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LEGAL SERVICES  
2023

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# PARTICIPANT GUIDE

Presented by the  
Illinois Supreme Court  
Commission on Professionalism  
April 20, 2023



**CHIEF JUSTICE  
MARY JANE THEIS**  
*Illinois Supreme Court*

## Professionalism and the Modern Lawyer

Illinois Supreme Court Chief Justice Mary Jane Theis, who was sworn in in November 2022, has noted that access to justice and fairness will be a significant focus during her term because, as she has said, the “perception of fairness is what holds our communities, our court system, the rule of law, and our democracy together.”

In this talk, she will discuss what we mean by professionalism and why it matters; the potential impact of incivility on our businesses, the legal profession, and the justice system; and why unethical behavior may lead potential clients to dismiss the value of legal services.

**Chief Justice Theis** has served at every level of the Judiciary in the State of Illinois. In 1983 she was appointed an Associate Judge in the Circuit Court of Cook County, where she served for five years. In 1988, Chief Justice Theis was elected to the Circuit Court, where she was assigned to both the Criminal and Chancery Divisions until 1993, when she was appointed to the Appellate Court, First District. She was elected to the Appellate Court in 1994. When Chief Justice Thomas R. Fitzgerald retired in 2010, the Supreme Court appointed Justice Theis to fill his vacancy on the Court.

In her 17 years on the Appellate Court, Chief Justice Theis served as a Presiding Judge. She was Committee Chair of both the Committee on Judicial Education and the Committee on Judicial Conduct of the Illinois Judicial Conference, and a member of the Supreme Court Rules Committee. Chief Justice Theis was President of the Appellate Lawyers Association and the Illinois Judges Association, as well as President and founding member of the Illinois Judges Foundation. She has been a member of the Board of Governors of the Illinois State Bar Association and the Board of Managers of the Chicago Bar Association and is a member of the Women's Bar Association of Illinois.

Chief Justice Theis' honors include the American Constitution Society's Legal Legend Award, the CBA's Vanguard Award recognizing persons who have made the law and legal profession more accessible to and reflective of the community at large, the IJA's Celebrating the Achievement of a Judicial Icon, the CBA's John Paul Stevens Award, the Juvenile Justice Initiative's Champion of Children's Rights Award, the WBAI's Ruth Bader Ginsberg Award Judicial Achievement Award, and the Illinois Bar Foundation's Distinguished Service to Law and Society Award.

Chief Justice Theis received her bachelor's degree from Loyola University Chicago in 1971 and her law degree from the University of San Francisco, School of Law in 1974. From 1974-83, she was an Assistant Public Defender in Cook County.

**MARK BRITTON**

*Advisor to Clio,  
Clearbrief, and  
Tangibly; Founder of  
Avvo.com*

## **Build Your Law Firm Pyramid**

Just like the pyramids, your law practice will not be built in a day. However, by developing your law firm's business in simple and intentional ways, you will be on your way to a successful and sustainable future. Mark will discuss one common, but often unnoticed, business strategy that he calls, "Building Pyramids." He will show how businesses in other industries have built their own "pyramids," often with you as an unwitting participant. He will also share examples of law firms, big and small, high-tech and low-tech, that are successfully building pyramids and their law firm's future.

Mark Britton is the founder of the legal marketplace, Avvo.com. Upon his retirement from Avvo in 2018, Above the Law called Mark "the person who most disrupted law this decade."

Today, Mark stays active in the legal industry by advising some of its most innovative companies, including Clio ([www.clio.com](http://www.clio.com)), Clearbrief ([www.clearbrief.com](http://www.clearbrief.com)) and Tangibly ([www.tangibly.com](http://www.tangibly.com)). Mark also regularly advises courts and other policy groups regarding technology, access to justice and the future of law.

**NKOYO EFFIONG LEWIS**

*Legal Innovator  
and Consultant*

## **Expand Your Practice: How to Increase Your Cultural Competency and Serve More Clients**

The world around us is changing. As technological advances and demographics continue to shift, the legal consumer base is also evolving.

Now more than ever, legal professionals must develop the cross-cultural awareness necessary to provide quality legal services across actual or perceived differences to serve a growing racially and ethnically diverse population.

In this talk, attorney Nkoyo Effiong Lewis will discuss cultural competency as a "must-have" skill for legal professionals committed to pursuing justice and closing the access to legal services gap, even in traditionally non-diverse communities.

Nkoyo Effiong Lewis is the Director of Law Practice Management Program for the State Bar of Georgia. In that role, she helps Georgia lawyers tap into innovation to build a profitable and purpose-filled practice with less struggle and stress.



**KARA HARDIN**

*Chief Executive Officer,  
The Practice Lab*

## High-Performing and Highly Stressed: How Attorneys Can Prioritize Mental Health

There is a familiar pattern in the lives of attorneys at work (and beyond). No matter how much is achieved and accomplished, it never feels like it is enough.

In this talk, Kara Hardin, a mental health educator, Registered Psychotherapist, and former practicing corporate and securities lawyer, will explore the complicated relationship between the lifestyle lawyers lead and their mental health.

Hardin will share individual and organizational strategies to navigate the big and small challenges associated with the high-performing legal profession.

Kara Hardin (she/her), Founder and CEO of The Practice Lab, is a mental health educator, Registered Psychotherapist, and former practicing corporate and securities lawyer, who works at the intersection of mental health and performance. She specializes in the complicated ways that mental health drives performance and how it shows up at work.



### **PANEL DISCUSSION**

## Civility in Legal Practice: Why it Matters

Practicing law can be inherently adversarial. Attorneys are confronted with uncivil behavior from opposing counsel, clients, colleagues, and even judges. The question is, how should we respond? And what impact might these uncivil behaviors have on our practice and the justice system itself?

In this session, panelists will explore the practical and public implications of incivility in the legal profession from the perspective of the judiciary and practicing attorneys. The discussion will include:

- How civility impacts the legal system
- Examples of how the pandemic affected incivility in legal practice and the courtroom (e.g., remote proceedings)
- The impact of incivility on the outcome of cases and a lawyer's reputation among the bench and bar
- How incivility undermines confidence in the justice system
- What constitutes client advocacy vs. being overly aggressive
- A lawyer's responsibility to exemplify civility as a representative of clients, an officer of the court, and a public citizen having a special responsibility for the quality of justice
- The benefits of disagreeing agreeably

*Speaker bios continue on the next page.*



**DEBORAH ENIX-ROSS**  
*President (2022-2023),  
American Bar Association*

Deborah Enix-Ross, a senior adviser to the International Dispute Resolution Group of Debevoise & Plimpton in New York City, is president of the American Bar Association, the world's largest voluntary association of lawyers, judges, and other legal professionals. Enix-Ross served as chair of the ABA's policymaking House of Delegates and as chair of the ABA Center for Human Rights. As chair of the ABA International Law Section, she co-founded the Women's Interest Network and worked with the International Bar Association to create its Women's Interest Group. She also led an international legal exchange delegation to Liberia, Sierra Leone, and Ghana, where she delivered an address commemorating the country's 50th anniversary of independence.



**SHARON O. JOHNSON**  
*Justice, Illinois Appellate  
Court First District*

Justice Sharon Oden Johnson serves on the Illinois Appellate Court First District. Prior to her election to the Appellate Court, Justice Johnson served in the Circuit Court of Cook County Domestic Relations Division, where she initiated working relationships with the Illinois Department of Employment Security and the Cook County Works program to assist unemployed parents in paying family support. She has served on the Illinois Supreme Court Commission on Professionalism since 2022.



**NATHAN HINCH**  
*Attorney,  
Meyer Capel*

Nathan B. Hinch joined Meyer Capel as a shareholder in 2021, after more than 10 years in private practice with the law firm Mueller, Reece & Hinch, LLC. Mr. Hinch helps clients with wills, trusts, probate, guardianships, and other estate planning or administration matters, and with legal issues facing businesses and non-profits, real estate transactions, construction and agricultural law issues, and civil litigation in those areas. He also serves as an administrative hearing officer for the Town of Normal, Illinois in adjudication proceedings for municipal ordinance violations.



## Resources

### [Build Your Law Firm Pyramid](#)

Strategies for Building a Sustainable Legal Practice

### [Expand Your Practice: How to Increase Your Cultural Competency and Serve More Clients](#)

5 Ways Attorneys Can Increase Their Cultural Competence

Six Surprisingly Simple Shifts to Serve Diverse Clients with Confidence

Expand your Practice: Increase your Cultural Competence

### [High-Performing and Highly Stressed: How Attorneys Can Prioritize Mental Health](#)

A Successful Law Practice and Strong Mental Health Is Possible

Reimagining Law: How to Meet the Needs of a Post-COVID Workforce

Stressed, Lonely, and Overcommitted: Predictors of Lawyer Suicide Risk

Additional Resources

### [Civility in Legal Practice: Why it Matters](#)

The True Cost of Incivility in the Legal Profession

To Effectively Lead, Lawyers Must Listen

Today's Lawyers Are More Civil, But Not to Everyone, Commission Survey Says

Bullying Does Not Pass for Advocacy in Illinois

### About The Future Is Now: Legal Services

The Future Is Now: Legal Services is an annual conference hosted by the Illinois Supreme Court Commission on Professionalism. During the event, thought leaders from across the U.S. and beyond present compelling TED-like talks and participate in town hall discussions on topics that explore the future of the legal profession.

### About the Illinois Supreme Court Commission on Professionalism

The Illinois Supreme Court Commission on Professionalism was established by the Illinois Supreme Court in 2005 under Supreme Court Rule 799(c) to foster increased civility, professionalism, and inclusiveness among lawyers and judges in Illinois. To learn more, visit [www.2civility.org](http://www.2civility.org).

## Strategies for Building a Sustainable Legal Practice

*By Erika Harold*

Amid the seemingly ubiquitous discussions of “will lawyers be replaced by [insert the latest innovation],” perhaps a more important question for lawyers and the legal profession is being obscured: Why don’t more people with legal problems *currently* turn to lawyers as the solution?

According to a 2019 report issued by [World Justice Project](#), 66% of the individuals surveyed in the U.S. reported experiencing a legal issue in the past two years. Of those, fewer than half reported accessing help from either a lawyer/“professional advice service” or government legal aid organization. When people did seek guidance, they most frequently consulted family members or friends.

Importantly, only 13% reported that “it was difficult or nearly impossible to find the money required to solve the problem.” This finding underscores that the issue of unmet legal needs is not wholly driven by the inability to afford legal services.

Accordingly, it cannot be resolved by simply expanding access to legal aid or pro bono legal services. So, what is the answer? How can attorneys build sustainable legal practices that embrace innovation and meet public needs?

### Providing legal services vs. addressing legal needs

Mark Britton, founder of Avvo and Advisor to Clio, Clearbrief, and Tangibly, will address this question and more at the upcoming virtual [Future Is Now: Legal Services](#) conference.

In his talk titled “[Build Your Law Firm Pyramid](#),” Britton will explain how lawyers can better engage members of the public who have legal needs but are not turning to lawyers to meet them. He posits that such an approach will empower lawyers to build sustainable legal practices while transforming the legal profession into one that is more responsive to the public.

Britton will share why lawyers should spend more time thinking about the legal needs they are attempting to address as opposed to merely focusing on the legal services they are capable of providing. This mindset shift will help lawyers more clearly see the legal market from prospective clients’ perspectives, thereby enabling them to more clearly define and communicate the ways they are trained to serve the public and better meet clients’ needs and expectations.





Moreover, developing this problem-solving perspective may help attorneys cultivate a greater number of long-term relationships with clients who come to view lawyers as trusted advisors to whom they can turn in times of need and uncertainty.

### **Becoming a trusted advisor**

If the World Justice Project's survey results are accurate and many people do want a trusted person to advise them when facing legal issues, then perhaps lawyers' fears of being replaced by artificial intelligence are overblown, and the real emphasis should be on earning the public's confidence and trust.

To learn more about building a responsive and sustainable legal practice, I invite you to attend our virtual [Future Is Now: Legal Services](#) conference, to be held virtually on Thursday, April 20, from noon – 4:20 p.m. CDT.

Additional sessions will highlight (i) the consequences of incivility on the legal profession and justice system, (ii) how attorneys can advocate for their mental health and well-being, and (iii) how developing cultural competency can expand your client base and enhance the quality of legal services delivered.

Click [here to register](#); we hope you can join us!

*Original Blog Post:* <https://www.2civility.org/strategies-for-building-a-sustainable-legal-practice/>

### **Additional Reading**



[Creating a Business Strategy: What Family Lawyers Need to Know](#)



[World Justice Project Global Insights on Access to Justice](#)



## 5 Ways Attorneys Can Increase Their Cultural Competence

By Laura Bagby

“Cultural competence” is a saying we hear a lot these days. It refers to the cognitive, emotional, and behavioral skills that lead to appropriate and effective communication with people of other cultures.

Attorneys, who are in the client services business, often encounter clients and potential clients who don’t look or act like them. While it can be more comfortable to take on clients who share a similar background, attorneys who overlook diverse and often underrepresented groups are missing a significant untapped market.

“These [potential clients] aren’t getting called back [by many attorneys],” said Iffy Ibekwe, an Austin, Texas-based attorney who presented on serving new clients by increasing cultural competency at the 2022 ABA Techshow. And minority attorneys can’t be the only lawyers serving minority clients, she said.



To be [a] culturally competent [lawyer] means having the capacity to provide effective legal assistance that is **grounded in an awareness of and sensitivity to the diverse cultures in the provider’s service area**. A cultural group is identified by shared beliefs, values, customs, and behaviors that define what it is.

