

# Lawyers and Depression



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Shortly after I took the oath of office last June, I made a list of the topics on which I planned to write my monthly articles during my term as president of the Cleveland Metropolitan Bar Association. I am pleased to report that this is my seventh article and I have not yet written on any of the topics I developed last summer. Instead, each one of my articles has been inspired by the people, events and ideas I have been fortunate enough to experience as president of the CMBA. Many of my articles have been positive and light-hearted but this one is serious.

Several months ago, recently retired U.S. Magistrate Judge Patricia Hemann suggested to me that the CMBA take steps to educate judges, managing partners, in-house lawyers, and attorneys practicing in the public and private sectors about the prevalence of depression and other mental health issues among lawyers. Magistrate Judge Hemann was troubled by the relatively high suicide rate of attorneys and the fact that some attorneys fail to seek treatment because they fear the stigma attached to mental health problems. She was also concerned about the many lawyers who had confided in her over the years about how the business pressures of practicing law have caused them to feel burned out and unhappy. She expressed her belief that the CMBA, judges and other leaders in our legal community have an obligation to reach out to lawyers with mental health issues and help them to find the treatment they need to recover.

Magistrate Judge Hemann's concerns are well-founded. The level of clinical depression experienced by lawyers is staggering. A December 2007 *Wall Street Journal* article reported that approximately 19% of lawyers suffer from clinical depression compared to 6.7% of the population as a whole. A March 2008 [Law.com](http://www.law.com) article, entitled "Attorney's Mission is to Erase Stigma of Depression," commented on a landmark Johns Hopkins University study which found that lawyers ranked first in the incidence of depression among all professions surveyed. An August 2008 article in *Plaintiff* magazine entitled, "Depressed? You're Not Alone, and The Numbers Are Growing," by Geraldine Lewis, noted that rates of suicide among male lawyers is nearly double that of the general male population. Other studies indicate that depression often begins in law school.

In 2008, Professor Susan Daicoff published an article in *The Complete Lawyer*, entitled "Depression is Prevalent Among Lawyers -- But Not Inevitable." Her article describes a study of depression among law students in the 1980s and 1990s. The study showed that before law school, students suffered depression at the same rate as the general population. However, by the end of the first year, their depression rate rose to 32% and reached 40% by the third year. Interestingly, research has also revealed that pessimists tend to do better than optimists in law school. As discussed in "Law School Performance Predicted by Explanatory Style," Jason M. Satterfield, et al., 15 *Behav. Sci. & L.* 95 (1997), a study of University of Virginia Law School students showed that pessimistic students outperformed optimistic students in grade-point average, law journal success and other areas.

Unlike most endeavors where optimism generally leads to better results than pessimism, psychologists have confirmed what lawyers already know -- law is a profession where pessimism can be a helpful, or even essential attribute. In her article entitled "Cognitive Optimism and Professional Pessimism in the Large-Firm Practice of Law," 30 *Law & Psychol. Rev.* 23, 24 (2006), Professor Catherine Gage O'Grady commented:

Lawyers are professional pessimists. Clients count on their lawyers to think in terms of worst-case scenarios and to plan for all possible disasters. . . . Thus, to represent clients effectively and achieve professional success, lawyers must be able to consider future dire consequences, examine consequences beyond specific, limited events, and ascertain blame. In other words, under the current thinking on optimism and pessimism, they must be pessimists.

Unfortunately, as noted by Professor Martin E.P. Seligman in his article "Why Lawyers Are Unhappy," 23 *Cardozo L. Rev.* 33, 41 (2001):

The qualities that make for a good lawyer, however, may not make for a happy human being. Pessimism is well-documented as a major risk factor for unhappiness and depression. Lawyers cannot easily turn off their pessimism (i.e. prudence) when they leave the office. . . . In this manner, pessimism that might be adaptive in the profession

also carries the risk of depression and anxiety in the lawyer's personal life. The challenge is how to remain prudent professionally and yet contain pessimistic tendencies in domains of life outside the office.

In addition to pessimism, another characteristic common to lawyers is perfectionism. As noted by Dr. Amiram Elwark in his May 2008 article entitled "A Lawyer's Guide to Dealing with Burnout," law attracts perfectionists because it requires objective logical analysis and attention to details. Although perfectionism drives lawyers to excel, it also can lead to workaholicism, an intense fear of failure, and an obsessive need to control events. Since perfection is rarely, if ever, achieved, perfectionists are frequently dissatisfied with their work. When the character traits of pessimism and perfectionism are combined with the relentless pressures of practicing law, it is easy to understand why so many lawyers are vulnerable to depression.

