

**Work Hard, Play Hard:**  
**Understanding the Importance of Work-Life Balance in**  
**Today's Legal Environment**

*By: Molly Eiden*

The story is familiar: there never seems to be enough time in the day. The technology of today's legal environment has led to increased pressure on attorneys to respond faster, bill more, and work longer hours. Certainly advances in technology provide greater flexibility for attorneys who no longer find themselves having to drive in to the office to work. However, this same benefit means that attorneys find themselves constantly "plugged in" and connected to their office, often at the sake of their own mental health. You may not realize how great an impact office stress can have on your overall well-being. If left unresolved, it is exactly the type of stress that can affect your health, happiness and family relationships. It can also cause a lawyer to sink into depression or start down the path of substance abuse. As a generation of individuals who grew up on technology moves into leadership roles in the legal community, focus needs to be placed on the importance of maintaining a healthy work-life balance.

***What can you do to prevent your practice from overtaking your personal life?***

Define your personal and professional goals and identify the steps you will take to achieve them. Identify what you enjoy about your career, what commitments you need to make to personal relationships, and what is the best career choice for you that will allow you the individual flexibility to meet both personal and professional goals. Review and reevaluate your plan every few months to determine how you are doing and to identify any changes you need to make. Make relationships with your spouse, family and close friends a priority. Make sure to not allow your commitments to your career to overcome time with those you love.

To counteract the effects of stress, make sure you exercise regularly, eat healthy and get adequate sleep. Be zealous about planning (and protecting!) your vacation time. Try to schedule at least one weekend a month to completely relax without any work obligations. Regularly indulge in some activity or hobby you enjoy.

Being a practicing attorney is demanding and stressful; the key to staying in control is to regularly use good organizational skills and work habits. Know when to ask for help! Those who are the most successful and happy in both their personal life and professional career are those who know when and how to ask for help. If you feel your practice is running you, rather than you running it, consider getting advice from someone outside your practice to help you gain some perspective and figure out what to do.

***What is the prevalence of impairment in the legal profession?***

Recently, the *Journal of Addiction Medicine* published "The Prevalence of Substance Abuse and Other Mental Health Concerns Among American Attorneys" as part of a joint project of the ABA Commission on Lawyer Association Programs and the Hazelden Betty Ford Foundation. The study involved the participation of over 15,000 attorneys from 19 states. The

statistics in this study are particularly alarming for new lawyers as the rates of mental health and substance issues were significantly higher in respondents 34 years old and younger or who had worked in the profession for 10 or fewer years. The study found that attorneys in the first 10 years of their practice now experience the highest rates of problematic use (28.9%), followed by attorneys practicing for 11 to 20 years (20.6%), and continuing to decrease slightly from 21 years or more. These percentages correspond with the study's findings regarding position within a law firm, with junior associates having the highest rate of problematic use, followed by senior associates, junior partners, and senior partners. Further, the study found that of the respondents who stated that they believed their alcohol use has been a problem (23%), the majority (44%) indicated that the problem began within the first 15 years of practice, as opposed to those who indicated the problem started before law school (26.7%) or after more than 15 years in the profession (14.5%).

The study found that levels of depression, anxiety and stress among attorneys were significant, with 28%, 19% and 23% experiencing mild or higher levels of depression, anxiety and stress, respectively. 61% of respondents reported concerns with anxiety at some point in their career and 46% reported concerns with depression. The study found that attorneys working in private firms experience some of the highest levels of problematic alcohol use compared with other work environments.

### ***What effects can this have on your professional career?***

Pursuant to Minnesota Rule of Professional Conduct 8.3, a lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects, shall inform the appropriate professional authority. Under Comment [3] to Rule 8.3, the term "substantial" refers to the seriousness of the possible offense and not the quantum of evidence of which the lawyer is aware. Rule 8.3 does not require disclosure of information that Rule 1.6 requires or allows a lawyer to keep confidential or information gained by a lawyer or judge while participating in a lawyers assistance program or other program providing assistance, support, or counseling to lawyers who are chemically dependent or have mental disorders.

ABA Formal Opinion 03-429 indicates that if a lawyer's mental impairment is known to partners in a law firm or a lawyer having a direct supervisory authority over the impaired lawyer, steps must be taken that are designed to give reasonable assurance that such impairment will not result in breaches of the Model Rules. If the mental impairment of a lawyer has resulted in a violation of the Model Rules, an obligation may exist to report the violation to the appropriate professional authority. If the firm removes the impaired lawyer in a matter, it may have an obligation to discuss with the client the circumstances surrounding the change of responsibility. If the impaired lawyer resigns or is removed from the firm, the firm may have disclosure obligations to clients who are considering whether to continue to use the firm or shift their relationship to the departed lawyer, but must be careful to limit any statements made to ones for which there is a factual foundation. The obligation to report a violation of the Model Rules by an impaired lawyer is not eliminated by the departure of the impaired lawyer.