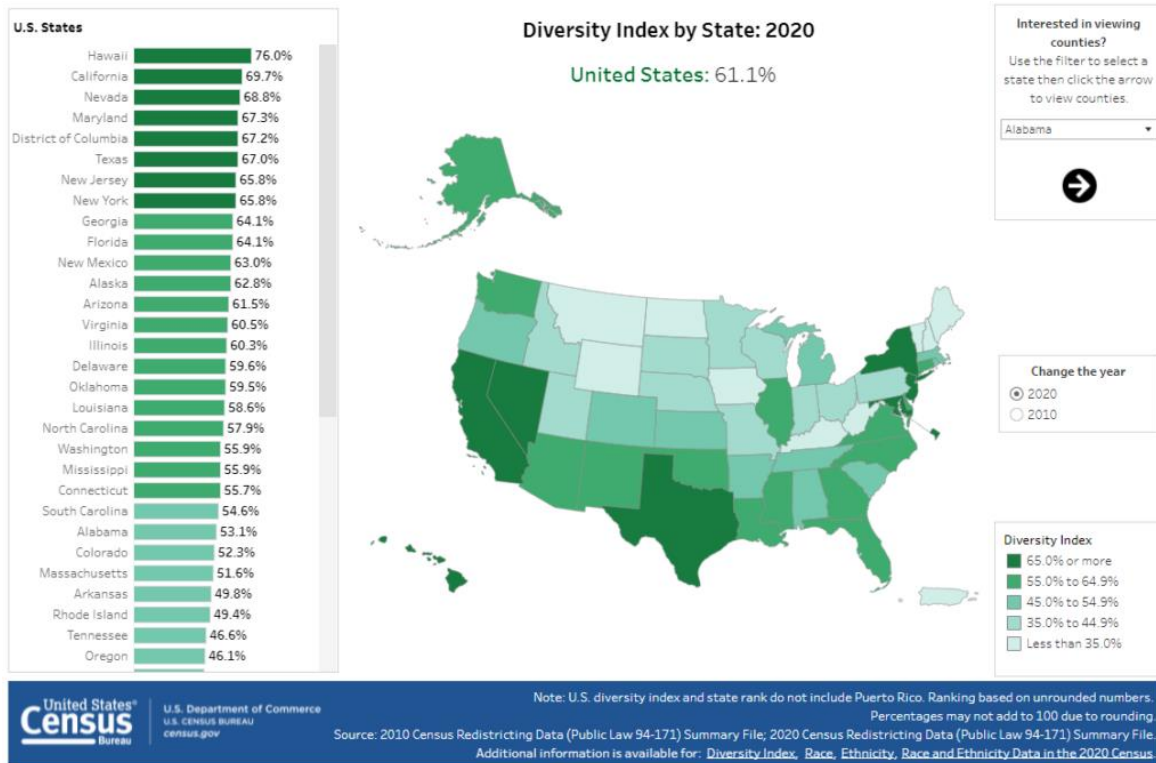
Source: Iffy Ibekwe and Nkoyo-Ene Effiong, adapted from ABA Standards for the Provision of Civil Legal Aid, Standard 2.4 on Cultural Competence

### Shifting demographics

The demographics of the U.S. are changing rapidly. The overall racial and ethnic diversity of the country has increased significantly since 2010, according to analyses from the U.S. Census Bureau. However, the legal profession isn’t keeping pace.

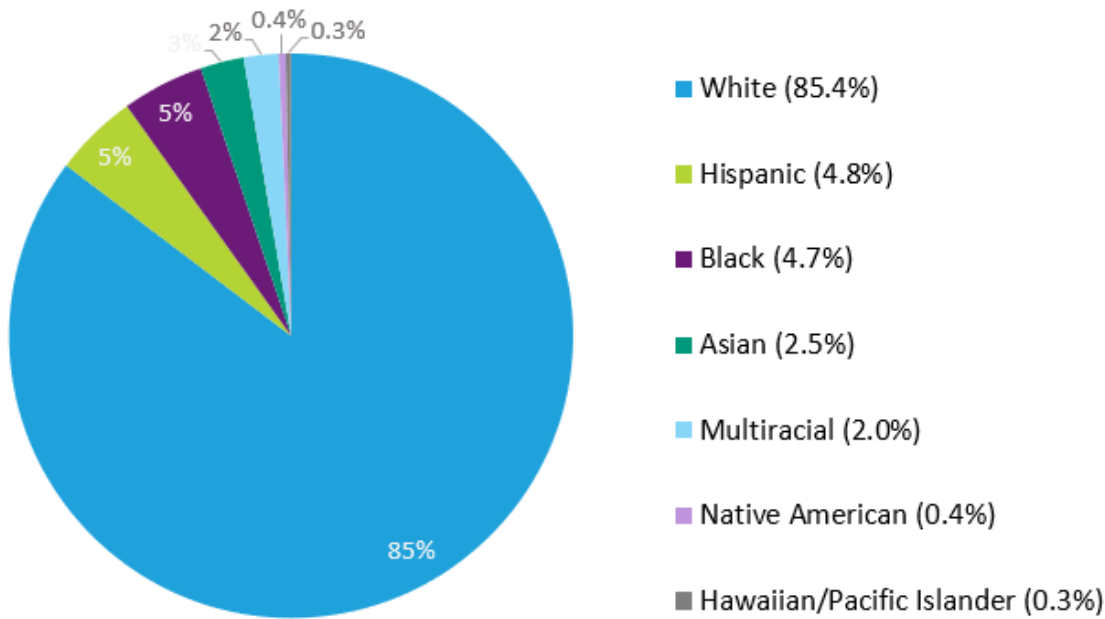
According [to the ABA](#), in 2021, just 4.7% of lawyers were Black, while 13.4% of the U.S. population was Black. Likewise, 4.8% of all lawyers were Hispanic, despite Hispanic people making up 18.5% of the U.S. population, and 2.5% of all lawyers were Asian, although the U.S. population was 5.9% Asian.

Combine this data with consistent research that shows that up to 80% of the civil legal needs of individuals are not being met, and there is a blueprint for culturally competent attorneys to build a highly successful practice.



Source: United States Census

## Lawyers by Race and Ethnicity 2021



Source:

ABA Profile of the Legal Profession

## How would you react?

Consider this: If a potential client is looking for a lawyer in your area of practice and finds your website, will they feel, based on what they see and read, that you will provide them with the same level of respect and follow-up you may offer your majority clients?

How about if you meet them in person and they don't make eye contact or avoid shaking your hand (when we were still shaking hands)? Would you view these behaviors as a sign of weakness, insecurity, or even disrespect? Or would you stop and consider the potential cultural significance of their actions.

For example, while Western cultures typically view eye contact as a form of confidence, some Eastern cultures [see it as a sign](#) of disrespect. And observant Muslims and Orthodox Jews [refrain from shaking](#) the hand of the opposite gender.

When cultures collide, it's important to stop and think if the way you're interpreting a situation is the only way it can be interpreted, said Nkoyo-Ene Effiong, the Director of Law Practice Management Program for the State Bar of Georgia, who presented with Ibekwe at ABA Techshow.

## Increase your cultural competence

Ibekwe and Effiong shared five ways attorneys can increase their cultural competence and connect with new communities.

### ***1. Be curious and candid.***

Get clear on the types of services you can provide then ask yourself who else in your community has these needs. Are there groups with limited access to legal services who are getting left behind?

How are you marketing your services to these groups? Does your marketing reflect the communities you're hoping to serve? For example, people are more likely to seek services if they see their stories mirrored in the promotional photos and other materials.

Work on your soft skills. Ask questions and be comfortable saying "I don't know yet" when you can't answer a request. It's okay to invite a client to share their lens, or perspective, so you can get a better idea of where they're coming from.

### ***2. Build community.***

Seek out relationships with other lawyers, legal and business professionals, and members of the communities you aim to serve.

Volunteer or join a local civic organization, become active on community Facebook groups, and learn from those willing to share their culture and traditions.

### ***3. Broaden your language.***

Leave the lawyer-speak in the office and simplify your language. If there is an easier way to say something, do it.

Transcribe documents in a language that your client can read and understand, offer chatbots in multiple languages, and use easy-to-follow visuals and infographics.

### ***4. Bring in translators and translator services.***

When communicating with people who don't use English as their first language, we often revert to speaking slower or louder, which can be disrespectful. Instead, hire a translator for your clients, [translate important](#) documents, and research [translation management](#) software.

Consider the accessibility of your services for people who are visually and hearing impaired. Would a person who is visually impaired be able to access your website? Can you leverage an ASL interpreter for a client who is hearing impaired?

#### **5. Build diverse and inclusive teams.**

Diverse teams are 70% more likely to capture new markets, according to Effiong and Ibekwe, so hire intentionally and cultivate inclusive workplaces. Research shows that workplaces with highly inclusive cultures are more innovative and have 2.3 times more cash flow per employee, Effiong and Ibekwe said.

Inclusivity means providing equal access to opportunities and resources for all people, no matter their race, culture, gender, sex, sexuality, ability, class, or other characteristics. But inclusivity also includes things like family, work, and caregiver responsibilities.

For example, it can be hard for people with full-time jobs to attend meetings during regular business hours. How can you be more inclusive and work around their schedules?

Most importantly, be patient with yourself, Effiong and Ibekwe said. Learn from your mistakes and be prepared to build your cultural competence gradually.

"We want to make sure people can see themselves in the law," Effiong said. "And if you can make this happen, there is so much more opportunity in the market you serve."

*Original Blog Post: <https://www.2civility.org/5-ways-attorneys-can-increase-their-cultural-competence/>*

# Six Surprisingly Simple Shifts to Serve Diverse Clients with Confidence

Demand for culturally competent legal services exists in virtually every practice of law. The question is who will supply the market.

BY NKOYO-ENE R. EFFIONG

**Do you want to expand your practice** to serve a new demographic of clients but are not sure where to start? Do you currently serve a diverse population and want to find ways to better meet their needs?

If so, then you will want to take a look at these six simple tips to help you engage and serve diverse clients with confidence in the next 90 days.

The world is shifting.

According to the 2020 Census, the U.S. population is changing, which means the demographics of legal consumers are also changing. With a growing population, international migration, multiracialism, multigenerationalism, uncoupling and other social phenomena, there is an increasing population of legal consumers in every practice area that has been overlooked or undervalued for whatever reason. Add to that a pandemic that has forced society to think more intentionally about work, life and everything in between; more people are finding themselves in need of legal services from bankruptcy to divorce, launching or leaving a business to estate planning and a myriad of matters in between. Demand for culturally competent legal services exists in virtually every practice of law. The question is who will supply the market. For entrepreneurial attorneys and law practices that want to remain relevant in an increasingly global world, right now, there is a tremendous opportunity to

serve another demographic of legal consumers before AI and legal tech gobble up the market.

To be clear, we are not just talking about pro bono or low bono opportunities. Both of which are highly important for maintaining the profession's integrity and closing the access to justice/access to legal services gap. Instead, we refer to a growing but overlooked consumer market that is ready, willing and able to invest in legal services yet cannot find an attorney prepared to serve them with dignity.

You can change that.

The pandemic accelerated well overdue shifts in the legal industry that continue to make the provision of legal services less onerous for lawyers and clients alike. For the entrepreneurial and open-minded attorney, opportunities abound. With a few shifts, you can meet a need and make a profit. Win-Win.

Shall we start?

## 1 Be Curious

You have probably heard the saying, "Curiosity killed the cat." It is wrong. Curiosity did not kill the proverbial cat. Failure to adapt to a new reality killed the cat. Not convinced? See Blockbuster or Borders. Both offer a cautionary tale of what can happen to a thriving business when it puts its head in the sand and fails to adjust to a change in times.



WWW.GETTYIMAGES.COM/PETERPENCIL



If you are going to successfully engage and serve a new market of clients, you have to be curious. Curiosity, simply put, is the desire to learn and to know. It is the driving force behind nearly every innovation, invention or discovery to date. Leading with curiosity provides the foundation to avoid assumptions, build awareness and communicate more effectively along the lines of perceived difference. All of this leads to more effective lawyering.

## 2 Build Community

Birds of a feather flock together—or at least that is what sociology suggests. Why not use that to your benefit? Surround yourself with others committed to serving the same client base. Breaking into a new market requires intentional, authentic relationship building. Similar to marketing, you have to build the know-like-trust factor. There are many ways to do that. Perhaps, one of the more accessible routes to success is building and leveraging support from others who already have more familiarity, connection or credibility within the community you hope to serve. Cultivating these types of relationships will help you engage with different communities. These relationships can also help you learn some of the nuances and cultural norms that facilitate a dignified and respectful engagement across lines of (perceived) difference.

## 3 Broaden Your Language

As you embark on serving new demographics, your diction will define your destiny.

Simply put, your words matter. Use them judiciously.

Consider whether your anecdotes, analogies and references resonate with the community you are targeting, aka read the room. Communication matters, and this is a great place to borrow from the field of marketing. Marketers invest time to learn about their ideal clients—not just in terms of demographics: age, race, ethnicity, gender, marital status, income, education and employment, but also in terms of psychographics: lifestyle, opinions, attitudes, beliefs, aspirations, inter-

ests and values. Once you have honed in on the community you want to serve, tailor your language choice to them.

It is worth noting written words are not the only way to convey information. For example, visuals and infographics are a great way to reach potential clients who do not speak English as their first language. Alt text and audio are wonderful for those with limited sight. Video with captions is useful for those with limited hearing. Broadening your medium for communicating expands your ability to serve new clients. It also signals to potential clients that you are prepared to meet their needs—making you the obvious choice for hiring.

## 4 Bring in Translators or Translation Services

English is not your client's first language. No need to worry. Impress your clients by investing in translators or translation services (especially if you do not have team members who are multilingual or polyglots). When clients come to you to solve intimate or critical legal matters, they should not have to rely on family members to translate for them. A translator on hand would be better. Today, engaging translators or translation services has never been more accessible. There are a host of options available to meet your translation needs. Whether you need to hire a translator, translate essential documents or deploy a translation management system, there are platforms available to help you. Check out this issue's "Legal Tech Tips" on page 48 to learn how you can use Microsoft Teams to help.

## 5 Build a Diverse and Inclusive Team

Building a diverse and inclusive team will help you reach a global market. According to *Harvard Business Review*, diverse teams are 70% more likely to capture new markets.<sup>1</sup> Additionally, leaders who cultivate a highly inclusive culture have 2.3 times more cash flow per employee.<sup>2</sup> As you assess your team's needs, consider hiring people with strong soft skills like interpersonal skills, language skills, communica-

tion skills, flexibility and even diplomacy. An important note, avoid hiring solely to appear diverse. You will not reap the benefit of diversity if you forget to cultivate a welcoming and inclusive environment.

## 6 Be Patient and Enjoy the Journey

Rome was not built in a day. Serving new clients with dignity takes time. Engaging a new audience takes time. Commit to the process and let it take shape. Give yourself grace liberally as you learn to meet the needs of a new market. Lastly, relax. No one gets it right all the time. Iterating is part of this process, and mistakes are par for the course. Learn the lessons and move forward.