Although depression strikes a large number of lawyers, many do not pursue treatment. Instead, to paraphrase Thoreau, they practice law in "quiet desperation." There are many reasons why lawyers fail to seek a solution to their depression. Some fear the stigma that may come from admitting they have an emotional disorder. They may believe that their colleagues will fail to support them or refuse to accommodate their need to adjust their practices in order to recover. They may also fear that clients will no longer want to engage their services because they view depression as a flaw or weakness. Other lawyers may simply be in denial and refuse to believe that they are depressed. They may feel hopeless, burned out, and overwhelmed. They continue to suffer in silence, however, because they feel they have no choice. This is truly unfortunate because depression is

one of the most treatable mental illnesses with more than 80% of patients finding relief.

Daniel T. Lukasik is one of the most courageous examples of a lawyer who has successfully sought treatment for clinical depression. Lukasik is a litigator and the managing partner at Cantor, Lukasik, Dolce and Panepino in Buffalo, New York. Lukasik was stricken with clinical depression at age 40. After realizing that he needed to ask for help, Lukasik began his path to a successful recovery. Because he recognized that there was a "tremendous stigma" attached to depression, Lukasik has made ground-breaking efforts to educate the legal community about depression and to offer support to lawyers who suffer from depression. Lukasik created, among other things, a website -- [www.lawyerswithdepression.com](http://www.lawyerswithdepression.com) -- which offers a wealth of information and articles about depression and how it affects lawyers. Lukasik's story has been featured in many publications. See, e.g., "Asking for Help is the First Step to Recovery," *The Buffalo News* (9/19/08); "Attorney's Mission is to Erase the Stigma of Depression," *Law.com* (3/24/08); "One Attorney's Depression Story," *Trial* (July 2007). I highly recommend that you visit Lukasik's website whether or not you suffer from depression.

When Magistrate Judge Hemann first approached the CMBA about lawyer mental health issues, I knew very little about the epidemic of lawyer depression. But through my meetings with her, my research on the topic and our meetings with the professionals at the Ohio Lawyers Assistance Program ("OLAP"), I have come to the conclusion that we can no longer ignore the problem of lawyer depression in our legal community. I hope you come to a similar conclusion. Let us then follow the suggestion of Magistrate Judge Hemann and start taking steps

to educate those around us that depression is a highly treatable illness and not a "sign of weakness." Let us also reach out to lawyers who appear to be suffering from mental health problems and help them in their efforts toward recovery. And above all, let us inform depressed lawyers that they are not alone and that we are here to support them.

If you or a lawyer you know may be suffering from depression, please contact a healthcare professional or contact OLAP at 1-800-348-4343. OLAP is a private, non-profit organization dedicated to helping Ohio's judges, lawyers and law students obtain treatment for substance abuse and mental health issues. If you contact OLAP about yourself or about an attorney colleague, your call and anything you discuss will be protected by strong rules of confidentiality. Magistrate Judge Hemann and I have met with Scott Mote, Esq., the Executive Director of OLAP, and Megan Robertson, MSW, LISW, a clinical associate with OLAP, and have discussed in detail their experience with helping lawyers with depression and other mental health issues. We are confident that OLAP is fully prepared to help Cleveland lawyers who are suffering from emotional problems. In fact, over 40% of the attorneys OLAP assists suffer from "pure" mental health issues. Another 40% are lawyers with a dual diagnosis of mental health and chemical dependency problems. The remaining 20% have chemical dependency issues. By picking up the phone and calling OLAP, you will be helping someone take the first steps toward recovery and you may be saving a life.

In order to raise awareness about lawyers with depression and other emotional health issues, the CMBA will publish articles in future bar journals that discuss this important topic as well as related issues about what lawyers can do to cope with the pressures of practicing law in these stressful times. The CMBA will also call upon our members who participate in the Ohio Supreme Court's Mentor Program to help educate their mentees about the risk of lawyer depression and steps they can take to achieve a more satisfying career in the law. The CMBA will also sponsor seminars that will bring together judges and practicing lawyers to discuss the important issues of attorney mental health and job satisfaction. If you are interested in writing an article or working with the CMBA on these new endeavors, please contact Ann Zimmerman at [kzimmerman@clemetrobar.org](mailto:kzimmerman@clemetrobar.org).

### WHAT ARE THE SYMPTOMS OF DEPRESSION?

- persistent sad or empty mood
- loss of interest or pleasure in ordinary activities
- changes in appetite or weight
- inability to sleep or oversleeping
- restlessness or sluggishness
- decreased energy or fatigue
- difficulty concentrating or making decisions
- feelings of guilt, hopelessness or worthlessness
- thoughts of death or suicide