

CAN THERE BE A WORK LIFE BALANCE IN THE LEGAL PROFESSION?

By Shaneka Louise Davis

Executive summary

The following data come from one hundred and four completed surveys¹ on stress and work life balance as a law student and an attorney. The surveys were conducted in response to the researcher's desire to find more balance as a law student and to learn ways in which she can have a happy long legal career. The data are primarily from Boston, Massachusetts area. The respondents included in the law student survey come from various law schools and are interested in multiple areas of law. Similarly, the respondents in the attorney survey, come from various practice areas, differentiate in time spent in the field, and come from multiple age groups. The most relevant findings include:

- ❖ When the law students were asked to rate their current stress level (one being stress free and ten being extremely stressed) over 50% of them rated their stress level seven or higher.
- ❖ High expectations, heavy workload and exams were listed as the top three law student stressors.
- ❖ Seventy-six percent of law student respondents were involved in extra-curricular activities at school

¹ There were two different types of surveys created one for law students (law student survey) and the other for lawyers (attorney survey). The amount listed above represents the number of surveys completed in total.

- ❖ When asked to rate their current work life balance (one being fully balanced and ten being extremely unbalanced) around 41% of the law student respondents rated themselves a seven or higher
- ❖ Fifty-two percent of the student respondents that reported having a work life balance of three or below were not involved in any extra-curricular activities
- ❖ When asked to rate their stress level on a scale from one to ten (one being stress free and ten being extremely stressed) over 61% of attorney respondents rated themselves a seven or higher.
- ❖ When asked to compare their current stress level to their stress level as a law student over 94% of attorney respondents stated that they were more stressed now.
- ❖ When asked to rate their current work life balance on a scale from one to ten (one being fully balanced and ten being extremely unbalanced) over 61% of attorney respondents rated themselves a seven or higher.
- ❖ One hundred percent of respondents who rated their current work life balance a four or below exercise at least one per week.

Background

The mere fact that I conducted this research may end my legal career before it begins as there is a stigma in the legal profession that lawyers and law students who talk about issues of depression or lack of work life balance are weak and not equipped to make it in the profession. In a 2007 Boston Globe article about the work of Massachusetts Lawyers Concerned for Lawyers, a client lawyer expressed his frustration with the idea that lawyers are not supposed to express or have problems of their own, “[p]eople come to you with their problems and they want

you to solve them, but you're not supposed to have your own problems."² Lawyers are human beings just like everyone else and suffer from an array of issues. As a 1990 John Hopkins study of 104 occupations demonstrates lawyers top the list for depression and come in fifth for suicide.³ Additionally, male lawyers in the United States are "two times more likely to commit suicide than men in the general population."⁴ Furthermore, according to Massachusetts Lawyers Concerned for Lawyers's (LCL) website depression and anxiety among their client lawyers has equaled or surpassed alcohol and drug abuse.⁵ Clients put their careers and lives in the hands of lawyers every day and in order to meet the client expectations, do their jobs zealously, and avoid the trap of depression lawyers need to find ways to better balance or harmonize their personal and professional lives.

A person does not magically become depressed once they pass the bar and enter into the legal field, often imbalance and depression starts in law school. Between 20 and 40 percent of law students suffer from clinical depression by the time they graduate.⁶ Furthermore, clinical anxiety, hostility and depression among law students is eight to 15 times higher than that of the general population.⁷ Students often fall into the trap of becoming depressed because in the effort of becoming the best they lose themselves and sometimes relationships in the process. The pressure law students feel when it comes to paying off hundreds of thousands of dollars of debt

² Law and a disorder: As profession changes, support group sees more attorneys seeking mental health help, <http://www.lclma.org/wp-content/uploads/2012/04/Law-and-a-Disorder-Globe-article.pdf>.

³ Occupations and the prevalence of major depressive disorder, <http://www.ncbi.nlm.nih.gov/pubmed/2258762>.

⁴ The Lawyers' Epidemic: Depression, Suicide and Substance Abuse, <http://www.scbarr.org/LinkClick.aspx?fileticket=rZNzWANfCR4%3D&tabid=160> (citing a 1992 study by the National Institute for Occupational Safety and Health).