It feels great engaging new clients and helping them solve their legal issues. That is why you will want to make these shifts right away. There is a sizable legal market waiting to work with a great attorney sensitive to their specific needs. These simple shifts will help you reach and serve them with confidence. Try them out and see for yourself.

For more tools and tips on how to grow a profitable and purpose-filled law practice with less stress, contact us at [lpdept@gabar.org](mailto:lpdept@gabar.org) to schedule a consultation.

We're on social! Follow us on Instagram [@gabarlp](https://www.instagram.com/gabarlp). ●



**Nkoyo-Ene R. Effiong**

Director, Law Practice Management Program  
State Bar of Georgia  
[nkoyoe@gabar.org](mailto:nkoyoe@gabar.org)

## Endnotes

1. Harvard Business Review, How Diversity Can Drive Innovation, available at <https://hbr.org/2013/12/how-diversity-can-drive-innovation> (last accessed on 3/3/2022).
2. Josh Bersin, Why Diversity and Inclusion has Become a Business Priority, available at <https://joshbersin.com/2015/12/why-diversity-and-inclusion-will-be-a-top-priority-for-2016/> (last accessed on 3/3/2022).

# expand your practice

## Increase cultural competence

Presented by Nkoyo-Ene R. Effiong



### **Additional Resources**

- American Bar Association, Profile of the Legal Profession 2021, available at <https://www.americanbar.org/content/dam/aba/administrative/news/2021/0721/polp.pdf>
- Bryant, Susan, The Five Habits: Building Cross-Cultural Competence in Lawyers, 8 Clinical L. Rev. 33 (2001), available at [https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1257&context=cl\\_pubs](https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1257&context=cl_pubs)
- Cultural Competency and the Practice of Law in the 21st Century, available at [https://www.americanbar.org/content/dam/aba/publications/probate\\_property\\_magazine/v30/02/2016\\_aba\\_rpte\\_pp\\_v30\\_2\\_article\\_madaan\\_cultural\\_competency\\_and\\_the\\_practice\\_of\\_law\\_in\\_the\\_21st\\_century.pdf](https://www.americanbar.org/content/dam/aba/publications/probate_property_magazine/v30/02/2016_aba_rpte_pp_v30_2_article_madaan_cultural_competency_and_the_practice_of_law_in_the_21st_century.pdf)
- Cultural Humility, available at <https://youtu.be/SaSHLbS1V4w>
- Eliminating Implicit Bias among Lawyers, Part 1, available at [https://www.americanbar.org/groups/gpsolo/publications/gpsolo\\_ereport/2021/march-2021/eliminating-implicit-bias-among-lawyers-part-1/](https://www.americanbar.org/groups/gpsolo/publications/gpsolo_ereport/2021/march-2021/eliminating-implicit-bias-among-lawyers-part-1/)
- Eliminating Implicit Bias among Lawyers, Part 2, available at [https://www.americanbar.org/groups/gpsolo/publications/gpsolo\\_ereport/2021/april-2021/eliminating-implicit-bias-among-lawyers-part-2/](https://www.americanbar.org/groups/gpsolo/publications/gpsolo_ereport/2021/april-2021/eliminating-implicit-bias-among-lawyers-part-2/)
- Henderson, William, Eight, Updated Graphics on the US Legal Services Market, available at <https://www.legalevolution.org/2022/01/eightupdated-graphics-on-the-us-legal-services-market-285/>



## A Successful Law Practice and Strong Mental Health Is Possible

*By Stephanie Villinski*

You can be a successful attorney and take care of your mental health. I believe this to be true. And lucky for you, so does one of our outstanding speakers at this year's [The Future Is Now: Legal Services conference](#).

Her name is Kara Hardin. If anyone is qualified to present a CLE on attorney mental health, Kara is.

Kara is a former practicing corporate and securities lawyer who is now a registered psychotherapist and mental health educator. She is the founder and CEO of [The Practice Lab](#), which specializes in training high-achieving, high-pressure organizations on how mental health is linked to performance.

Lawyers have demanding jobs that can make us exhausted and irritable. Kara gets that.

Her goal isn't to tell us that what we're doing is wrong, but rather to discuss how the ways we manage and care for our mental health impacts how we perceive, understand, and interact with the world.

### How are you really?

In preparation for her Future Is Now talk "[High-Performing and Highly Stressed: How Attorneys Can Prioritize Mental Health](#)" and town hall discussion, I have had planning calls with Kara. One of my favorite parts of these calls has been the way she starts them.

Before jumping into our agenda, Kara asks me, "How are you really?" She stresses the word *really* and then is silent, patiently waiting for my response.

The first time she asked me, it caught me off guard. It was clear that she genuinely wanted to know the answer... I am not used to that. Most people who ask how you are expect the answer, "I'm okay," and then quickly move on to the next topic.

Not Kara: she really wants to know. She doesn't rush you; she listens to and follows up on your answer.

As attorneys, mental health is not just the absence of illness. It impacts every email, court appearance, and meeting we attend. How many of you have started an email with "Per my last email" or "As I stated before"? Or become so frustrated with opposing counsel that you just let them have it?

Do you think there is a correlation between these actions and your mental health? During her talk, Kara will provide you with tools to keep you at the top of your game, but hopefully less tired and easily agitated.

### How can organizational changes support mental health?

In a [recent study done by the Workforce Institute at UKG](#), 69% of people surveyed said that their managers had the greatest impact on their mental health, which is on par with the impact of their partner and greater than that of their doctor (51%) or therapist (41%).



Mental health isn't just a personal challenge. For the sustainability of our careers and the profession, it must also be addressed at an organizational level.

While Kara says that we are our own best experts when it comes to mental health, she believes organizational and professional cultures play a big role too. During her talk, she will discuss new ways of structuring our businesses – including simple tweaks – that prioritize attorney mental health and boost effectiveness.

### **Earn mental health CLE**

I will go on record and say that this is one of the best ways to earn your one hour of mental health and substance abuse CLE this year. Don't just pick a CLE to check it off the list. Use your valuable time on something impactful.

As someone with a last name beginning with V, I am especially talking to all my N-Z attorneys who must report MCLE hours at the end of June.

I invite you to check out Kara's talk and the rest of the virtual [Future Is Now](#) conference on April 20, 2023, from 12 – 4:20 p.m. CDT. Attendees will earn four hours of professional responsibility CLE credit, including one hour of diversity and inclusion and one hour of mental health and substance abuse credit.

*Original Blog Post: <https://www.2civility.org/strong-attorney-mental-health-is-possible/>*

## Reimagining Law: How to Meet the Needs of a Post-COVID Workforce

View this on YouTube here:

<https://www.youtube.com/watch?v=iiQIQI-dNw8>

In [this episode](#) of Reimagining Law, we hear from Patrick Krill, an attorney, researcher, and advocate for improved mental health in the legal profession. Patrick discusses his groundbreaking research on attorney well-being, why the employees who employers sent home aren't the ones who will be returning, and how employers can meet these changing needs. He also asks us to examine our thinking around returning to the office: are we catastrophizing the worse-possible scenario?



Subscribe to [our YouTube channel](#) to stay up to date on new episodes of Reimagining Law!

### Timestamps

- 0:35 – You have a big study that just came out on attorney mental health and well-being. Can you briefly discuss the study and your research?
- 3:32 – What does the returning workforce want in a professional environment and how can organizations give that to them?
- 6:03 – How can both legal professionals and their employers prepare for going back to the office?

### Related Reading

- Patrick's study: [Stress, drink, leave: An examination of gender-specific risk factors for mental health problems and attrition among licensed attorneys](#)
- [New Data Reveals the Startling Mental Health Struggles of Attorneys of Color](#)
- [Reimagining Law: The Data-Driven Business Case for Lawyer Well-Being](#)
- [Five Ways to Improve Well-Being in the Legal Profession](#)

### Patrick Krill

Patrick Krill is an attorney, licensed and board-certified alcohol and drug counselor, author, researcher, and advocate who has spearheaded numerous groundbreaking efforts to improve mental health in the legal profession. Recognized globally as a leading authority in the field, he is the founder of [Krill Strategies](#), a behavioral health consulting firm exclusively for the legal profession. In that role, he serves as a trusted advisor to large law firms and corporate legal departments throughout North America and Europe, working to help them protect and improve the health and well-being of their attorneys and staff.

*Connect with Patrick*

LinkedIn: <https://www.linkedin.com/in/patrick-r-krill-20a69647/>

## About Reimagining Law

The Reimagining Law video series explores how legal and judicial professionals are adapting the delivery of services to meet the unique needs of today's consumers. Reimagining Law is produced by the Illinois Supreme Court Commission on Professionalism.

## Interview Transcription

*Note – Transcription has been edited for clarity.*

Stephanie Villinski 0:07

Hi, I'm Stephanie Villinski, Deputy Director at the Illinois Supreme Court Commission on Professionalism. Welcome to Reimagining Law. We're exploring how legal professionals are adapting the delivery of legal services to meet the needs of today's consumers. I'm joined today by Patrick Krill, principal and founder of Krill Strategies. Patrick, thank you so much for joining us today.

Patrick Krill 0:30

Stephanie, thank you for the invitation to be here. It's great to be chatting with you.

Stephanie Villinski 0:35

So why don't we jump in? You have a big study that just came out. You released this groundbreaking study on the attorney mental health and well-being last month. And the data from the study shows that almost half the attorneys are experiencing symptoms of depression and anxiety and over half of the attorneys screen for hazardous drinking, and on top of this women seem to be higher in both those categories than men. So can you briefly discuss the study and your research around this?

Patrick Krill 1:11

Sure. And I think you actually did a pretty good job of summarizing at a very high level. But this was a large research project. We surveyed lawyers in California and DC, it was a large by-coastal random sample, which is important for purposes of being able to generalize your findings to a broader population of currently practicing attorneys. And the data was captured last summer. So we were a few months into the pandemic at the time. And as you said, I think it would be fair to characterize our findings as being demonstrative of an ongoing well-being crisis in law, one that was clearly exacerbated and worsened by the attendant stressors of COVID-19. And everything else that was happening over the course of the last year. So levels of depression, anxiety, perceived stress, hazardous drinking, all were at, I would say, unsustainable levels. Many people are struggling, and women are being impacted much more negatively than men. To be clear, men aren't enjoying robust mental health. But the women in the study were experiencing higher levels of just about everything that we wouldn't want them to be experiencing high levels of. Work-family conflict was implicated as a driver of much of the distress that we detected. And we can talk about that if you'd like. I think that has implications across a variety of domains.

Stephanie Villinski 2:38

Okay. Yeah, please go into that.

Patrick Krill 2:41

So, one of the things we looked at was whether people were thinking about leaving the profession due specifically to mental health, burnout, or stress. About 18% of men are. One in four women are thinking about leaving, specifically due to mental health, burnout, or stress. And we identified predictors, risk factors for those thoughts. And for women, it was work-family conflict. And if a female attorney has a high level of work-family conflict, she is four and a half times more likely to think about leaving the

profession due to mental health, burnout, or stress. To me, that's very instructive. It's obviously unfortunate, but it's also instructive. And I think it points us towards, you know, possible solutions, or at least highlights areas that we really do need to focus on.

Stephanie Villinski 3:32

For sure now, and I think that feeds into my next question. So that is very alarming data. And we all are starting to hear more about the focus on going back to work and being in the office. And as we discussed, Illinois, just fully reopened as of this past Friday, with very few COVID restrictions left. So and you've said in presentations, the workforce returning is not that the same one that left in March of 2020, at the start of the pandemic. So what does the returning workforce want in a professional environment these days? And how can organizations give that to them?

Patrick Krill 4:23

The workforce that any law firm or legal employer sent home a year and a half ago, is not the same workforce that's going to be coming back. The composite psychological or behavioral health profile of that workforce has shifted, and for many people, it's shifted in an unfavorable direction, as evidenced by the data that we captured in California and DC. And so recognizing that I think is key for any employer. People are going to need additional supports, additional resources, accommodations, etc. But to your question about, you know, what do people want? Different people want different things, some people are eager to get back into the workplace, really sort of on a full-time basis, I would say those people are probably in the minority. I would, they're also probably a small group of people who want to stay home on a full-time basis, more people are sort of somewhere in the middle, right, they want some level of flexibility. So ideally, they could sort of take the good of the last year and a half – maybe it was allowing them to spend more time with family, thereby reducing some of that work, family conflict, or whatever it may be, right. I mean, you could fill in the blanks based on your own specific situation. But ideally, I think people would like to hold on to the good. And then you know, sort of ditch the rest and get back to the things they about being back in the office. All of which really lands us somewhere in the middle kind of this hybrid model that I think most employers are likely contemplating.

Stephanie Villinski 6:03

How can both legal professionals and their employers prepare for going back to the office?

Patrick Krill 6:09

Let's start with the employer, what do they need to do to prepare. One, as I say, recognize and acknowledge that your workforce is different. Many people will have been experiencing mental health distress, a significant number of people began drinking more hazardously over the course of the last year, year and a half, you know, more people are burned out. So people are different. There's also a heightened level of anxiety about returning. So employers need to recognize that, prepare for that and be ready to offer some level of flexibility, accommodation, and support. A question I get from managers and sort of supervisors in firms, which is typically who I'm advising is, you know, what do we do to help the people on our team? Right on a, on a very sort of micro-level? What can we do as individuals to help the people working with us for us? And I always like to say, don't be someone else's risk factor, right? Recognize if your own behavior is causing unnecessary stress in someone else's life, the profession is always going to be stressful. But if we can all sort of lookout for ways or identify ways that we could stop bringing unnecessary stress or pressure into the lives of those around us, and those who maybe report to us, that would be key. Don't be someone else's risk factor for a mental health or substance use problem. For the employees, I think it's important for the person who's going back into the workplace, maybe they're a partner, so they're not technically an employee, it is nonetheless important to begin preparing, right? Identifying what about this experience is perhaps a little bit stressful for you. And also

check your thinking. I mentioned that levels of depression and anxiety and hazardous substance use have really sort of gone through the roof. And for many people, when they're struggling with those issues, even if it's sort of a mild level of depression or anxiety, our thinking can be affected, right. And we can find ourselves experiencing a lot of distorted thinking, thinking errors, cognitive distortions, however, you want to label it. And in a period where we're confronted with a lot of additional stressors, like going back into the office, our thinking can undermine us. So what does that mean on a really concrete level? Ask yourself, am I catastrophizing, right? Am I sort of envisioning the worst possible scenario? Am I overgeneralizing? Am I jumping to conclusions? Am I using past experiences to sort of project what this is going to look like? Or am I maybe minimizing the benefit of getting back around people and magnifying all of the things about this that are perhaps stressing me out?

