

## How Addressing Mental Health Can Enhance Your Firm's Performance

By normalizing help-seeking behavior and creating a culture of emotional well-being and resiliency, law firms can mitigate risk and optimize the bottom line.

**By Joe Ankus**

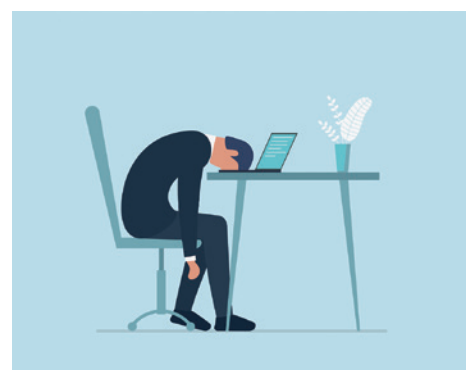
As a South Florida legal recruiter for over 30 years, I'm used to uncomfortable discussions related to hiring and retaining talent. It takes thick skin to be a recruiter and even thicker skin to advocate for increased mental health awareness in the legal community.

Objections relating to a lawyer's career are trivial compared to the objections I hear when I discuss mental health. People have the uncanny ability to simultaneously amaze and offend—usually from a place of kindly ignorance. Here's an extreme example: A managing partner told me that “if we know someone has a problem, we have to deal with it, but if we don't know, we aren't liable.” Setting aside their willful blindness, the essence of the argument was that if a firm had a lawyer abusing alcohol, overbilling files, missing deadlines and creating significant malpractice risk, but it was under the radar, all was well. Such denial and ignorance are powerful and, at the same time, potentially catastrophic.

In 2017, when several of my local colleagues tragically took their own lives, I pledged to do my part to destigmatize mental illness and educate the legal community about mental health. Having lived experience with anxiety, it was an easy decision. Too many of us were, or are, struggling without many options for help.

Fortunately, attorney mental health and wellness are practiced in many of our law schools, at the American Bar Association and in state bar associations. At the same time, concerns linger that the discussion of mental health will gradually fade away, despite unprecedented amounts of anxiety, depression and substance use. Of course, the COVID-19 pandemic has added an additional and growing layer of concern that has yet to ripen.

There is still a stark gap between feel-good promises and the actual delivery of additional credible mental health help and resources for the legal profession. Law firms that are faithfully honoring their commitment to the ABA mental health pledge should be recognized for taking the first steps in a career-long journey.



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Unfortunately, a large majority of firms, irrespective of size, have lots of catching up to do.

Associates, partners and staff need to continue to demand that law firm management take concrete action to further mental health initiatives. When I left Big Law over 30 years ago because of severe anxiety, there really were no readily accessible and user-friendly mental health resources. Saddled with a sink-or-swim mentality, some of my colleagues would whisper that I was “really stressed out” and might be “seeing someone.” The word “psychiatrist” was uttered in the same hushed tones that an emergency room doctor shares bad news with a worried family.

I quietly slunk off to a psychiatrist I found in the phone book, wearing my scuffed wingtips and

rumpled suit, embarrassed and confused about why I was feeling so overwhelmed. By all objective measures, I should have been fine. I graduated at the top of my class, and I was a law review senior editor, a legal writing teaching fellow and an associate at one of the nation's best firms. My colleagues were kind and bright, yet ill-equipped to broach the topic of mental illness. It wasn't their fault—it was a product of law firm culture, the stigma around mental health, the lack of resources and their own busy caseloads. It also didn't help that I chose to go it alone and keep my struggle to myself.

Starting today, let's pledge to reframe the stereotypical doom-and-gloom implications surrounding mental health education. Mental health challenges are real, increasing and, at the same time, motivating for those of us who want to see substantive change. The evidence is clear: With proper professional help, most people can and do get better. The stumbling block is still the willingness to get involved and lean into our colleagues who need help.

Dr. Rahul N. Mehra, who is the CEO of the National Center for Performance Health and a doubly board-certified psychiatrist, has consulted with law firms and other professional organizations regarding mental health education. Mehra, who served with me on the Florida Bar's Special Committee for Mental Health and Wellness, suggests that the

traditional approach of using fear and scary statistics to motivate people is largely ineffective. To counter this, he proposes that we view mental health education as a performance-enhancing tool, just like top-level athletic training. He feels that law firms should find a way to normalize help-seeking behavior and create a culture of emotional well-being and resiliency. This will help to mitigate risk and optimize a firm's bottom line.

Mehra understands that the lawyer's world, stressful as it is, requires a baseline level of proficiency and mental fitness. His logic is simple: "Clients rely on lawyers for professional advice. Lawyers rely on clients for income. The bar wants to make sure that lawyers meet their professional and ethical responsibilities to the public. If a lawyer has a mental health challenge, they may be unable to give the client, their firm or the bar their best."

As a first step, for those that are ready to help, here are some concrete action steps:

- Share information about your firm's employee assistance program if provided. Ensure that every employee knows how to get confidential help and how the EAP works (including the mechanics, responsiveness and specific service offerings). EAPs aren't perfect, but they are a start, along with a consultation with one's primary care physician.
- Begin a relationship with your state bar association's

lawyer assistance program. Invite them to visit your firm or have a Zoom "lunch and learn" to discuss the services they provide. Lawyer assistance programs and their hard-working staffs are some of the unsung champions in mental health and substance use education and intervention.

- Create an up-to-date and credible list showcasing a wide variety of mental health resources that are both locally and nationally available online. Distribute it to your firm on a quarterly basis. Pay especially close attention around major holidays.

- Enlist the help of your human resources department to facilitate educational events where mental health issues are addressed. Invite a mental health professional to your firm to destigmatize issues surrounding treatment and remove the mystery around therapy and medication. Consider offering training in mental health first aid to educate your team.

- Treat mental health education as a performance-enhancing tool as part of a comprehensive approach to attorney wellness. Commit to make your team as healthy and productive as they can be. Your firm, your lawyers, your staff, your clients and your malpractice carrier will appreciate it.

**Joe Ankus** is president of *Attorney Mental Health Education Inc.*