

Work-Life Boundaries: Defining Your Well-Being

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Rule 1.1 Competence provides that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Rule 1.16(a)(2) Declining of Terminating Representation provides that a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if, among other things, the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client.

It begs the question: is your personal well-being, namely your mental health and wellness, a factor in whether you can competently represent a client? Theoretically, many would agree that in general, it can, and there are certainly outlier scenarios where that notion is undisputed. But in practice, what about the typical attorney, grinding out 50-60 hours per week of billable work, struggling to keep up with the non-billable demands of the job, teetering on the edge of burn-out, but by nature is an overachiever, some might say perfectionist, who manages to meet all their deadlines and run a successful practice? Is that person truly adhering to the spirit and direction of the model rules?

The ABA has taken affirmative steps to show its support for the topic of attorney well-being. In 2017, the ABA formed the Presidential Working Group to Advance Well-Being in the Legal Profession, after the National Task Force on Lawyer Well-Being published a bleak report on attorney mental health, stress and substance abuse disorders. The purpose of the Group was to help employers identify and implement ways to provide healthy work environments with initiatives focused on mental health and wellness, and one of the ways was by developing a Well-Being Toolkit.

And that was all the time period that we have all so fondly come to call, “pre-Covid.” Since then, the demand for focus on mental health and wellness thrust itself into nearly every aspect of our lives, including the work place, and including the legal profession, whether we were ready for it or not. Although many would agree that the mundane day to day has overwhelmingly returned to the pre-Covid pace, the demand for prioritizing attorney mental health and wellness remains at an all-time high.

Despite an increased focus on mental health and well-being in the legal profession, attorneys are reportedly dealing with more stress, anxiety and depression. *See* Amanda Robert, *Mental health initiatives aren't curbing lawyer stress and anxiety, new study shows*, ABA Journal, May 19, 2023, <https://www.abajournal.com/news/article/mental-health-initiatives-arent-curbing-lawyer-stress-and-anxiety-new-study-shows>. According to the 2023 ALM and Law.com Compass Mental Health Survey of the Legal Profession, about 71% of the 3,000 attorneys surveyed said they had anxiety, a 5% increase from 2022. *See id.* About 38% of the surveyed attorneys said they dealt with depression, an increase of 35% from 2022. *See id.* The number of attorneys who struggled with another mental health issue more than doubled, up to about 31% this year from nearly 15% last year. *See id.*

It is virtually impossible to know whether the numbers are higher because the occurrences are higher, or if, instead, the willingness of people to report is greater than it was a few years ago. What the authors of this paper agree on however, is that while it remains a moral, if not ethical, obligation of organizations and firms to support mental health and wellness initiatives, it is ultimately up to us, as individuals, to be the champions for our cause.

If we have learned nothing else from our individual pursuits and journeys towards well-being, it is that these issues do not discriminate. The importance of well-being and balance applies whether you are in-house attorney, outside counsel, a single parent, not a parent, man, woman, non-binary, the list goes on. Consequently, the goal of our discussion is to provide the reader with a glimpse into each of our unique experiences as it relates to not only why, but how, we prioritize balance and well-being in our professional and personal lives.

Taylor Poncz, Outside Counsel at Chartwell Law

As I write this, it has been 5 years, nearly to the day, that my law school friend and colleague, walked into my office as he would on any other normal workday to chat about our weekend plans with our families, and then went home and took his own life about 8 hours later. The first few months after his death, I was knee deep in my grief going over that last conversation looking for clues, trying to be a good friend to his wife and help her navigate the chaos of finding passwords, getting access to bank accounts and medical records, and then figuring out how to continue doing my job when I had to walk by his empty office every day. I didn't know it then, but I know now, that my friend struggled with depression that went untreated before his untimely death. I am shocked I was not aware of something that significant about someone that I thought I knew so well. I also cannot imagine the weight he carried by struggling in silence.