Stephanie Villinski 8:46

Thank you so much for joining us today, Patrick. Please like and share this video and subscribe to our channel to stay updated on new episodes. Information on how to stay connected with the Commission, Patrick, and his work is in the notes. Patrick and I discussed just a portion of his study today. There's much more. If you'd like to read more, it's free to access and you can also find a link to this study in the notes. Thank you so much for watching and stay well.

This episode was recorded on June 14, 2021.

Original Blog Post: <https://www.2civility.org/reimagining-law-how-to-meet-the-needs-of-a-post-covid-workforce/>



*healthcare*



Article

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# Stressed, Lonely, and Overcommitted: Predictors of Lawyer Suicide Risk

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Patrick R. Krill, Hannah M. Thomas, Meaghyn R. Kramer, Nikki Degeneffe and Justin J. Anker

## Special Issue

Primary Mental Health Care in a New Era

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## Article

# Stressed, Lonely, and Overcommitted: Predictors of Lawyer Suicide Risk

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**Abstract:** Suicide is a significant public health concern, and lawyers have been shown to have an elevated risk for contemplating it. In this study, we sought to identify predictors of suicidal ideation in a sample consisting of 1962 randomly selected lawyers. Using logistic regression analysis, we found that high levels of work overcommitment, high levels of perceived stress, loneliness as measured by the UCLA loneliness scale, and being male were all significantly associated with an increased risk of suicidal ideation. These results suggest that interventions aimed at reducing work overcommitment, stress, and loneliness, and addressing gender-specific risk factors, may be effective in reducing the risk of suicidal ideation among lawyers. Further research is needed to expand upon these findings and to develop and test interventions specifically tailored to the needs of this population.

**Keywords:** lawyers; suicidal ideation; occupational stress; loneliness; perceived stress; depression; mental health; work overcommitment



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## 1. Introduction

Lawyers contemplate suicide (suicidal ideation) at an exceedingly high rate. Suicidal ideation, defined as thoughts, ideas, or ruminations about ending one's own life, is the first step to suicide and is predictive of suicide attempts [1,2]. Prior estimates suggest that between 10 and 12 percent of lawyers in the U.S. have contemplated suicide [3–5], compared to 4.2% of adults ≥ 18 years of age in U.S. population [6]. Given the high rates of suicidal ideation among lawyers, it is crucial to identify factors that potentially contribute to their suicide risk.

Lawyers are prone to mental health issues, including anxiety, depression, and substance abuse [3,7], which are strongly linked to suicide risk [8–12]. A nationwide study of ~13,000 lawyers indicated that 28% experienced depression, 19% reported anxiety, 21% had alcohol use problems, and 11% had problems with drug use [3]. Lawyers also experience elevated levels of stress (i.e., perceiving events in one's life or work as unpredictable, uncontrollable, and/or overloaded) [13,14] and loneliness (perceiving one's social needs as not being met) [15–17] which are well-established predictors of suicide risk [18–24]. However, the relative contribution of lawyer mental health, stress, and loneliness to suicide risk has yet to be examined.

Work-related hazards specific to the legal profession may also contribute to suicide risk. For example, lawyers are expected to work long hours, meet tight deadlines, and handle complex legal issues, all while maintaining a high level of professionalism and client satisfaction [5,13,25,26]. This can lead to burnout and feelings of being overwhelmed, which have been linked to increased risk of suicidal ideation [27–35]. Findings from other research, however, demonstrate that the association between job burnout and suicidal ideation disappears after adjusting for depression [36]. This highlights the importance of accounting for psychological distress when seeking to identify workplace predictors of suicidality.

Work-family conflict, or difficulty balancing work and family responsibilities, is a common stressor that can negatively impact mental health [37–40] and there is a growing body of research indicating that work-family conflict is a predictor of suicidal ideation [41,42]. Anker and Krill found that work-family conflict among lawyers was significantly associated with perceived stress and attrition due to burnout in a large sample of lawyers. These findings suggest that work-family conflict may also play a role in suicidal ideation among lawyers.

According to the World Health Organization, men are three times more likely than women to die by suicide even though women tend to experience higher levels of suicidal ideation [43]. Gender differences in suicide risk factors have also been observed across a range of occupational groups [30,44–46]. In relation to lawyers specifically, Anker and Krill (2021) [7] found that women lawyers were more likely to experience moderate to severe levels of work–family conflict, work overcommitment, perceived stress, anxiety, depression, and risky or hazardous levels of alcohol use compared to male lawyers. Owing to their higher prevalence of suicidality risk factors, we hypothesized that women lawyers may be at a higher risk for suicidal ideation than men.

Considering how many lawyers contemplate suicide and the paucity of data examining the relationship between their suicidal ideation and the known risk factors they often experience, further research on the subject is an overdue and essential step in the development of effective suicide prevention strategies tailored to that population. As such, the current study examined the relationship between suicidal ideation, and factors that negatively and disproportionally affect lawyers, including perceived stress, loneliness, work overcommitment, work-family conflict, alcohol use, and prior mental health diagnosis.

## 2. Materials and Methods

### 2.1. Participants

#### Recruitment and Random Selection

The University of Minnesota Institutional Review Board reviewed the study design and protocol. Recruitment was coordinated in collaboration with the California Lawyers Association (“CLA”), a nonprofit, voluntary organization that includes the Sections of the State Bar of California and the California Young Lawyers Association, and the D.C. Bar, the largest unified bar in the United States and an organization which provides an oversight structure to maintain ethical standards and Rules of Professional Conduct. An advertisement was included in newsletters sent by the D.C. Bar and CLA to their respective member lists and posted on their organization’s website. The advertisement provided a summary of the study, indicating that the survey was anonymous and that members would be randomly invited to participate in the study via email. Participants were randomly selected from a list of unique de-identified I.D.s supplied by the CLA and D.C. Bar. Each list contained approximately 98,000 IDs (196,000 total IDs). Hence, 40,000 IDs were randomly selected from each list (80,000 total) using the random sample function in the statistical platform R. From that sample, 5292 participants consented to the survey and about 4000 completed the survey. An email notification was sent to randomly selected D.C. Bar and CLA members on behalf of the researchers. Seven days following the email notification, study candidates received an email containing a link to a REDCap (Research Electronic Data Capture) survey. Clicking on the link directed participants to the survey’s informed consent page. The study was conducted during the summer of 2020.

### 2.2. Materials

#### 2.2.1. Descriptive Variables

Demographics and work context. Information regarding age, race, relationship status, and whether respondents had children was collected. Additionally, information on the following work-related variables was collected from participants: the average number of hours worked per week, current position in the legal profession, and whether the current position involved litigation.

### 2.2.2. Measures

**Mental Health Diagnoses.** Participants were asked if they ever (lifetime) or currently (past 12 months) had a diagnosis of major depression, anxiety disorder, PTSD, bipolar disorder, alcohol use disorder, substance use disorder, or a non-specified mental health disorder.

**Depression.** Participants completed the Patient Health Questionnaire-9 (PHQ-9) to assess the prevalence and severity of symptoms of depression [47]. For the PHQ-9, participant depression severity scores were grouped across the following 5 categories: None/Minimal (0–4), Mild (5–9), Moderate (10–14), Moderately Severe (15–19), and Severe (20–27).

**Stress.** The total score on the Perceived Stress Scale (PSS) was used to assess how unpredictable, uncontrollable, and overloaded respondents found their lives [48]. Scores on the PSS were grouped into Low (0–13), Moderate (14–26), and Severe (27–40) categories for analyses comparing.

**Alcohol Use Severity.** Scores on the Alcohol Use Disorders Identification Test (AUDIT-C) were used to assess risky drinking (women  $\geq 3$ ; men  $\geq 4$ ) and high-risk/hazardous drinking (women  $\geq 4$ ; men  $\geq 5$ ) [49].

**Substance Use Severity.** Scores on the DAST were used to assess substance use severity and were classified into the following four severity groups: Lifetime abstinence, No problems reported, Low, and Moderate to Severe [50].

**Loneliness.** Participants completed a 3-item questionnaire adapted from the Revised University of California, Los Angeles (UCLA) Loneliness Scale to assess the prevalence and severity of loneliness [51]. The questionnaire consisted of the following 3 items: “How often do you feel that you lack companionship?”, “How often do you feel left out?”, and “How often do you feel isolated from others?”. Participants responded with “hardly ever or never”, “some of the time”, and “often”. Ratings were summed to produce a loneliness score ranging from 3 to 9, with a higher score indicating greater loneliness. Following methods by Steptoe et al., (2013) [52], participants scores were summed and grouped across 2 categories (Lonely (3–5) and Not Lonely (6–9)).

**Work Overcommitment.** We used the overcommitment subscale of the Effort–Reward Imbalance (ERI) Questionnaire [53] to assess feelings of being overwhelmed by work demands. Responses on the subscale were on a four-point Likert scale (1 = Strongly Disagree, 2 = Disagree, 3 = Agree, 4 = Strongly Agree).

**Work-Family Conflict.** The degree to which work interfered with family life was assessed using three items from the Work-Family Conflict (WFC) subscale from the short version of the Copenhagen Psychosocial Questionnaire [54]. Participants rated items on a 4-point Likert-scale ranging from 1 (no, not at all) to 4 (yes, certainly).

### 2.2.3. Outcome Variables

**Suicidality/Suicidal Ideation.** Participants were classified as endorsing suicidality according to item 9 of the PHQ-9, which can accurately identify individuals at-risk for suicide attempts and death [2,55–58]. Moreover, assessing suicidal ideation with the PHQ-9 allowed for a direct comparison to recent reports of the frequency of suicidality in the legal profession [4]. Participants were considered to have endorsed suicidality if they selected “Several days”, “More than half the days”, or “Nearly every day” to the item “How often have you had thoughts that you would be better off dead, or of hurting yourself”. Participants who selected “Never” for this item were classified as not having suicidality.

### 2.3. Data Analysis

Demographic and mental health severity scores on the PHQ-9 were compared between men and women using chi-square analyses. Logistic regression analyses were performed to identify associations between predictor variables (e.g., Work–Family Conflict, Work Overcommitment,) and the outcome variables (PHQ-9 suicidality) while controlling for covariates (e.g., COVID-19 impact on PHQ-9 items).

Predictors were entered one at a time in a stepwise fashion, and their impact on the model’s overall fit was assessed. Those that significantly contributed to the model

were entered into the primary study model. A sensitivity analysis was then conducted to examine the impact of COVID-19 on the primary model by entering a variable representing COVID-19 impact on PHQ-9 suicidality (e.g., a single item added at the end of assessments that asked whether problems defined in the PHQ-9 increased, decreased, or stayed the same since COVID-19). P-values for multiple comparisons were corrected using Holm–Bonferroni adjustments.

### 3. Results

Of the 80,000 members of the CLA and D.C. Bar that were randomly selected and received a study invitation, 5292 consented. The sample was restricted to lawyers who were employed part- or full-time in a legal setting at the time of the survey and who had complete data on the study measures. The final sample consisted of 1962 participants.

#### 3.1. Descriptive Results

##### 3.1.1. Frequency of Suicidal Ideation

Approximately 8.5% (N = 165) of the participants reported thoughts they would be better off dead, or of hurting themselves “Several days”, “More than half the days”, or “Nearly every day” and were grouped in the suicidal ideation group. The remaining 91.5% (N = 1797) selected “Not at all” for PHQ-9 item 9 and were grouped in the non-suicidal ideation group.

##### 3.1.2. Demographic Variables

Groups were compared on demographic, occupation, and mental health variables prior to model testing. Women comprised approximately 51% (N = 991) of the sample. Table 1 shows the distribution of demographic variables for participants who endorsed PHQ-9 suicidality vs. those who did not (“Not at all”). There were no differences in the proportion of men and women who endorsed suicidality as a function of gender or race. However, with respect to age, lawyers who endorsed (vs. did not endorse) suicidality tended to be younger. For example, a significantly greater proportion of lawyers from the suicidality group (compared to the non-suicidality group) belonged to the two youngest age groups (30 or younger and 31–40) and a lower proportion of suicidality endorsers belonged to the oldest age group (61 or older).

**Table 1.** Demographics according to endorsement of PHQ-9 suicidal ideation (N = 1962).

	No Suicidal Ideation (N = 1797)		Suicidal Ideation (N = 165)		$\chi^2$ , p-Value
	N	%	N	%	
<b>Gender</b>					$\chi^2(1) = 1.064, 0.302$
Female	914	92.2%	77	7.8%	
Male	883	90.9%	88	9.1%	
<b>Age</b>					$\chi^2(4) = 18.81, <0.001$
30 or younger	126 <sup>a</sup>	85.7%	21 <sup>b</sup>	14.3%	
31–40	465 <sup>a</sup>	89.4%	55 <sup>b</sup>	10.6%	
41–50	425 <sup>a</sup>	93.2%	31 <sup>a</sup>	6.8%	
51–60	408 <sup>a</sup>	91.1%	40 <sup>a</sup>	8.9%	
61 or older	373 <sup>a</sup>	95.4%	18 <sup>b</sup>	4.6%	
<b>Race</b>					$\chi^2(6) = 10.04, 0.123$
Asian or Pacific Islander	125	86.8%	19	13.2%	
Black/African American	85	90.4%	9	9.6%	
Caucasian/White	1457	92.3%	122	7.7%	
Latino/Hispanic	62	91.2%	6	8.8%	
Native American	3	100.0%	0	0.0%	
More than one race	40	83.3%	8	16.7%	
Other	16	94.1%	1	5.9%	

Within each row, each superscript letter denotes column proportions that did not differ significantly at the 0.05 level according to Pearson Chi-Square tests.

### 3.1.3. Work-Related Demographics

Work-related sample demographics are shown in Table 2 for both groups. The total number of hours worked in a week, the participant's law practice setting, and whether the participant's legal position involved litigation did not significantly differ between groups. There was a trend that approached but did not reach significance ( $p = 0.051$ ) with regards to position in the legal profession, such that a greater proportion of lawyers in the most junior level (junior associate) endorsed (vs. did not endorse) suicidality.

**Table 2.** Work-related demographics of the study sample according to endorsement of PHQ-9 suicidal ideation (N = 1962).