⁵ <http://www.lclma.org/>

⁶ Speaking Up: Helping Law Students Break Through the Silence of Depression, http://www.abajournal.com/magazine/article/speaking_up_helping_law_students_break_through_the_silence_of_depression.

⁷ Speaking Up: Helping Law Students Break Through the Silence of Depression, http://www.abajournal.com/magazine/article/speaking_up_helping_law_students_break_through_the_silence_of_depression.

in a tough job market is real and also may lead to high anxiety and depression. The cost of a legal education in the United States is upward one-hundred thousand dollars and according to a April 2013 American Bar Association article, “only 55.1 percent of all 2012 law school graduates were employed in full-time, long-term lawyer jobs on Feb .15”⁸ and “27.7 percent of 2012 graduates were either underemployed, meaning they were working in short-term, part-time or nonprofessional jobs, or not employed, meaning they were either unemployed or pursuing an additional degree.”⁹

As a 3L who will be graduating in the spring and hopefully entering in the field it is vital for me to learn how to balance my legal career and personal life in order to have longevity in this field. The below surveys were my way of finding out the answer to overcoming the imbalance in the legal profession.

Methodology

The law student survey and attorney survey’s goals were to: 1) assess the current state of the work/life balance for law students and lawyers and 2) recognize current practices used to alleviate the imbalance in work-life that exists in the legal profession and the law classroom, and To accomplish these goals two surveys, the Attorney Survey and the Law Student Survey, were developed and distributed vastly to law students and lawyers across the continental United States, although the main focus was on law students and lawyers in Massachusetts.

Sampling and Recruitment

The surveys were conducted between June 2013 and October 2013 using www.surveymonkey.com for data collection. The convenience samples had questions applicable

⁸ Mark Hansen, ABA Bar Journal, Job market for would-be lawyers is even bleaker than it looks, analysis says, (April 1, 2013)(located at: http://www.abajournal.com/news/article/job_market_for_would-be_lawyers_is_bleaker_than_it_looks_analysis_says/).

⁹ Id.

to its demographic. The eligibility requirement for the attorney survey was that all respondents must be lawyers and similarly the respondents for the law student survey needed to be presently enrolled at a law school in order to be eligible. In order to ensure that the respondents of the surveys met these requirements, the information regarding the law student survey were sent to the Dean of Student Affairs of all or most of the Massachusetts law schools, posted on various schools' Facebook pages and distributed on various email list serves, including that of the renowned Professor Lawrence Kreiger.¹⁰ Likewise the attorney survey was distributed to various Massachusetts's bar associations (including, but not limited to the Women's Bar Association, Massachusetts Black Lawyers Association and the Boston Bar Association), District Attorney Offices, law firms, Public Defenders offices and CPCS officials. The links to both surveys were also posted on Massachusetts Lawyers Concerned for Lawyers's website.

The Survey Questionnaires

The Executive Director of Massachusetts Lawyers Concerned for Lawyers (LCL), Rodney Dowell, as well as a clinician there Dr. Jeffrey Fortgang acted as advisors in the process of shaping the questions for the surveys. Northeastern University's institutional review board (IRB) determined that IRB approval for this particular study was exempt. The surveys were anonymous and each survey had a statement of consent for each respondent to fill out before he, she or Z could proceed to fill out the survey, explained the reason behind the survey and provided the contact information for Massachusetts Lawyers Concerned for Lawyers. The schools that chose to participate in the survey were given the option of acquiring a copy of this report, however, there was no other incentive given to them or their students.

¹⁰ Professor Krieger is a Clinical Professor and the Director of Clinical Externship Programs at the Florida State University college of law. He has written numerous publications on the health and balance of law students, and a list of some of his publications can be found at the end of this report under additional resources. The Student Survey was forwarded to his listserve of around 400 teachers and deans of law schools.