While I personally do not believe that the demand of work drove my particular friend to take his life, the reality is that studies have shown that our profession as a whole, is disproportionately affected by mental health disease, anxiety, depression and substance abuse than the general population. As lawyers, we are the last line of defense. We are also largely confident, intelligent, perfectionists who would never show weakness to anyone, including ourselves. Maybe that is the real issue – that for so long, our society has viewed mental health disease as a weakness.

After Covid hit the following year, my mind set shifted. It made it glaringly obvious to me that people were going to be struggling at an alarming rate, and that motivated me to mobilize and encourage the firm where I worked at that time to focus on the mental health and wellness of our people. To do that, I approached the managing partner about creating an Advisory Committee on Mental Health & Wellness. I took an anonymous survey of staff and attorneys to identify the points of concern and suggestions for how the firm could support them. The Committee then made proposals to the Board about initiatives to roll out to our employees, such as the Cooleaf platform for employee engagement through challenges, rewards and recognition, and the Peloton app for all employees. The Committee also created an internal newsletter to share information and provide access to resources for mental health treatment.

On a personal level, I have committed to myself to commit to my well-being. One way I do that is by this very thing – by getting involved in panels, speaking at CLEs and writing articles about the importance of mental health and wellness in our industry. Another way I prioritize my well-being is by setting boundaries – at work and at home, and I do that literally, with very detailed calendaring and by actually scheduling my workout time into my day, but also by simply not apologizing. When I work alternative hours or need to work from home because one of my 3 kids has a doctor’s appointment or I need to drive soccer carpool, I just do it. Because that’s what works for me and allows me to grow my practice and grow my family at the same time. And similarly, when I am unable to chaperone a class fieldtrip, I tell my kids I am not able to because of my work schedule. I don’t hide the reason because I’m not ashamed to say that work takes the priority on those days. I think the idea of not apologizing for our personal needs extends further than just our own work/family dynamic. It means showing grace to opposing counsel and receiving it in return. It means not being overly adversarial when it isn’t necessary. And it means defining your own well-being in a way that suits you and not others, because unfortunately, I have learned from experience, life is short.

Niki Schaefer, General Counsel at Reliability-First

On March 21, 2019 I suffered a stroke in my cerebellum (brain stem) that significantly impaired my speech and balance for a period of time. I was a month shy of my 39th birthday and my children were 9 and 7 years old. Most strokes for people under 40 are unexplained; mine can be partially explained as a combination of my lifestyle and bad luck. And by lifestyle I mean that I was burning the candle at both ends trying to be the best lawyer, the best mother, the best wife, the best daughter, the best friend, the best non-profit board member, etc. At the time, I was in-house counsel for a large publicly traded company supporting businesses across the globe trying to work my way up the corporate ladder by saying yes to every project or “opportunity” that came my way; responding to every email immediately; traveling because I thought people thought I should be there and not because I actually needed to be there; doing things because people asked me to do them or because I felt guilty not doing them, not because they needed to be done or because I was the right person to do them. In short, I wasn’t making decisions; I was just blindly saying yes to everything. And that came at a significant cost to my mental and physical health. I was sleeping very little (4 hours a night for approximately a year), exercising infrequently, if at all, ignoring medical issues (like high blood pressure) that needed attention, and sacrificing time with my friends and family who mean so much to me. I used to tell my mother that I wished I could press a pause button on my life but I did not know how. So, life pressed it for me, and I could have lost everything because of it.

During my pause, thanks to a wonderful short term disability policy at my employer, in addition to intense physical, speech and occupational therapy to restore my speech and balance to what they were pre-stroke, I also took time to think, which is ironically something I did not do when I was working like a dog. I asked myself a lot of questions and my answers to them changed my life. I believe they are questions every lawyer should ask themselves and you do not need to have a brush with death to do it. First, what is most important to you in your work and in your life outside of work? Not to other people; to *you*. Second, how are you currently spending

