

It's Not Personal, It's Business: How Your Well-Being Could Impact Your Practice

By CINDY M. CIESLAK

Throughout the pandemic, I am becoming increasingly more attuned to the emotional and relational risks of practicing law, and indeed, the Connecticut Bar Association has made significant efforts to provide its members with resources for its members to improve their well-being.

Given the demands of the field of law, it is not surprising that:

- Lawyers are three to four times more likely to suffer from depression than non-lawyers
- 31% to 36% of attorneys qualify as “problem drinkers”
- 28% of attorneys struggle with some level of depression
- 23% of attorneys struggle with stress
- 19% of attorneys struggle with anxiety¹

As a result, attorneys suffer from impaired attention and difficulty in concentrating, procrastination, memory loss, difficulty solving problems, difficulty forming relationships, compromised work product, missed appointments, and poor management of finances.²

Attorneys are likely to experience these symptoms in response to burnout. Burnout is not simply being too busy. In fact, at times, being busy can stimulate confidence, job satisfaction, and performance. In other words, mild to moderate stress can enable an attorney to reach peak performance. However, when attorneys are overloaded and faced with conflicting demands without any time to recover from

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those demands, lawyers may burnout and disengage. These responses to burnout, specifically inability to problem solve, difficulty with forming relationships, compromised work product, missed appointments, and poor management of finances, could impact an attorney’s professional obligations under Rule 1.1 of the Connecticut Rules of Professional Conduct regarding competent representation, Rule 8.4 regarding misconduct and violations of the Connecticut Rules of Professional Conduct, and, perhaps most importantly, Rule 1.15 regarding safekeeping of property, including IOLTA accounts. Indeed, one of the most common causes of grievance complaints concern a lawyer’s diligence and communication lapses. Further, the harshest discipline is given to lawyers whose grievances against them involve the misuse of funds, as well as deceit and candor problems.

We may be initially inclined to look to employers to review and address demands that attorneys face in the workplace. In fact, the American Bar Association has a task force on lawyer well-being and the Connecticut Bar Association has a ded-

icated committee, both of which offer materials and tools that legal employers can utilize to assist with the well-being of their employees.

Yet, it is also incumbent upon attorneys to strive for the highest level of professionalism. In furtherance of that goal, in October 2020, the CBA’s House of Delegates adopted a revised version of the *Lawyers’ Principles for Professionalism*, which include: 1) civility, 2) honesty, 3) competency, 4) responsibility, 5) mentoring, and 6) honor. Observing these principles is one of the first steps to maintaining the integrity in our profession. You can view the complete document at ctbar.org/LawyersPrinciples.

Additionally, it is also critically important that we address our own lawyer well-being and develop our own methods to recognize signs of fatigue and burnout that may impair our ability to abide by the Connecticut Rules of Professional Conduct, observe the *Lawyers’ Principles for Professionalism*, and uphold the rule of law. The manner in which one attorney improves upon their well-being will

be unique to that individual based upon their own circumstances and what “buckets” need to be filled personally: time for emotional and mental clarity; time for hobbies and relaxation; time with children, spouses, significant others, and family; professional development; continuing education; nutrition; physical health and exercise; spending time with friends; volunteering and community or public service; pro bono work; mentorship; spiritual foundation; meditation; and sleep, among others. Thus, there is not a “one size fits all” solution other than raising awareness that we can practice law most effectively and efficiently when we are engaged and have a sense of positive self-worth and satisfaction in our contributions to the field of law. If each individual attorney improves upon their own well-being, we will foster our profession as a whole.

As we continue to navigate these uncertain times, be sure to check in on yourself.



While it might not seem immediately important, making some time for you, outside of the traditional practice of law will help make you a better lawyer. My hope is that you take advantage of the programs that the Connecticut Bar Association and Young Lawyers Section offers. ■

NOTES

1. National Task Force on Lawyer Well-Being, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* (Aug. 14, 2017), available at <https://lawyerwellbeing.net/the-report>.
2. *Id.*

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