In order to ensure that the maximum number of students taking the survey would complete it the law student survey was intentionally designed to be short and easy to follow. It was comprised of sixteen questions that would take no longer than five minutes to complete. The questions in the survey were a mixture of closed and open-ended items. The attorney survey was comprised of eighteen questions that should have taken the respondent no longer than five minutes to complete. The questions in the survey were a mixture of closed and open-ended items. At the end of the attorney survey, unlike the law student survey there was an email provided so that those respondents who wanted to expound on the information provided in the survey could set up an in-person interview to discuss the topic.¹¹

Both surveys followed a similar substantive structure. The first section of the surveys addressed the general demographics of the respondents such as age, gender, and parental/marital status. The second section addressed the area of practice desired or in, years of practice or in law school and the average time spent doing work. The third section addressed stress level and causes. The fourth section addressed work life balance and coping mechanisms and the last section requested information on how the respondent learned about the survey and additional comments.

Data Collection and analysis

All of the respondents replied to the survey online using the links provided by www.surveymonkey.com. Following the completion of the survey process the data was analyzed using the descriptive data process.

¹¹ Out of the total number of respondents one person elected to be interviewed in person. The contents of that interview are not included in this report due to the desire to do further research on this subject.

Survey Results

The following results are broken down by each survey and are presented in a series of tables and graphs with occupying narratives that explain the findings in greater details.

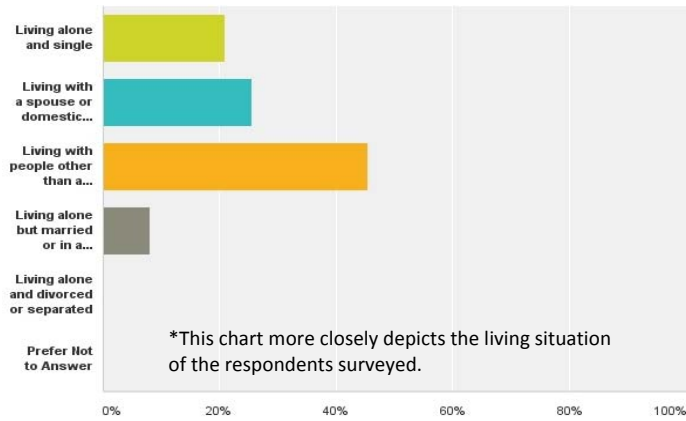
When the schools and legal entities were contacted none out-rightly declined to participate and there was no follow-up done to assess how many of the schools or legal entities actually sent the survey out to its students or attorneys. Survey Monkey does however list a total of 126 respondents for the Law Student Survey, but only 86 of the respondents listed answered the questions. This may be a result of the fact that some logged in but after reading the goals of the survey and the consent form declined to continue the survey. Using this presumption there was around a sixty-eight percent response rate for the student survey. Similarly Survey Monkey demonstrated that a total of 21 respondents answered the Attorney Survey and 18 answered all of the questions. We can presume 85% response rate for the Attorney Survey.

Student Survey

The 86 students in the survey sample represented a national sample with likely population in the Boston area. Around ninety-two percent of those surveyed were in the age range of 21-29, although some also reported being in the age ranges of 30-39 and 40-49. Out of the total respondents, around 70% listed themselves as female, 29% listed themselves as male and 1% listed themselves as transgendered. Only 1% had a child living with them and none of them listed themselves as living alone and divorced or separated.

"I try to give myself at least one hour a day to not think about law school. I usually unwind by watching basketball or playing a videogame that is less stressful."

Table 1



The respondents surveyed were a mixture of 1Ls, 2Ls, 3Ls and dual degree students and many were interested in going into either corporate law, public interest law, government, litigation, or

“... letting [my spouse] know from the beginning to expect that and then planning something relaxing to do once the week is over has been a good way to be able to be attentive to the work I need to do at school without disrespecting my relationship.”