your time? Third, does your allocation of time align with your answers to the first question? And if not, why not? And what can you do to change that? What I learned when I asked myself these questions is that I had blindly adopted other peoples' definitions of success, other peoples' determinations of what was important and/or urgent, and other peoples' expectations (real or perceived) of how I should spend my time. So I did a crazy thing—I decided to trust myself and make my own judgments! I stopped volunteering for every project or opportunity; I volunteered for the ones I wanted to. I stopped responding immediately to every email or text, especially group ones asking for someone to do something I thought either someone else should do or should not be done for all. I stopped thinking something was urgent just because someone else said it was. There are certainly occasional exceptions to these new rules, but learning the discipline to not react with an immediate “yes” changed my life. There is a Victor Frankl quote (from *Man's Search for Meaning*) that describes what I learned the hard way perfectly: "Between stimulus and response there is space. In that space lies our power to choose our response. In our response lies our growth and our freedom."

Melissa Lin: Outside Counsel at Righi Fitch Law Group

As the daughter of Taiwanese immigrants, I was raised in a culture that emphasizes hard work. “Taiwan working culture is characterized by a strong commitment to diligence, dedication, and teamwork. Its professionals display unwavering work ethic and embrace a sense of shared responsibility, creating an environment conducive to productivity and achievement.” Chase Cheung, *Exploring Taiwan Working Culture: Key Differences & Strengths*, NN Road, June 20, 2023, <https://nnroad.com/blog/taiwan-working-culture/>. As far back as I can remember I grew up with the belief that you are supposed to work hard. I understood that my job was to do well at school, so that as an adult I could have a career as a professional to support myself and my family. Neither my older brother nor I ever visited Taiwan as children because my father's trips back to Taiwan were always during the school year. Because school was my job I never missed it unless I was really sick. When I would ask my mother about Taiwan, she would tell me that the academic competition was extremely fierce and that neither my brother nor I would have been able to keep up. In fourth grade my father asked me what I wanted to do as a career, so that I could focus my education on that goal. That year was the first time I stayed up all night to finish a school project.

While growing up my parents exemplified the hard work, they taught us. They owned and ran a motel where we also lived. They worked twenty- hours a day seven days a week for over thirty-seven years. During that time, they took vacation only a handful of times, and never together. Someone always had to stay to run the motel. Our family ate dinner in a room next to the lobby. I cannot recall a single dinner, including Thanksgiving, that they were able to eat without an interruption by a guest.

During senior year of high school one of my friends commented on how he admired how my parents had taught and instilled the importance of hard work and dedication in me. That was the first time I thought about how I had been raised to value hard work, and how I had just assumed it was a part of life – like breathing.

In college I learned the importance of balance in life. During the first semester of my Sophomore year at college, I was extremely focused on developing my extracurricular activities and academics in order to get into medical school, the goal I had set for myself in fourth grade, I always said yes to every request and activity. I slept three (3) hours every day and started grinding my teeth from the stress as well as other health issues. I ended up developing TMJ. At the end of that semester, I realized that I had been raised with an unhealthy focus on work, and to suppress my own personal needs. Instead of ignoring my personal needs, I needed to acknowledge and prioritize my wellbeing.

In addition to learning the importance of acknowledging and prioritizing my personal needs instead of suppressing them, I learned that it is ok to feel anxious or stressed and to ask for help. Unfortunately, traditional Taiwanese beliefs stigmatize mental illness. “Taiwanese culture is based on Confucian and Taoist beliefs, both of which emphasize concepts such as saving face and harmony. . . . mental illness may not only disrupt the household’s ability to live in harmony, but may also lead to a loss of face.” Michi Fu, *Hen Hao (Everything is Fine): Facing the Stigma of Mental Health Issues in the Taiwanese American Community*, Taiwanese American Citizens League, <https://tacl.org/hen-hao-everything-is-fine-facing-the-stigma-of-mental-health-issues-in-the-taiwanese-american-community/>. Once I learned it was acceptable to admit that I was stressed and anxious I could figure out ways to handle it.

