon Shin & Michael F. Steger, *Promoting Meaning and Purpose in Life*, in *THE WILEY BLACKWELL HANDBOOK OF POSITIVE PSYCHOLOGICAL INTERVENTIONS* 90, 90–91 (Acacia C. Parks & Stephen M. Schueller eds., 2014); see also Peggy A. Thoits & Lyndi N. Hewitt, *Volunteer Work & Well Being*, 42 *J. HEALTH & SOC. BEHAV.* 115 (2001).

66. CHAIM STERN, *DAY BY DAY: REFLECTIONS ON THE THEMES OF THE TORAH FROM LITERATURE, PHILOSOPHY, AND RELIGIOUS THOUGHT* 171 (1998).

67. ELIZABETH DUNN & MICHAEL NORTON, *HAPPY MONEY: THE SCIENCE OF HAPPIER SPENDING* 105–34 (2013).

68. Patrick Krill, “*Just-Make-It-Happen*” *Mentality Is Bad for Lawyer Well-Being*, *LAW.COM* (Mar. 19, 2019, 1:33 PM), <https://www.law.com/2019/03/19/just-make-it-happen-mentality-is-bad-for-lawyer-well-being> [<https://perma.cc/C3BF-U5Z9>]