	No Suicidal Ideation (N = 1797)		Suicidal Ideation (N = 165)		$\chi^2$ , p-Value
	N	%	N	%	
<b>Hours worked in a typical week</b>					$\chi^2(7) = 9.674, p = 0.208$
Less than 10 h	28	90.3%	3	9.7%	
11 to 20 h	65	98.5%	1	1.5%	
21 to 30 h	82	91.1%	8	8.9%	
31 to 40 h	405	91.6%	37	8.4%	
41 to 50 h	759	92.1%	65	7.9%	
51 to 60 h	348	90.9%	35	9.1%	
61 to 70 h	81	85.3%	14	14.7%	
71 h or more	25	92.6%	2	7.4%	
<b>Position in Legal Profession</b>					$\chi^2(6) = 14.021, p = 0.051$
Managing partner	315	92.6%	25	7.4%	
Senior partner	262	93.9%	17	6.1%	
Junior partner	115	92.0%	10	8.0%	
Of counsel	138	91.4%	13	8.6%	
Senior associate	254	93.0%	19	7.0%	
Junior associate	195	85.9%	32	14.1%	
Other	414	91.9%	41	9.0%	
<b>Law Practice Setting</b>					$\chi^2(7) = 12.200, p = 0.094$
Sole Practitioner—Private Practice	269	93.4%	19	6.6%	
Private Firm	740	90.7%	76	9.3%	
In-house lawyer: government, public interest, or nonprofit	445	92.5%	36	7.5%	
In-house lawyer: corporation or for-profit institution	233	91.7%	21	8.3%	
Judicial chambers (judge/hearing officer/clerk)	3	60.0%	2	40.0%	
Other law practice setting	39	86.7%	6	13.3%	
College or law school	6	85.7%	1	14.3%	
Other setting (not law practice)	15	100.0%	0	0.0%	
<b>Position Involves Litigation (Yes)</b>	1072	59.7%	105	63.6%	$\chi^2(1) = 1.393, p = 0.238$

### 3.1.4. Mental health Diagnoses and Symptom Severity

There were no significant group differences concerning current drinking status (current drinker, former drinker, or lifetime abstainer). However, regarding substance use status, a significantly greater proportion of endorsers of suicidality identified as a current substance user (data not shown). Table 3 shows the proportions of lawyers in each suicidality group with a past 12-month mental health diagnosis and the proportion within the severity classifications of the PHQ-9, AUDIT-C, DAST, PSS, and the UCLA loneliness scale. Overall, a greater proportion of lawyers who endorsed suicidal ideation had a current mental health condition (Depression, Anxiety, PTSD, Bipolar Disorder, AUD, or other) and were significantly more likely to be in the moderate, moderately severe, or severe range of depression as measured by the PHQ-9. Similar results indicating greater severity among the suicidality vs. the non-suicidality group were reported concerning (1) hazardous drinking (AUDIT-C), (2) substance use severity (DAST), (3) moderate to high stress (PSS), and (4) loneliness (UCLA Loneliness Scale).

**Table 3.** The prevalence of mental health diagnoses, severity of depression, alcohol use, substance use, and loneliness in the study sample according to endorsement of PHQ-9 suicidal ideation (N = 1962).

	No Suicidal Ideation (N = 1797)		Suicidal Ideation (N = 165)		$\chi^2$ , <i>p</i> -Value
	N	%	N	%	
Past 12-Month Mental Health Diagnosis					
Depression					$\chi^2(2) = 132.47, p < 0.001$
current	152 <sup>a</sup>	9.7%	62 <sup>b</sup>	41.6%	
lifetime	321 <sup>a</sup>	20.5%	31 <sup>a</sup>	20.8%	
no history	1096 <sup>a</sup>	69.9%	56 <sup>b</sup>	37.6%	
total	1569		149		
Anxiety Disorder					$\chi^2(2) = 65.033, p < 0.001$
current	226 <sup>a</sup>	14.5%	54 <sup>b</sup>	39.7%	
lifetime	232 <sup>a</sup>	14.9%	26 <sup>a</sup>	19.1%	
no history	1096 <sup>a</sup>	70.5%	56 <sup>b</sup>	41.2%	
total	1554		136		
PTSD					$\chi^2(2) = 58.780, p < 0.001$
current	22 <sup>a</sup>	1.9%	12 <sup>b</sup>	15.8%	
lifetime	54 <sup>a</sup>	4.6%	8 <sup>b</sup>	10.5%	
no history	1096 <sup>a</sup>	93.5%	56 <sup>b</sup>	73.7%	
total	1172		76		
Bipolar Disorder					$\chi^2(2) = 17.852, p < 0.001$
current	3 <sup>a</sup>	0.3%	2 <sup>b</sup>	3.3%	
lifetime	12 <sup>a</sup>	1.1%	2 <sup>a</sup>	3.3%	
no history	1096 <sup>a</sup>	98.6%	56 <sup>b</sup>	93.3%	
total	1111		60		
Alcohol Use Disorder					$\chi^2(2) = 13.739, p < 0.001$
current	8 <sup>a</sup>	0.7%	3 <sup>b</sup>	4.8%	
lifetime	31 <sup>a</sup>	2.7%	4 <sup>a</sup>	6.3%	
no history	1096 <sup>a</sup>	96.3%	56 <sup>b</sup>	88.9%	
total	1135		63		
Substance Use Disorder					$\chi^2(2) = 2.712, p = 0.258$
current	4	0.4%	1	1.7%	
lifetime	11	1.0%	1	1.7%	
no history	1096	98.6%	56	96.6%	
total	1111		58		
Other					$\chi^2(2) = 17.852, p < 0.001$
current	14 <sup>a</sup>	1.2%	5 <sup>b</sup>	7.9%	
lifetime	20 <sup>a</sup>	1.8%	2 <sup>a</sup>	3.2%	
no history	1096 <sup>a</sup>	97.0%	56 <sup>b</sup>	88.9%	
total	1130		63		
PHQ-9-Depression Severity					
None/Minimal	1011 <sup>a</sup>	57.8%	12 <sup>b</sup>	7.4%	$\chi^2(4) = 541.079, p < 0.001$
Mild	517 <sup>a</sup>	29.5%	33 <sup>b</sup>	20.4%	
Moderate	183 <sup>a</sup>	10.5%	51 <sup>b</sup>	31.4%	
Moderately Severe	34 <sup>a</sup>	1.9%	46 <sup>b</sup>	28.4%	
Severe	5 <sup>a</sup>	0.30%	20 <sup>b</sup>	12.3%	
AUDIT-C-Alcohol Use Severity					
Low risk	892 <sup>a</sup>	49.6%	74 <sup>a</sup>	44.8%	$\chi^2(2) = 7.881, p < 0.05$
Risky drinking	389 <sup>a</sup>	21.6%	27 <sup>a</sup>	16.4%	
Hazardous drinking	516 <sup>a</sup>	28.7%	64 <sup>b</sup>	38.8%	



Table 3. Cont.

	No Suicidal Ideation (N = 1797)		Suicidal Ideation (N = 165)		$\chi^2$ , p-Value
	N	%	N	%	
<b>DAST-Substance Use Severity</b>					$\chi^2(3) = 24.952, p < 0.001$
Lifetime abstinence	1418 <sup>a</sup>	78.9%	119 <sup>b</sup>	72.1%	
No problems reported	90 <sup>a</sup>	5.0%	6 <sup>a</sup>	3.6%	
Low	251 <sup>a</sup>	14.0%	26 <sup>a</sup>	15.8%	
Moderate to severe	38 <sup>a</sup>	2.1%	14 <sup>b</sup>	8.5%	
<b>PSS—Perceived Stress Scale</b>					$\chi^2(2) = 237.645, p < 0.001$
Low	812 <sup>a</sup>	45.2%	10 <sup>b</sup>	6.1%	
Moderate	897 <sup>a</sup>	49.9%	98 <sup>b</sup>	59.4%	
High	88 <sup>a</sup>	4.9%	57 <sup>b</sup>	34.5%	
<b>UCLA Loneliness Scale</b>					$\chi^2(1) = 110.338, p < 0.001$
Not Lonely	1224 <sup>a</sup>	68.1%	45 <sup>b</sup>	27.3%	
Lonely	573 <sup>a</sup>	31.9%	120 <sup>b</sup>	72.7%	

Each subscript letter denotes a subset of whose column proportions do not differ significantly from each other at the 0.05 level.

Table 4 shows the proportion of participants in each group with responses to survey items assessing whether participants believed their time in the legal profession has been detrimental to their mental health, led to increased alcohol/substance use, or caused them to contemplate leaving the profession due to mental health, burnout, or stress. A significantly greater proportion of lawyers in the suicidality group reported that their time in the legal profession was detrimental to their mental health, caused an increase in their substance/alcohol use, and considered leaving the profession due to mental health problems or burnout.

**Table 4.** Proportion of participants with and without PHQ-9 suicidal ideation with responses to items reflecting the perceived relationship between personal mental health and time in the legal profession (N = 1962).

	No Suicidal Ideation (N = 1797)		Suicidal Ideation (N = 165)		$\chi^2$ , p-Value
	N	%	N	%	
<b>Has your time in the legal profession been detrimental to your mental health?</b>					$\chi^2(2) = 110.436, p < 0.001$
yes	476 <sup>a</sup>	27.1%	106 <sup>b</sup>	66.3%	
no	943 <sup>a</sup>	53.8%	30 <sup>b</sup>	18.8%	
unsure	335 <sup>a</sup>	19.1%	24 <sup>a</sup>	15.0%	
<b>Has your time in the legal profession caused your use of alcohol and/or other drugs to increase?</b>					$\chi^2(2) = 50.771, p < 0.001$
yes	248 <sup>a</sup>	14.1%	55 <sup>b</sup>	34.2%	
no	1385 <sup>a</sup>	78.9%	89 <sup>b</sup>	55.3%	
unsure	122 <sup>a</sup>	7.0%	17 <sup>a</sup>	10.6%	
<b>Are you considering, or have you left the profession due to mental health, burnout or stress?</b>					$\chi^2(2) = 81.932, p < 0.001$
yes	320 <sup>a</sup>	18.2%	74 <sup>b</sup>	46.0%	
no	1352 <sup>a</sup>	77.0%	72 <sup>b</sup>	44.7%	
unsure	83 <sup>a</sup>	4.7%	15 <sup>b</sup>	9.3%	

Each subscript letter denotes a subset of whose column proportions do not differ significantly from each other at the 0.05 level.



### 3.2. Predictors of Suicidal Ideation

The results of the logistic regression analyses examining predictors of endorsement of suicidal ideation among lawyers are shown in Table 5. The following predictors did not significantly contribute to the model: alcohol and substance use severity, age, and work-family conflict. As a result, these items were removed in the final, simplified model. The final model contained the following predictors: gender, history of a mental health diagnosis, loneliness, perceived stress, and work overcommitment. Results of the model indicated that the odds of having suicidal ideation were 2.2 times higher among lawyers with high work overcommitment and 1.6 times higher among lawyers with an intermediate level of work overcommitment. Lawyers who screened as lonely on the UCLA loneliness scale were 2.8 times more likely to endorse suicidality than lawyers who did not screen as lonely. Gender was also significantly associated with suicidality, with men being 2 times more likely to endorse suicidality compared to women. Lawyers with a history of at least one mental illness diagnosis were 1.8 times more likely to endorse suicidality compared to lawyers with no history of mental illness. Finally, compared to lawyers with low perceived stress, those with high or intermediate stress levels were 22 times more likely and 5.5 times more likely, respectively, to endorse suicidality.

**Table 5.** Predictors of PHQ-9 suicidal ideation among lawyers (N = 1962).

	OR	95% CI
Gender (ref. female)		
Male	2.005 ***	(1.401–2.870)
Dx History (ref. no Dx history)		
Yes	1.822 ***	(1.26–2.63)
UCLA Loneliness		
Lonely	2.793 ***	(1.90–4.103)
PSS-Perceived Stress Scale (ref. Low)		
Low		
Intermediate	5.475 ***	(2.750–10.90)
High	22.392 ***	(10.30–48.64)
Work Overcommitment (ref. Low)		
Low		
Intermediate	1.585	(.850–2.96)
High	2.207 **	(1.206–4.039)

\* significant difference from referent (\*\*  $p \leq 0.01$ ; \*\*\*  $p \leq 0.001$ ); OR = odds ratio; CI = confidence interval.

### 3.3. Sensitivity Analysis

Accounting for COVID-19. It is important to acknowledge that data collection for the study occurred during the COVID-19 pandemic. In an attempt to control the pandemic's collateral burden on the study outcomes, responses to a single item assessing whether participants believed their PHQ-9 depression symptoms changed since the beginning of the pandemic was entered into the model as a covariate ("Thinking back to before the COVID-19 pandemic, do you believe the frequency of these problems has remained the same, decreased, or increased?"). The results of the model indicated that the perceived influence of COVID-19 on PHQ-9 responses was not a significant predictor of suicidality and that the ORs and significance levels of all the predictors noted in Table 5 were maintained (Supplement Table S1).

## 4. Discussion

Given the disproportionately high rates of lawyers who contemplate suicide, this study was designed to identify risks for suicidal ideation in the legal profession. To the best of our knowledge, this is the first study to report on factors related to suicidal ideation among lawyers randomly selected from a large sample of practicing lawyers. The first, most notable finding was that 8.5% of lawyers in our sample endorsed suicidal ideation as assessed by the PHQ-9, which is twice as high as the rate in the general working population and

closer to the rate among Utah lawyers (11.9%) noted by Thiese et al. (2021) [4]. The high prevalence of suicidal ideation among lawyers warrants further attention and mitigation efforts that address associated risk factors.

In addition to the high overall rate of suicidal ideation among lawyers, our study demonstrated that perceived stress was significantly associated with increased risk for suicidal thoughts. In fact, the odds of contemplating suicide were a remarkable 22 times higher among lawyers with high (vs. low) stress on the PSS. This finding supports prior studies indicating that perceived stress (as assessed by the PSS) predicts suicidal ideation and suicidal behavior in other populations [19,59,60]. However, the highly conspicuous extent to which it relates to lawyer suicide risk specifically would suggest that stress should be a primary target of suicide prevention and mitigation strategies for that population. A twofold strategy whereby stressors in lawyers' lives are reduced, and their stress tolerance is enhanced, would seem to be the most efficacious approach for mitigating the stress-suicidality risk. To date, however, most efforts to reduce stress within the legal profession have tended to target the individual, e.g., through the provision of personal stress management tools and self-care resources. Where employers have attempted to address the more structural and systemic precipitators of stress (i.e., unrealistic time pressures, unclear expectations, workload control, lack of feedback), employees have generally rated their efforts as 'highly ineffective' [5]. Simply put, it would seem the legal profession has been better at alleviating the effects of stress than in throttling the causes.