In order to decrease my stress and anxiety, I make it a goal to work out. I try not to overcommit and evaluate the importance of each personal and professional commitment. Most importantly I communicate with my husband and with my managing partner when I need help. As the working parents of seven-year-old twins, my husband and I share and delegate the parenting responsibilities. I handle the scheduling and registration of activities and he drives them to the activities. I drop the kids off in the morning, and he picks them up in the afternoon. When I need help I don’t hesitate to reach out to my partners for their input or guidance. I delegate assignments to associates, law clerks, and paralegals.

Below are some potential resources that may be helpful for someone seeking help:

- Suicide Resource/Hotline <http://www.aaspe.net/> or 1-800-273-8255 (TALK) or 911
- National Alliance on Mental Illness <https://www.nami.org/>
- Alcoholics Anonymous <https://www.aa.org/>
- Narcotics Anonymous <https://www.na.org/>
- Gamblers Anonymous <http://www.gamblersanonymous.org/ga/>

J.T. Wilson III: Outside Counsel at Epstein Becker Green, P.C.

Again, wellness integration is an essential discipline to develop and maintain a vibrant legal career compliant with the professional expectations of competence and physical and mental conditioning espoused in Rules 1.1 and 1.16(a)(2). Yet, the statistics concerning the numbers of lawyers struggling to meet these expectations are alarming. Generally, reports estimate approximately 16 million American adults, which equals about 6.7% of the U.S. population, are

affected by depression and about half of those diagnosed with depression also struggle with some form of substance abuse. *Addiction & Substance Abuse in Lawyers: Statistics to Know, American Addiction Centers*, September 12, 2023. More than 45% of attorneys experience depression during their legal career, with nearly 12% of them reporting at least one incident of suicidal thoughts, a sobering reality echoed by Taylor Poncz in this article. *Id.* Notably, issues of substance abuse in attorneys can be directly attributed to many of the same thoughts and feelings related to depression. *Id.*

According to a recent study conducted by the ABA Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation, approximately 21% of lawyers and other legal professionals are considered problem drinkers, and more specific questions conveyed to the study participants revealed 36% struggle with alcohol abuse—about 50% of the lawyers in the study disclosed the onset of their drinking challenges began within the first 15 years of their presence in the legal industry, including their time in law school. *Id.* Granted, cocktail parties are not the bane of our existence, and many enjoy libations without incident. However, alcohol consumption in sedentary settings seem to be the default social activity for legal professionals, beginning with the pizza and beer gatherings in law school and continuing upon entry into the profession.

Similarly, around 9% of attorneys struggle with prescription drug abuse, as lawyers leverage these drugs to help them stay up longer hours to complete work, or to aid the lawyers to fall asleep as a stress reliever. *Id.* Some, although not readily disclosed, incorporate illicit drugs like cocaine, heroin, and others to escape their depression and the weight of their jobs. *Id.*

With this backdrop, we focus this article on elevating alternatives for the audience to consider while developing her/his/their own wellness integration plan. While we do not promote any single action or activity, we do encourage everyone to invest in identifying and implementing their own strategy to ensure they are the best versions of themselves (physically and mentally) to competently represent their clients. With this in mind, and to supplement the observations shared by Niki Schaefer, Melissa Lin and Taylor Poncz, I raise the topic of spirituality as another tool for consideration.

Statistically, weekly religious service attenders are more likely to say they are very satisfied with their personal life than those who make \$100,000 or more in annual household income. *Religion and Well-being in the U.S.: Update, Gallup*, February 4, 2022. Generally, the legal industry—from law school classrooms to law firms—are highly competitive environments that seem to breed a ubiquitous quest to rise higher and surpass one's peers, arguably at all costs. Often, an associated cost is the exchange of appreciation for anxiety, gratitude for greed, and community for compulsion. Yet, research shows that expressing gratitude reduces anxiety, and expressing gratitude is a core component of many religions. *Id.* In fact, panel studies conducted by Harvard's Robert Putnam and others resulted in the belief that it's probable that something about being religious does lead to higher wellbeing. *Id.*