were uncertain about which area of law they wanted to practice in. Around seventy-six percent of the respondents were involved in extra-curricular activities at their school and of those who were involved in extra-curricular activities most were engaged in two or more activities and two were

engaged in five extra-curricular activities. Fifty-two percent of the student respondents that reported having a work life balance of three or below were not involved in any extra-curricular activities. When asked to rate their stress level on a scale of one to ten (one being stress free and ten being extremely stressed), over 50% of them rated their stress level seven or higher and the median rating was 6.07. As depicted in Table 2 respondents listed the heavy workload and high expectations as the top two aspects of law school that increase their level of stress. The respondents were asked to choose two categories from the ones listed in Table 2. In addition to the categories listed below respondents also listed searching for a job and a bad market, working while in school, and paying off high student debt as additional stressors. When asked how they deal with these stressors the responses varied. Some respondents pointed to maintaining a healthy lifestyle such as regular exercise, adequate sleep and healthy eating while other used

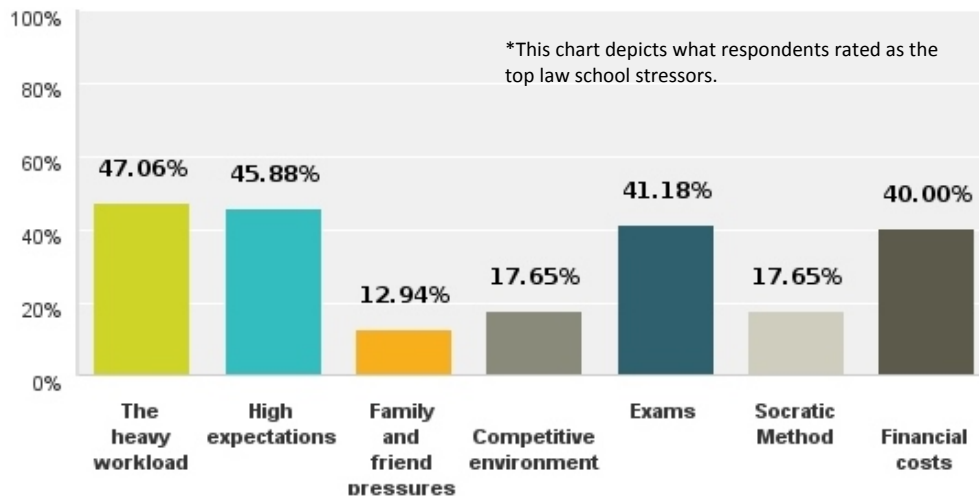
affirmations, family and friends, spirituality, therapists, prescription medicine, alcohol, illegal substances, avoidance or had no method of coping at all.

“ . . .if you are putting all the effort that you can, and the work doesn't get done, there is not much else that you can do about it, ask for help.”

Although many respondents described exercise as a stress coping mechanism, 29% stated that they do not regularly exercise and around 20% stated that they only exercise one time per week.

Nonetheless, 37% stated that they exercise 2 to 4 days per week and around 14% stated that they exercise 5 to 7 days per week. Additionally, although some listed that they engage in spiritual act or organization as a coping mechanism around 69% of respondents stated that they do not engage in a spiritual or meditative act or organization and 1% declined to answer the question.