To be clear, interventions aimed at helping individuals better cope with stress should remain an essential element of any legal employer's efforts to improve lawyer mental health. Evidence-based self-care interventions for coping with perceived stress have been demonstrated to be effective in numerous settings [61–63]. Considering the profound impact of stress on lawyer suicidality, we believe that all options should remain viable for mitigating stress, including the examination and recalibration of organizational or profession-wide attitudes, norms, and cultures relating to work. Placing increased onus for change on the systems and structure of the profession, as opposed to individual lawyers, would seem appropriate due to the reported experiences of lawyers themselves. Specifically, a significantly greater proportion of lawyers who contemplated suicide indicated that working in the legal profession was detrimental to their mental health and contributed to their substance use, and feelings of burnout (See Table 4). Furthermore, such systemic introspection is both needed and timely in the wake of the COVID-19 pandemic. As noted in a recently published report on workplace mental health from the U.S. Surgeon General, organizational leaders, managers, supervisors, and workers alike have an unprecedented opportunity to examine the role of work in our lives and explore ways to better enable thriving in the workplace and beyond.

The importance of individual and organizational solutions for creating more mentally healthy workplaces is well-established in the literature [64], with upstream approaches being proposed as the most effective to prevent suicide and workplaces being ideal contexts to apply such approaches [65]. By seeking to reduce the incidence and impact of perceived stress among their lawyers, legal employers could be going far upstream with the potential for meaningful reductions in suicidal ideation. An obvious but important fact must be noted, namely that stressors outside of work could certainly contribute to lawyer suicidal ideation and therefore escape the reach of an employer's efforts to reduce stress. To speak practically, employers have an outsized role to play after numerous surveys and studies confirm that occupational pressures and fears are exceedingly the leading source of stress for American adults [66].

Social isolation or loneliness is noted as a common experience among lawyers and law students, often related to the demanding and high-stress nature of the legal profession, as well as the competitive and individualistic culture of law firms and law schools [15,16]. In the present study, lawyers experiencing high levels of loneliness were nearly three times as likely to experience suicidal ideation as those experiencing low levels of loneliness. This finding aligns with previous work demonstrating a relationship between loneliness and

suicide risk [18,20,22,23]. Importantly, research has also shown that a sense of relatedness, i.e., how you connect, or relate to others, and whether you feel a sense of belonging at work, among lawyers strongly correlates with improved wellbeing [67]. By making collaboration and regular social interactions in the work environment more of a priority, employers may be able to help mitigate some of the loneliness their lawyers experience. Any such efforts will undoubtedly be complicated by remote and hybrid working models that now predominate the legal field, especially as recent reports from the field suggest that many lawyers are reluctant to return to the office [68]. Given the high rates of alcohol misuse among lawyers and the strong connection between workplace permissiveness towards alcohol and the risk of hazardous drinking among lawyers [7], efforts to combat loneliness and isolation should avoid reliance on alcohol-based events as a primary means of increasing socialization and connection.

Turning to gender, the odds of suicidal ideation were two times higher for men than women. This surprising finding stands in contrast to the ‘gender paradox of suicidal behavior’ demonstrated by other research, whereby it has been shown that women in most Western countries have higher rates of suicidal ideation but lower rates of mortality than men [69,70]. This finding is also notable because women attorneys experienced higher levels of depression, anxiety, and hazardous drinking than men, which would typically suggest a higher level of corresponding suicide risk. However, after controlling for these variables in our final model, it was revealed that men were more likely to experience suicidal ideation. This would suggest that factors not included in our model, and which may not typically be tied to suicidality, are affecting the tendency of male attorneys to experience suicidal ideation. Further research would be needed to determine the specific reasons for the higher rates of suicidal ideation among male lawyers and the apparent inapplicability of the gender paradox of suicidal behavior to the lawyer population.

Relating to work overcommitment, lawyers with high (vs. low) levels of work overcommitment were two times as likely to endorse suicidal ideation, while those with intermediate levels of overcommitment were 1.5 times more likely to report such thoughts. Work overcommitment, as measured by the ERI questionnaire, has been described as an intrinsic or personality-based coping factor which reflects the need for approval, esteem, and control and it has been shown to be significantly associated with cynicism, exhaustion, and greater psychological distress [71]. According to the ERI model proposed by Siegrist and Montano, 2014 [53], overcommitment involves a desire to control one’s work environment and an inability to disconnect from work. Evidence of work overcommitment includes thinking about work immediately upon waking, having people tell you that you sacrifice too much for work, and an inability to relax and switch off work, among other things. High levels of overcommitment to work have been shown to play a detrimental role in lawyer mental health [72], but interventions aimed at reducing such work overcommitment face an uphill climb in the legal profession. Being overly dedicated to one’s work is generally highly rewarded in law, beginning in law school and continuing throughout many legal work environments where lawyers are often promoted based on their observed level of commitment to their work, their firm, and their clients. At the same time, research has shown that extrinsic validations and rewards (i.e., grades, rankings, honors, and financial rewards) do not predict lawyer wellbeing but instead that these external considerations that often dominate law schools and law practice are of subordinate importance to lawyer happiness when compared to other basic psychological needs, such as autonomy, relatedness to others, and competence [66]. By raising awareness of the notable downsides of being too committed to one’s work, encouraging lawyers to set and maintain appropriate boundaries in their lives, and reframing notions of success to prioritize intrinsic over extrinsic rewards, stakeholders in the legal profession may be able to temper or modulate the harmful effects of work overcommitment without asking lawyers to fully abandon the dedication to their work that may have greatly contributed to elements of their prior success and achievements.

Findings from the present study are consistent with previous research linking mental health disorders (e.g., depression, anxiety) to increased risk for suicidal ideation [73,74].

For example, while suicide accounts for about 1.4% of deaths worldwide, it has been estimated that the risk climbs to 5–8% for those with a mental disorder, such as depression, alcoholism, and schizophrenia [75]. It is well established that mental health disorders can disrupt cognitive and emotional functioning, leading to negative thoughts and behaviors, including suicidal ideation [73]. The present study adds to this literature by demonstrating that these factors are also relevant in the specific context of the legal profession because lawyers with a prior mental health diagnosis were nearly twice as likely to demonstrate suicidal ideation.

Another possible explanation of heightened suicidal ideation among lawyers is workplace culture which may promote unhealthy coping mechanisms and discourage seeking help for mental health problems. Previous research has demonstrated a pronounced reluctance on the part of lawyers to disclose or seek help for a mental health disorder, often due to fear of negative career or professional repercussions [3]. This “sink or swim” mentality and stigma surrounding seeking help for mental health problems may create a toxic work environment that contributes to the high rates of suicidal ideation in the legal profession. One strategy to address this issue involves destigmatizing mental health problems and promoting a culture of help-seeking within the legal profession when mental health problems arise.

Previous research indicates work–family conflict, alcohol use (AUDIT-C), and drug use (DAST) are associated with suicide risk. However, they were not associated with contemplating suicide among our sample of lawyers. This could be due to an overlap between these factors and perceived stress or other variables in the model. For example, other research demonstrates that scores on the AUDIT-C and DAST strongly correlate with perceived stress [76]. As such, it is possible that due to the overlap and strong relationship between perceived stress, alcohol use disorder, and substance use disorder, that the predictors of AUDIT-C and DAST scores did not emerge as significant while perceived stress did. It is important to emphasize that several lines of research implicate alcohol and substance use with suicidality, while several other lines of research demonstrate that lawyers engage in hazardous levels of alcohol and substance use at rates much higher than the general population. Although risky drinking was not a significant predictor of suicidality in this study (likely for the reasons cited above), ours and other’s past work clearly indicates a strong connection between problem drinking and psychological distress among lawyers. It is therefore possible that problem drinking impacts the risk for suicidal ideation among lawyers indirectly, by contributing to elements of psychological distress (e.g., perceived stress, poor mental health). Considering these findings, more research is needed to examine the specific contribution of risky drinking to suicidality among lawyers and it would be inappropriate to conclude that it does not meaningfully contribute to their suicide risk.

## 5. Limitations

There are limitations to the present study that should be considered when interpreting the results. First, the cross-sectional design of the study means that causality cannot be inferred. It is possible that suicidal ideation may also be a cause rather than just a consequence of the predictor variables. Longitudinal studies are needed to establish the direction of the relationship between these variables.

Second, the sample of lawyers in the present study was drawn from two jurisdictions only, California and Washington, D.C. Although those jurisdictions have among the largest lawyer populations in the United States and thereby provide for a large and diverse sample, they may not be representative of the legal profession as a whole. Further research would help confirm the generalizability of these findings to other geographic regions.

Third, the present study relied on self-report measures to assess predictor and outcome variables. Self-report measures are susceptible to bias and may not always reflect an individual’s true thoughts, feelings, or behaviors. Future research using objective measures (e.g., medical records, performance assessments) may provide a clearer picture of the

relationship between these variables, though such research may be difficult or impractical to conduct.

Finally, although AUDIT scores did not predict suicidal ideation in the present study, drinking is still very relevant to the discussion of suicide in this population given the high rates of problem drinking among lawyers [3,7] and the well-established connection between substance misuse and suicide generally [77]. Future research should continue to examine the relationship between alcohol use and suicidal ideation in this population.

## 6. Conclusions

Efforts are underway within the legal profession to improve mental health, reduce the stigma associated with mental health disorders, and increase the overall wellbeing of lawyers. To support and inform those efforts, an enhanced empirical understanding of the profession's unique mental health risks is essential, including a better understanding of why lawyers are much more likely than the average person to experience suicidal thoughts. This research has begun to answer that question. To summarize, our findings suggest the profile of a lawyer with the highest risk for suicide is a lonely or socially isolated male with a high level of unmanageable stress, who is overly committed to their work, and may have a history of mental health problems. The heightened risk of suicidal ideation extends well beyond this specific profile, however, thereby necessitating a sustained focus on the factors we identified as predictive of that risk. Overall, these findings underscore the need for interventions to address work-related stress and loneliness in the legal profession. This may include providing education, resources, and support for lawyers to better manage their workload, modifying work demands and expectations, and promoting a culture of openness and support within law firms. Additionally, targeting interventions towards male lawyers may be particularly important given their higher risk of suicidal ideation. Further research is needed to continue exploring the dynamics of the relationship between work overcommitment, loneliness, perceived stress, and suicidal ideation in this population.

**Supplementary Materials:** The following supporting information can be downloaded at: <https://www.mdpi.com/article/10.3390/healthcare11040536/s1>, Table S1: Predictors of PHQ-9 suicidal ideation among lawyers controlling for perceived influence of COVID-19 on PHQ-9 depression symptoms (N = 1962).

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### **Additional Resources**

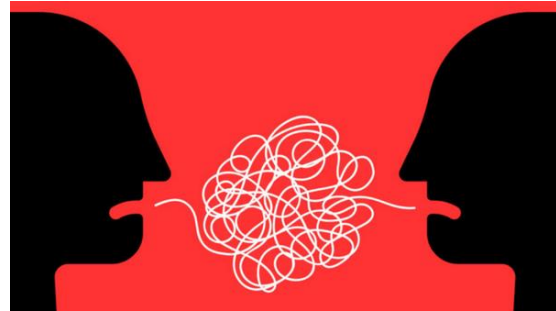
- Lawyer Well-Being in Massachusetts, available at [https://www.norc.org/PDFs/Mass%20Lawyers/NORC\\_MA%20Lawyer%20Well-Being%20Report\\_Final\\_2023\\_2\\_1.pdf](https://www.norc.org/PDFs/Mass%20Lawyers/NORC_MA%20Lawyer%20Well-Being%20Report_Final_2023_2_1.pdf)
- The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4736291/pdf/adm-10-46.pdf>
- The Status-Health Paradox: Organizational Context, Stress Exposure, and Well-being in the Legal Profession, available at [https://www.researchgate.net/publication/315357160\\_The\\_Status-Health\\_Paradox\\_Organizational\\_Context\\_Stress\\_Exposure\\_and\\_Well-being\\_in\\_the\\_Legal\\_Profession](https://www.researchgate.net/publication/315357160_The_Status-Health_Paradox_Organizational_Context_Stress_Exposure_and_Well-being_in_the_Legal_Profession)

## The True Cost of Incivility in the Legal Profession

*By Erika Harold*

While some lawyers view incivility as a relatively minor transgression, a recent New York Supreme Court decision shows incivility can be costly.

Justice Andrea Masley's decision is noteworthy not only because of the steep penalties she imposed but also because of the strength of the opinion itself. Justice Masley rejected the notion that incivility is simply vigorous advocacy and instead reinforced civility as a first principle of the legal profession.



### Objecting on the grounds of 'being obnoxious'

The litigation at issue involved a dispute over music publishing and production agreements between plaintiff Jacob Hindlin, a music writer and producer, and defendants Prescription Songs LLC and Kasz Money, Inc., a music publishing company and a music production company, respectively. (*See Hindlin v. Prescription Songs LLC*, New York Supreme Court, New York County; Cal. No. 2022L-01547; Ind. No. 651974/2018.)

Defendant Kasz Money filed counterclaims, including claims against Nonstop Management, LLC, which served as plaintiff Jacob Hindlin's manager. Notably, the plaintiff's wife Jaime Hindlin was the CEO of Nonstop Management.

The defendants sought to depose Mrs. Hindlin, and Justice Andrea Masley ordered that her deposition be taken over two days. Following day one of Mrs. Hindlin's deposition, however, the defendants sought sanctions against the lawyers representing Mr. and Mrs. Hindlin. They [alleged that](#) the Hindlins' lawyers:

"(i) relentlessly obstructed the deposition by making personal attacks on Defendants' counsel and our law firm with disparaging and insulting diatribe and threats of retribution in violation of established rules of civility and the rules of professional conduct, (ii) amplified this orchestrated obstruction repeatedly with pages and pages of argumentative speaking objections, often filled with invective, and (iii) repeatedly instructed the witness not to answer appropriate questions."