The data correlating faith and wellness is not lost on me. The significant role of the “Black” Church to the Black community as a place of acceptance, advancement, community and encouragement is well documented. *See The Black Church: This is Our Story, This is Our Song*”

by Henry Louis Gates Jr. The institution has long been a “locus of hope, spiritual guidance and social support for African Americans...a place of refuge and healing for the oppressed and marginalized...[a] strong sense of kinship and social connectedness is evident among its parishioner, and the Black Church has epitomized resilience, as it has engaged in capacity building and survived in the face of adversity, scarcity of resources, and historical threats.” *We’ve Come this Far By Faith: The Role of the Black Church in Public Health*, *American Journal of Public Health*, 2019 March; 109(3): 385-386.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6366503/#:~:text=The%20Black%20Church%20is%20the,the%20lives%20of%20African%20Americans.&text=It%20has%20been%20a%20locus,social%20support%20for%20African%20Americans.>

My family shares this experience and is not an exception to this general sentiment. Indeed, as the descendant of members of Native Americans (Southeast cultures) and formerly enslaved Africans, faith plays an integral role in my formation—growing up, we seemingly spent more time in Church than we did at school, and more time at school than we did at home—and remains an anchor in the core of my being. As a person who consciously embodies and expresses the dreams of his ancestors, and that not all too distant, faith fuels my journey and informs the lens through which I view the world and approach life in all its elements, individually, communally, personally, and professionally.

As a first-generation college graduate and attorney, the path to get here was neither familiar nor easy. Because of my upbringing, “family” extends beyond biological bloodlines to include members of the Church community, some whom I’ve known as long as I’ve known myself. Witnessing their approach to responsibility, fortitude in times of despair, community during periods of scarcity, left an indelible impression. “Controlling for theology, church attendance, general sociability, and other demographic factors...Church friends produce happier, nicer people.” *Religion and Well-being in the U.S.: Update, Gallup*, February 4, 2022. University of Wisconsin sociologist Chaeyoon Lim [notes](#), “To me, the evidence substantiates that it is not really going to church and listening to sermons that makes people happier, but making church-based friends and building intimate social networks there.” *Id.*

The proverbial saying, “[i]t takes a village to raise a child” is central to my lived experience, and my faith community serves as that village. This village encouraged me to continue to pursue my education after becoming a young parent at 20 years old. This village supported me emotionally and otherwise when I became a single, custodial parent of two daughters—now 26 and 23 years old respectively—who I raised, mostly alone, since they were 6 and 4 years old. This village celebrates my wins and provides a safe space for reflection and development. Indeed, “research has found that some African American religious services embody the therapeutic elements that are present in psychiatric therapy.” *We’ve Come this Far By Faith: The Role of the Black Church in Public Health*, *American Journal of Public Health*, 2019 March; 109(3): 385-386 *citing* Griffith EE, Young JL, Smith DL. An analysis of the therapeutic elements in a Black church service. *Hosp Community Psychiatry*. 1984;35(5):464–469.

There is something cathartic about a grateful heart. At times, the rigors of practice can cloud our view—either as one on the eve of trial, amidst the closing of a huge transaction, or immersed in the protection of intellectual property/patent—and we lose sight of the awesome privilege we enjoy as legal professionals. Our industry houses some of the brightest minds to enter the world: Thurgood Marshall, former President Barack and First Lady Michelle Obama, Abraham Lincoln, Ruth Bader Ginsburg, Patsy Mink, Sonia Sotomayor, etc. To foster gratitude and center myself, pausing during each day to reflect and audibly give thanks for the journey, come what may, helps anchor me in gratitude and ease the anxiety mounting with the competing demands on my time and attention. Also, prioritizing fellowship/worship with my spiritual family—even while traveling for work—provides the nourishment necessary to continue to run my race—soul food!

So, whatever your belief system or religious practice—for some it is yoga, others retail therapy, and yet others meditation—consider adding faith, gratitude and community (however you define them) to your wellness integration plan.