ABA Formal Opinion 03-431 states that a lawyer who believes that another lawyer's known violations of disciplinary rules raise substantial questions about her fitness to practice must report those violations to the appropriate professional authority. A lawyer who believes that another lawyer's mental condition materially impairs her ability to represent clients, and who knows that that lawyer continues to do so, must report that lawyer's consequent violation of Rule 1.16(a)(2), which requires that she withdraw from the representation of clients. ABA Formal Opinion 04-433 states that a lawyer having knowledge of the professional misconduct of another licensed lawyer, including a non-practicing lawyer, is obligated under Model Rule 8.3 to report such misconduct if it raises a substantial question as to the lawyer's honesty, trustworthiness, or fitness as a lawyer. The professional misconduct must be reported even if it involves activity completely removed from the practice of law. If the report would require revealing the confidential information of a client, the lawyer must obtain the client's informed consent before making the report.

Further, ABA Formal Opinion 94-383 states that a lawyer's use of the threat of filing a disciplinary complaint or report against opposing counsel, to obtain an advantage in a civil case, is constrained by the Model Rules, despite the absence of an express prohibition on the subject. Such a threat may not be used as a bargaining point when the subject misconduct raises a substantial question as to opposing counsel's honesty, trustworthiness or fitness as a lawyer, because in these circumstances, the lawyer is ethically required to report such misconduct. Such a threat would also be improper if the professional misconduct is unrelated to the civil claim, if the disciplinary charges are not well-founded in fact and in law, or if the threat has no substantial purpose or effect other than embarrassing, delaying or burdening the opposing counsel or his client, or prejudicing the administration of justice.

### ***What local resources exist to help?***

Many state and local bar associations and organizations have long recognized the importance of maintaining a healthy work life balance. The Minnesota State Bar Association Life and Law Committee is dedicated to helping lawyers and legal professionals thrive in both their legal career and their professional life. The Life and Law Committee provides resources and tools in areas such as career satisfaction, work-life balance, mental/chemical health issues, physical well-being, and many other quality of life issues. Several of the events that the Life and Law Committee have held this year include volunteering at People Serving People, attending Music in Mears, participating in the Hot Chocolate 5k, and lunch time stress breaks. The Life and Law Committee is always looking for new members. If you're interested in joining or learning more about this organization, contact either of the co-chairs Chris Siebenaler ([csiebena@mlmins.com](mailto:csiebena@mlmins.com)) or Molly Eiden ([meiden@mlmins.com](mailto:meiden@mlmins.com)).

Many of the other sections and interest groups of the state and local bar organizations also offer opportunities to lawyers to help achieve work-life balance. For instance, the Hennepin County Bar Association has numerous clubs for members to join including tennis, cooking, and photography. These membership clubs allow not only for networking with other professionals but also an outlet for members to engage in their passions and take a break from the daily stresses of their jobs.

Lawyers Concerned for Lawyers provides free, confidential peer and professional assistance to Minnesota lawyers, judges, law students and their immediate family members on any issue that causes stress or distress. Specifically, this organization offers help to those affected by alcohol, drugs and other addictions; depression, anxiety and other mental illnesses; stress and other life-related problems; and any condition which negatively affects the quality of one's life at work or at home. More information about the services offered by Lawyers Concerned for Lawyers can be found on their website: [www.mnlcl.org](http://www.mnlcl.org).

The practice of law is a unique profession where you can use both your mind and your heart. But it can be taxing in that we make our living helping others carry their burdens. At the same time, many private practitioners must also run a small business (the firm) and financially provide for the staff and associates. Remember, the most important relationship you have in life is with yourself. Find what brings you happiness and create the time for it! In the end, you will serve your clients, and yourself, better.



Molly Eiden, CPCU is a Claim Attorney with Minnesota Lawyers Mutual Insurance Company. Prior to joining MLM, she worked as an associate in the area of insurance defense. She is an active members of the Minnesota Defense Lawyers Association and the Minnesota State Bar Association serving as co-chair of the MSBA Life and Law Committee. She also serves as coach of the McGee National Civil Rights Moot Court team for Mitchell Hamline School of Law and is a member of the Mitchell Hamline Alumni Board.