(Defendants' Memorandum of Law, NYSEF Doc. No. 960, p. 1.)

According to the defendants, the lawyers representing the Hindlins collectively "interjected with improper speaking objections and/or colloquy" approximately 300 times, and Mrs. Hindlin was improperly instructed not to answer 30 questions. (*Id.*, at pp. 2-3.)

whether they complied with this court’s order that they read the standards of civility.” (*Id.*, p. 7.)

The Hindlins’ lawyers appealed Justice Masley’s Order, and such appeals remained pending as of the date of this blog’s initial publication.

### **Civility is foundational to our justice system**

While [surveys conducted](#) by the Illinois Supreme Court Commission on Professionalism show that incivility is commonplace in the legal profession, the imposition of judicial sanctions for incivility is far less common.

Indeed, many litigators and law firms are loath to even seek sanctions against opposing counsel, as they don’t want to be perceived as weaponizing motions and legal proceedings and are concerned about escalating a cycle of incivility. Ironically, some of the lawyers most likely to threaten to seek sanctions are those whose behavior is most warranting of sanctions.

This creates a quandary for judges wishing to foster civility, as a significant amount of incivility occurs outside of the courtroom and is never brought before them via a motion. Some Illinois judges are [proactively attempting](#) to prevent incivility in their courtrooms.

For example, the Domestic Relations Division of the Cook County Circuit Court has an expansive [civility Rule](#) which includes a prohibition against lawyers “engag[ing] in offensive conduct or do[ing] any acts that may contribute to hostility or acrimony between the parties or others related to the pending action,” “even when called upon by a client to do so.” (Rule 13.11(a)(iv).)

Additionally, earlier this year, Judge Michael J. Chmiel of the 22nd Judicial Circuit in McHenry County, Illinois, issued a [Standing Order on Professionalism and Civility](#), stating that “Parties and the attorneys who represent them are reminded to engage in professionalism and civility in the handling of cases which come before the Court.” As Judge Chmiel told me in [a Reimagining Law interview](#), “we as judges have to use the tools we have” to combat incivility.

Justice Masley did just that in her Order. Not only did she impose sanctions to punish alleged incivility in the case before her, but she also wrote an instructive opinion articulating the foundational role of civility in preserving both the legal profession and the justice system.

As Justice Masley noted, “[s]ociety at large, and the legal community in particular, is increasingly less tolerant of sharp practices and sharp behavior that verges on harassment. It is



The defendants also alleged that the Hindlins' lawyers "repeatedly engaged in abusive, unprofessional, insulting, and bullying behavior, stating to opposing counsel, among other things:

- 'You're pretty terrible about asking questions...'
- 'I'm going to object on the grounds of it being obnoxious.'
- 'Somebody ought to teach you about conducting depositions.'
- '[S]omebody ought to run a CLE program for your firm.'
- 'I suggest that maybe you and your colleagues attend a CLE about what depositions are really about.'
- '[W]e have a combined approximately ... 100 years of litigating experience, and I join in his — in his statement. And, by the way, I know [other] lawyers who have the same opinion of you gentlemen.'
- 'You're going to get your comeuppance for this, I can guarantee it.'
- 'If you don't show up [to a post-deposition conference], you will suffer the consequences. It is not a threat. It is a promise.'"

(*Id.*, pp. 1-2) (Internal emphasis and citations omitted.)

Additionally, the defendants asserted that "counsel repeatedly swore, and used inappropriate and aggressive language throughout the deposition" and suggested that if the defendants' counsel continued asking questions about a certain topic, then "God help you, because it will be up to a higher [power] than me or the Court[,] and you have to look at yourselves in the mirror in the morning." (*Id.*, p. 10.)

The Hindlins' lawyers filed pleadings in opposition to the Motion for Sanctions, arguing the questions posed by the defendants' lawyers were improper both in form and substance and designed to cause undue stress and the waiver of privilege. (See e.g., [Affirmation in Opposition](#), NYSEF Doc. No. 975; [Memorandum in Opposition](#), NYSEF Doc. No. 995.) They also emphasized the significant health challenges the witness was already experiencing.

### **The risks of 'tarnishing the profession'**

Justice Masley, however, rejected these arguments. Following her review of the deposition transcript and the parties' pleadings, she [issued a decision](#), sanctioning the Hindlins' lawyers. (NYSEF Doc. No. 1037.)

In her ruling, Justice Masley found that:

"This is not the first time [Attorney] Goodman has exhibited this type of unprofessional, bullying behavior in this action, though it was only brought to this court's attention with this motion. ... [Goodman: 'You are not very good at asking questions, but you are very good at interrupting others.'], ... [Goodman: 'You are really obnoxious']; ... [Goodman: 'wipe that silly smile off your face'] ... [Goodman: 'You have no knowledge of the law at all. You're a

joke .... you're nonsense.']; ... [Special Master: 'Ok, Mr. Montclare. You are on mute sir ... You've got to unmute yourself.' Montclare: 'I said it's nice to see you again ...' Goodman: 'You could have stayed on mute Paul. That would have been fine']."

(*Id.*, at p. 4.) Justice Masley then delineated key reasons why lawyers must exhibit civility, even when vigorously advocating for their clients.

First, Justice Masley noted that "lawyers are expected to 'advise their clients and witnesses of the proper conduct expected of them ... and make reasonable efforts to prevent [them] from causing disorder or disruption.'" (*Id.*, pp. 4-5) (quoting 4C NY Prac, Com Litig in New York State Courts § 86: 16). As such, Justice Masley exhorted that "[a]ttorneys must model civility for their clients." (*Id.*, at p. 5.)

Second, Justice Masley found that incivility impedes legal proceedings. She explained that a lawyer's incivility in a deposition might "incite the witness," thereby "necessitating that the deposition be retaken." (*Id.*) Instead of emboldening witnesses to join them in thwarting legal proceedings, Justice Masley underscored the obligation lawyers have to intervene when their witnesses engage in abusive or obstructive conduct.

Finally, and perhaps most importantly, Justice Masley found that incivility "tarnishes the profession." (*Id.*) Accordingly to Justice Masley, "[o]ffensive and abusive language by attorneys in the guise of zealous advocacy is plainly improper, unprofessional, and unacceptable." (*Id.*)

She emphasized that "[a]n attorney who demonstrates a lack of civility, good manners and common courtesy taint the image of the legal profession and, consequently, the legal system, which was created and designed to resolve differences and disputes in a civil manner." (*Id.*) (Internal quotations and citations omitted.)

Justice Masley then ruled that the conduct of the Hindlins' lawyers was "uncivil and obstructive" and therefore sanctionable. (*Id.*, p. 6.) She ordered the following:

- The Hindlins' lawyers must reimburse the defendants the fees and expenses they incurred during the first day of the deposition and in connection with filing the motion for sanctions. The defendants attested that such fees and costs totaled \$56,040.54.
- The attorney representing the witness, Mrs. Hindlin, was required to pay \$2,000.00 to the Lawyers' Fund for Client Protection.
- The attorney representing Mr. Hindlin was required to pay \$10,000.00 to the Lawyers' Fund for Client Protection for engaging in obstructive conduct despite not even being the witness' lawyer.
- The Hindlins' lawyers were mandated to attend a CLE on civility and provide the CLE instructor with a copy of the deposition transcript at issue so the instructor could use it in his seminar "as an example of uncivil sanctionable behavior." (p. 6, n. 8.) They were then required to submit to the court "an affirmation attesting to their attendance and

a question of enlightened self-interest for lawyers and their clients to be tough yet civil.” (*Id.*, p. 3) (quoting Hon. Lawrence K. Marks, Jeremy Feinberg and Laura Smith, § 86:1 Scope note, 4C NY Prac, Com Litig in New York State Courts § 86:1 [5th ed.].)

*Original Blog Post:* <https://www.2civility.org/the-true-cost-of-incivility-in-the-legal-profession/>



## To Effectively Lead, Lawyers Must Listen

By Jayne Reardon

I recently had the opportunity to interview retired Illinois Supreme Court Justice Robert R. Thomas and Judge Debra B. Walker of the Circuit Court of Cook County for the Commission on Professionalism's [Reimagining Law](#) video series. The two-part interview was scheduled for two reasons: first, to reflect on the Commission's 15th anniversary and, well, because there is already a lot to talk about regarding the state of civility and professionalism in 2021.



In the second part of [the interview](#) (which we decided to publish first due to the relevance), the importance of listening kept coming up as a theme for promoting attorney professionalism. It got me thinking: can listening really make a difference in the state of civility? Don't people just hear what they want to hear?

### Are Lawyers Good Listeners?

In the interview, Thomas and Walker stressed that the most important aspect of civility and professionalism is the ability to respectfully listen to diverse viewpoints. We're living in a highly polarized society where people aren't listening to one another anymore, Thomas observed. He pointed to a Latin phrase on the wall of the Illinois Supreme Court in Springfield that reminds the justices of the importance of listening: "*Audi Alteram Partem*," which means "Let the Other Side Be Heard."

As I've written [before](#), lawyers are trained to ask leading questions that pin a witness down. However, we aren't generally trained to ask open-ended questions that may actually help us learn from another person.

In most communication contexts, asking open-ended questions and listening attentively to others is extremely important. We see this first-hand in the Commission's facilitation trainings and courthouse professionalism programs, during which participants appreciate engaging in an exercise that boils down to active listening.

It's important to note here that there is a difference between hearing and listening. Merriam-Webster defines the verb *hear* as the ability to perceive sounds whereas the verb *listen* is to give one's attention to a sound. Experts take this one step further pointing out that *empathetic listening* can build community and make a difference in personal relationships.

### What is Empathetic Listening?

[Nancy Burgoyne, Ph.D.](#), Chief Clinical Officer at the Family Institute at Northwestern University, says empathetic listening is just what we need in highly emotional and polarizing environments. In a [lecture](#) for the Northwestern Alumni Association, Burgoyne explained that empathy provides a connection to another's experience. Human beings are hard-wired to connect to one another – but we're also wired to protect ourselves, which makes listening hard.

As Jaya Ramchandani, founder of the online learning community We Learn, We Grow, [explains](#), empathetic listening is needed most when someone needs to be seen and heard, not when they're asking for a solution to a problem.

To access empathy, Burgoyne recommends stepping away from your intellectual perspectives to access your feelings and then communicating that understanding to the other. This process, however, may be foreign to lawyers. After all, we're trained in critical judgment and logical argument, not the touchy-feely stuff of empathy. In fact, according to the [Myers-Briggs dimensions](#), lawyers are significantly more likely than the general population to approach decision-making from a "thinking" rather than a "feeling" perspective.

But Burgoyne says empathy may be just the secret sauce we need for disarming people who seemingly assert emotionally charged statements rather than logical argument.

### How to Listen with Empathy

A critical first step to empathetic listening is listening to ourselves and identifying our "triggers," or thoughts and feelings that are being brought up within. By first learning to listen to ourselves, we're better prepared to listen to others.

In abbreviated form, here is a guide for empathetic listening:

1. Check yourself. Pause, listen, and figuratively step away from yourself. This isn't about you.
2. Pay attention and focus on the other person. This is where attentive body language and eye contact convey your genuine curiosity.
3. Don't mind-read. We often disengage when we think we've already heard what the other person is saying. But we may not realize where the other person is coming from. Further, a person often needs to say familiar material again before advancing to the next step.
4. Respond, don't react. Take a moment to think through a response rather than giving voice to a reflexive, automatic reaction that comes on suddenly. (Reflexive reactions usually come from the amygdala — the situs of the "flight or fight" impulse and implicit biases designed to protect us — rather than the prefrontal cortex where higher-ordered thinking occurs.)
5. Reflect what you heard back to the other person and validate their feelings. For example, "What I hear you saying is...am I getting it right?" "It sounds like you're really frustrated." Note that validating someone's feelings is *not* the same as agreeing with them.

As with any type of difficult conversation, preparation is key. And in this climate, it's wise to plan for how you'll respond if you're on the receiving end of something hateful. In such circumstances, remember to pause, notice what you're saying to yourself, breathe (engaging in longer exhales), and notice where the tension is. If you're flooded with emotion or triggered, call a time out for yourself. We need to take care of ourselves and reinforce healthy boundaries.

If you're looking for how **not** to respond, Northwest Compassionate Communication compiled a [list](#) of responses to **avoid** if you're trying to engage in empathetic listening. A few examples include:

1. Don't give advice or try to fix it, "I think you should..."
2. Don't explain it away, "She only said that because..."
3. Don't correct, "Wait. That's not how it happened..."

## Empathetic Listening Can Build Community

As a proponent of civility, I was most intrigued by Burgoyne's assertion that if we can tolerate short-term intensity and personal conflict, we can help build community. "We must take one another in our full humanity, not just a specific opinion or quality," she said. "This is how to move marginalized voices into the system."

This concept was echoed by Judge Walker in my Reimagining Law interview. She noted that lawyers are naturally inclined to be leaders and often find themselves on their condo boards, faith-based boards, and in other positions of leadership in their communities. Walker noted that if lawyers lead through example, setting the tone for civility, it will help lay a foundation for civil discourse in others. "This is a time to demonstrate what unites us, not what divides us," she said.

Lawyers, who are often sprinkled throughout our communities in positions of leadership, can use empathetic listening to bridge the emotional and political divides that have fractionalized society. There may not be a clear solution to every problem, but we all are experiencing anxiety and stress over the current situation. In our personal and professional interactions, can we let our guard down and listen empathetically? It just may provide connection and lead to a greater sense of community and civility.

*Original Blog Post:* <https://www.2civility.org/to-effectively-lead-lawyers-must-practice-empathetic-listening/>

## Today's Lawyers Are More Civil, But Not to Everyone, Commission Survey Says

By 2Civility

Today's lawyers are being more civil to each other than in the past, according to the Commission on Professionalism's 2021 Survey on Professionalism.

The percentage of lawyers who said they've experienced incivility from another attorney in the past 6 months dropped more than 30% compared to the Commission's 2014 Survey on Professionalism. However, issues of incivility tied to race, age, and sex are on the rise and impacting diversity in the profession.



"While the data shows that incivility in the legal profession is improving, the rise of incidents that generally impact underrepresented attorneys remains concerning," said Martin Sinclair, Chair of the Commission on Professionalism. "Recruiting diverse attorneys is an important first step that must be paired with an ongoing commitment to retaining these individuals. The Commission urges the legal profession to focus its efforts on actions that will create a culture of inclusion and belonging for attorneys, clients, and the public as a whole."