Table 2

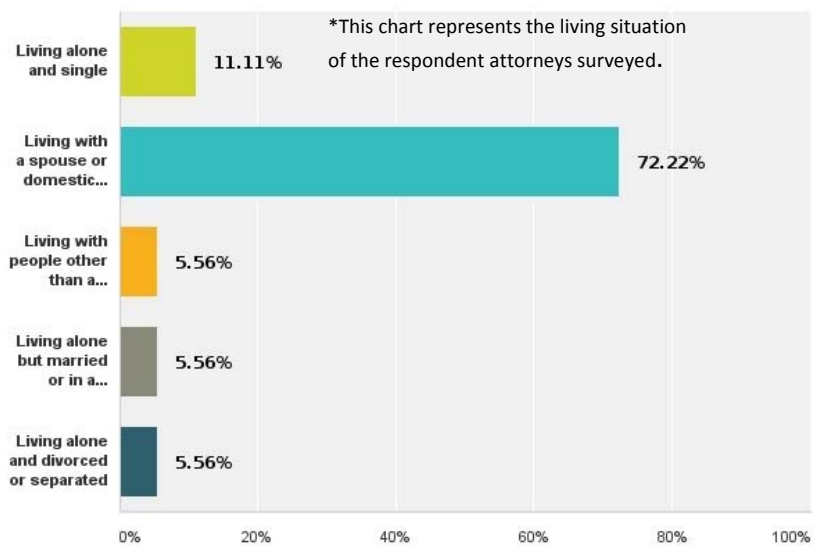


When asked to rate their level of work life balance on a scale of one to ten (one being fully balanced and ten being extremely unbalanced) 20% of respondents rated themselves a seven. The median rating was 5.61. Respondents also stated that each week they take time out for themselves a median of 5.55 times.

Attorney Survey

The 21 Attorney survey respondents are representative of the law community primarily in Massachusetts and California. Out of all of the respondents, 61% were in the age range of 30-39 and 5.5% were 60 or over. 11% of respondents were 21-29, 11% were 40-49 and 11% were 50-59%. 72% listed themselves as female, around 28% were male, and none of the respondents listed themselves as transgendered. The median number of children the respondents had living with them was 1.56.

Table 3



The respondents years of practice varied. 50% of the respondents had been practicing law for 1 to 5 years, 22% have been practicing for 6 to 10 years, around 17% have been practicing for 11 to 20 years and 11.11% have been practicing for over 30 years. None of the respondents have been in practice for 21 to 30 years. The type of work respondents did included solo or small firm work, law firm associate, public defender, CEO of legal service company, academic, maternity leave/unemployed. All respondents worked at least 30 hours a week. The maximum number of hours worked by respondents was 80.

“My work life balance is directly proportional to partner and client expectations. I find that commu[n]icating my prior commitments to partners and clients helps, although I have also been told that I need to cut down on the outside activities I commit myself to, in order to be more available for work”

When asked to rate their stress level on a scale from 1 to 10 (1 being stress free and 10 being extremely stressful) the median rating was a 6.61, although one respondent rated his or her stress level at a 10. When asked to compare their level of stress now with their level of stress when they were in law school 94% of

respondents said that their level of stress is greater now and 5.5% said that it was similar.

When asked about the top stressors of the job respondents mentioned time constraints, billable hours, worrying about slipping through the cracks, issues with colleagues and partners, deadlines, client expectations, the need to be perfect, lack of income and job prospects, having to be available all of the time, confrontational litigation and a lack of a support structure. When asked about coping mechanisms respondents listed medication, therapy, family, exercise, drinking, staying organized, avoidance, no coping mechanism, talking to others, alcohol, sleep and crying.

When asked to rank their level of work life balance on a scale of 1 to 10 (1 being fully balanced and 10 being completely imbalanced) the median ranking was 6.28. When asked about weekly exercise 61% of the respondents stated that they exercise 2 to 4 days per week. 50% of the respondents do not participate regularly in a spiritual or meditative organization or act, 44% do, and 5.5% preferred not to answer the question. The median time per week taken out for self for the respondents were 5.06.

While this is a convenience sample that cannot yield generalizable answers regarding how to obtain work life balance in law school and in the legal profession, there are some insights here regarding the present stress level of lawyers and law students and the practices used by the

respondents with the least amount of reported stress and most work life balance. It should also be noted that after the surveys were distributed to law schools and various legal entities, no follow-up was done to ensure that the respondents to the survey were in law school or a licensed attorney. When it comes to surveys in general, the results should be reviewed with caution as there may be sampling and nonsampling errors despite best efforts used to ensure that the sample is representative of the desired population.

“Work-life balance in biglaw is generally a convenient fiction. In my experience, people either pick work (and have no life) or have life (and will be out the door of the firm by year 4).”

Recommendations and Next Steps

There needs to be more research conducted in order to figure out the best methods used to have a work life balance in the legal profession. I would recommend conducting a longitudinal study surveying lawyers during their first five years in the profession. The data did show that the problem of imbalance work-life still exists and that some lawyers and law students have been able to avoid it.