The Commission on Professionalism's third Survey on Professionalism surveyed a randomized sample of more than 1,500 Illinois attorneys across practice areas on their experiences with civility and professionalism in their workplaces and as individuals.

The survey was conducted in August and September 2021 in partnership with the National Center for Principled Leadership and Research Ethics at the University of Illinois at Urbana-Champaign.

### Lawyers are overwhelming civil

The vast majority of lawyers (89%) surveyed indicated that the attorneys they engage with are civil and professional. These numbers are similar to the 2014 survey.

While a majority of respondents (54%) said they had experienced incivility from another attorney in the past 6 months, this number is significantly lower than the 2014 survey, when roughly 85% of respondents reported that they had experienced incivility from another attorney in the past 6 months.

Attorneys in civil rights law, family law, criminal law, and personal injury law all reported experiencing incivility significantly more than in other practice settings.

### Incivility tied to race, age, and sex is growing

While incivility between attorneys, in general, has dropped, it's growing in areas that traditionally impact underrepresented groups.

The most common experiences of uncivil or unprofessional behavior reported were sarcastic or condescending attitude; misrepresenting or stretching the facts or negotiating in bad faith; inflammatory writings in correspondence, memos, briefs, or motions; and playing hardball (such as not agreeing to reasonable requests for extensions). These results are similar to those reported in 2014.

However, instances of incivility tied to race, age, and sex grew significantly.

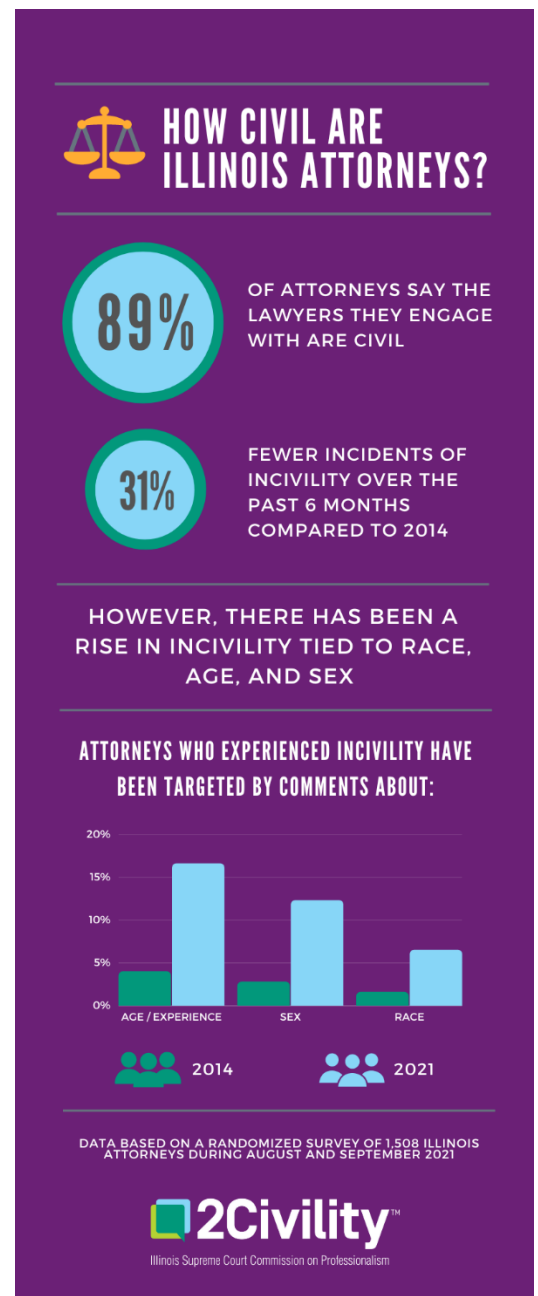
- In 2014, 4.0% of respondents who had experienced incivility reported that they had been the target of inappropriate comments about their age or experience; that number is 16.6% in 2021.
- In 2014, 2.8% of respondents who had experienced incivility reported that they had been the target of sexist comments; that number is 12.3% in 2021.
- In 2014, 1.6% of respondents who had experienced incivility reported that they had been the target of racially insensitive comments; that number is 6.5% in 2021.

And respondents said these actions are significantly impacting diversity in the profession. In 2021, 62% of respondents said incivility discourages diversity in the profession, up from 51% in 2014.

### Incivility and organizational culture

While the vast majority of respondents (83%) said their workplace cultivates a culture where people of all backgrounds are welcomed and valued, some organizations are coming up short when it comes to action. Just 63% of respondents said their organization always takes strict action against intolerance and discrimination.

More lawyers earlier in their careers said their workplaces allow them to express their ideas, opinions, and beliefs than their counterparts with more experience. Eighty-seven percent of attorneys with 0-4 years of experience



said they were free to share ideas and beliefs whereas only 76% of lawyers with more than 35 years of experience agreed.

The trend is also similar for expressing opposing views, suggesting organizations may be more tolerant of ideas from the next generation of attorneys.

When it comes to sexual harassment, a particular area the 2021 survey explored, 41% of practitioners reported that their workplace doesn't conduct sexual harassment training or they're unaware of these trainings.

And, when reporting sexual harassment concerns or complaints, 21% said they aren't confident or are unsure their concerns would be handled in a thorough, confidential, and impartial manner.

### **Consequences of incivility**

Most respondents (86%) tend to take the high road when confronted with incivility, opting to ignore or address the behavior in a civil way. The chances of a civil response increase with age.

However, incivility has unintended consequences that can extend beyond lawyers. According to respondents, uncivil or unprofessional behavior harms public/client confidence in the profession (90%), makes it more difficult to resolve a matter (95%), makes the practice of law less satisfying (92%), and leads to an increase in litigation/transaction costs (88%).

To read the full Survey on Professionalism, [click here](#). The 2007 and 2014 surveys are available on the Commission's [website](#).

*Original Blog Post: <https://www.2civility.org/todays-lawyers-are-more-civil-but-not-to-everyone-commission-survey-says/>*

## Bullying Does Not Pass for Advocacy in Illinois

By Jayne Reardon

Earlier this month, you may [have read](#) about the Illinois Attorney Registration and Disciplinary Commission's recommended three-year suspension of attorney Felipe Nery Gomez for sending "threatening and harassing emails" to seven attorneys during pending litigation.

Based on the contents of the emails (which I'll get into in a bit) it seems like it would be an open and shut case of incivility in communications. However, an ethics attorney interviewed for the piece says that "the line between zealous advocacy and 'scorched-earth' litigation tactics is often much blurrier."



I initially planned this blog post to discuss the tension lawyers might feel between a duty of zealous advocacy and a duty to conduct oneself civilly at all times, and even drafted a few paragraphs.

However, after I read the opinion of the Illinois ARDC Hearing Board and researched other disciplinary cases in the state, I realized that there is a pattern in uncivil communication in Illinois and it isn't a pretext of advocacy: it's straight-up bullying, and it often targets females.

### How is "zealous advocacy" defined?

Lawyers often assert that the line between incivility and zealous advocacy is fuzzy. But where does the duty of zealous advocacy really come from?

The word "zealous" doesn't appear in the [Illinois Rules of Professional Conduct](#). It does, however, show up twice in the Preamble and once in a comment.

Paragraph 2 of the Preamble states that as an advocate, "a lawyer *zealously* asserts the client's position" but goes on to qualify that by saying "under the rules of our adversary system."

The Preamble also states that lawyers may have to resolve conflicts between duty to clients, the legal system, and the lawyer's interest. In resolving such conflicts, they are told to exercise "sensitive professional and moral judgment" guided by basic principles "include[ing] the lawyer's obligation *zealously to protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining a professional, courteous and civil attitude toward all persons involved in the legal system.*" (Preamble, Cmt. 9)

[Emphasis added in both of these passages.]

Comment 1 to Rule 1.3, which requires a lawyer to act with diligence, explains that a "lawyer must also act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf."



However, the comment goes on to explain the limits of that zeal. “A lawyer is not bound, however, to press for every advantage that might be realized for a client...The lawyer’s duty to act with reasonable diligence does not require the use of offensive tactics or preclude the treating of all persons involved in the legal process with courtesy and respect.” (Rule 1.3, Cmt. 1)

Given that the [definition](#) of zeal is “a strong feeling of interest and enthusiasm” in pursuit of a cause or an objective, there really is no friction between zeal and civility.

As Kevin Dubose and Jonathan E. Smaby [wrote](#) in the Texas Bar Journal, the word “zealous” in the Texas Disciplinary Rules of Professional Conduct (identical in relevant part to Illinois’ Rules of Professional Conduct) envisions zeal as “a passionate and enthusiastic manner designed to achieve a favorable outcome for the client. Thus, zealousness should not be judged by its stridency but by the result.”

### **Advocacy or bullying in the Gomez case?**

In the case that kicked off this post, the ARDC Hearing Board [found that](#) Gomez violated the Illinois Rules of Professional Conduct in sending threatening and harassing emails to seven other attorneys in three different litigation matters.

Gomez’s emails referred to opposing counsel as “scum,” “liar,” “idiot,” “active criminal,” and “targets” and threatened them with lawsuits and sanctions.

The Hearing Board found that Gomez violated Illinois Rules of Professional Conduct Rules 4.4(a) and 8.4(d).

Rule 4.4(a) states that in representing a client, “a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.”

And Rule 8.4(d) states that it is professional misconduct for a lawyer to “engage in conduct that is prejudicial to the administration of justice.”

Gomez attempted to defend his statements as protected opinions under the First Amendment and substantially related to the litigation. The ARDC Hearing Board rejected these arguments, and it recommended that Gomez be suspended from the practice of law for three years and until further order of the court.

Two of the cases in which Gomez sent abusive emails were in federal court. The Executive Committee of the U.S. District Court for the Northern District of Illinois disbarred Gomez from practicing law in that court until further order.

Citing the federal court disbarment and a threat of irreparable injury to the public, the administrator of the ARDC petitioned the Illinois Supreme Court for an interim suspension during the pendency of the disciplinary case.

On April 8, 2021, the Illinois Supreme Court suspended Gomez immediately and until further order of the court.

Under all these circumstances, it is expected that the Court will approve the ARDC's recommendation of a three-year suspension until further order of court. (A suspension until further order of the court requires the suspended lawyer to petition for reinstatement after the fixed period of suspension ends. Reinstatement is only allowed by the Illinois Supreme Court following a hearing before the ARDC Hearing Board in which the attorney bears the burden of proof.)

### **A pattern of bullying female attorneys in Illinois**

While the Gomez case involved emails directed to male attorneys, during my research into Illinois disciplinary cases, I found an alarming pattern of bullying of female attorneys by their male counterparts. It can be assumed that this bullying, which is far from zealous advocacy, has been used to intimidate and belittle female attorneys.

I've included some instances below where male Illinois lawyers who made disparaging comments against female lawyers were disciplined for violating Rule 4.4(a):

- In [In re Craddock](#), the ARDC Hearing Board [found that](#) a male attorney used vulgar and disparaging gender-based language on three separate occasions in addressing female litigation counsel in federal and state court litigation matters. This included twice in the hallway of the federal courthouse when he intentionally addressed counsel by altering the first syllable of her name "Courtney" to a pejorative term. After counsel filed a motion for sanctions against him, he sent a disparaging email that altered both her first and last names to include the words "c—" and "b—" and threatened reprisals. On April 3, 2020, the Illinois Supreme Court suspended him for three months. (He was also suspended for 12 months by the Executive Committee of the U.S. District Court for the Northern District of Illinois, which found he violated Rule of Professional Conduct 8.4(g) by "engag[ing] in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of...sex" by twice using gender-based, vulgar terms to insult his opposing counsel.)
- In [In re Pondenis](#), the Hearing Board found an attorney made statements in text messages calling the girlfriend of a former client a "deadbeat" who had no intention of paying bills and had an order of protection taken out against her children. In addition, in connection with a pending eviction notice against him, the attorney sent rude text messages to his landlord and his landlord's wife, including calling the wife a "fat b—." These pejorative statements were found to have no legitimate purpose other than to embarrass in violation of Rule 4.4(a). In [an order](#) issued on September 23, 2021, the Illinois Supreme Court suspended the attorney from the practice of law for one year and until further order of court.
- In [In re Cohn](#), a male attorney directed vulgar language to female opposing counsel in a deposition. In the deposition, when Cohn directed his witness not to answer a question, opposing counsel stated, "Certify the question." Cohn responded, "Certify your own stupidity, then." When Cohn instructed his witness not to answer another question, and opposing counsel certified that question, Cohn stated, "I'm going to get sanctions

against your firm like you wouldn't believe, b——." In finding misconduct, the Hearing Board stated, "there is no question that directing vulgar gender-based slurs toward another person in the course of representation violates rule 4.4(a)." The Hearing Board found that the comments were made to demean and harass the attorney and that she testified credibly that she felt embarrassed and verbally abused. (Counsel filed a Motion for Sanctions against Cohn and the Hearing Board found that Cohn made disparaging remarks about the judge being in "robe rage" that violated Rules 8.2(a) and 8.4(d)). The Illinois Supreme Court [suspended Cohn](#) for six months and until he completes the ARDC professionalism course.

- [In In re Novoselsky](#), an attorney was suspended for six months in 2015 for violating Rule 4.4(a) by repeatedly calling his female opposing counsel insulting, vulgar, and gender-based slurs. The Hearing Board found he called female opposing counsel names including "f—— b——," "a——," "pervert," "slut," and "child molester." He called male opposing counsel in another matter a "cokehead" and "an idiot." He also called a deputy sheriff a "dumbbell" and repeatedly threatened to "have her job." (Another disciplinary action was filed against Novoselsky; the Illinois Supreme Court disbarred him in September 2020.)

Far from any sort of advocacy, zealous or otherwise, the above cases show a pattern of behavior that amounts to bullying. As in most cases of bullying, the targets are perceived to be weak.

Thank you to all of the women and their supporters who have exhibited courage in standing up and bringing these behaviors to the attention of the ARDC. Thank you to the ARDC for prosecuting these attorneys and to the Illinois Supreme Court for disciplining them for their offensive behavior.

As a female attorney in Illinois, it's heartening to know that defending bullying as a form of advocacy doesn't stand in our court system.

*Original Blog Post: <https://www.2civility.org/bullying-does-not-pass-for-advocacy-in-illinois/>*