

'A Pressure Cooker': Mental Health is a Problem for In-House Lawyers Too

The theory that 'overflow work can be delegated to external firms' does not work in reality, a range of tech GCs say.

October 31, 2022 at 06:32 AM

General Counsel and In House Counsel

By Leah Brown | October 31, 2022 at 06:32 AM

In part two of a [series](#) looking at mental health in the legal industry, interviews with chief legal officers and general counsel reveal a side of the in-house practice that is rarely acknowledged. Across the board, in-house lawyers in senior management reported an average level of mental health that was markedly lower than partners surveyed in private practice.

When asked what would improve senior lawyers' mental health, one answer was "more resource"; the other was "more time". Upon resignation, mental health became markedly improved!

The main challenges cited by chief legal officers (CLOs) and general counsels (GCs) from technology businesses, with between two to 20+ years of in-house leadership experience, included difficult CEOs, isolation, risk of burnout, mountains of work, unreasonable demands, and constantly operating outside comfort zones.

Like all business leaders, senior in-house lawyers have also faced the challenge of building teams remotely, and all reported a diminution in the separation of personal and work-life post-pandemic. Constant context switching and limited autonomy was reported by senior lawyers as a significant challenge.

On remuneration, in-house pay has remained fairly static and legal is still seen as a cost centre. There is also a lack of transparency and inaccurate reporting on CLO/GC roles in the market, and amounts of company equity not only differs widely by stage of company, but is hard to quantify. Most respondents agreed that the role is not one for financial reward but rather about "diversifying one's skillset because learning, developing and growing is as important as [remuneration]".

One GC suggested that "mental health is not shameful, and showing weakness is not bad" aptly noting that "physical health warrants sympathy; mental health creates an opportunity for disgrace."

Respondents reported feeling incredibly isolated when looking around corners and solving problems before they affect business continuity. Unfortunately, executives rarely appreciate the severity of the issues being escalated by their GC. When asked to navigate tricky issues, the business assumes senior lawyers are congruent with their "cool and calm exterior", even though they are often struggling. In such situations, senior lawyers feel responsible for averting panic in the business, a heavy burden indeed.

Separately, individuals in regulated businesses were adamant that lawyers should be subject to the Senior Managers' Regime rather than the Solicitors Regulation Authority as there is an inherent conflict of interest that solicitors are expected to juggle at great personal cost, without guidance or support.

CLOs and GCs reported feeling intense stress and anxiety with surprising regularity. One GC highlighted that "lawyers are [not collectively] recognised as a group particularly exposed to mental stress disorders". It is worth saying that the majority of individuals surveyed have not had any adverse life experiences that have predicated a need to undertake private counselling. One GC proffered that "if you are a leader, you [should be] introspective and you [should] know yourself, you should know certain things about how to manage your mental health".

Much like in private practice, in-house lawyers run the risk of believing the lie that they are not cut out for their role if driven to the ends of themselves. The greatest misconception is that senior lawyers "create our own stress and that we bring it upon ourselves", that "we are made of steel", or "robots". Day-to-day, senior lawyers resemble a pressure cooker. When asked, they would admit that (out of necessity) they "keep everything inside". Consequently, they are not seen as "in need" or "at risk" when it comes to mental health. Respondents asked for "greater nuance and flexibility or understanding based on who you are, your circumstances, your physical health, neurodiversity, and approach to work".

Progressing from one investment round to the next, senior lawyers can often find their skills “outpaced” by the scaling and growth of the business. Even so, it remains the responsibility of the senior lawyer to manage affairs so that stress is not pushed down, specifically “to stand up for the people who work for us”, an obligation extending to their external counsel.

Where GCs reported being the first lawyer in the business, they often inherited the business in a state of legal disarray. Conscious of the pressure to make an impact, minimise external law firm spend, and be accommodating to the needs and requests of the wider business, the senior lawyer’s role is predominately one of risk management. Trying to explain to the executive team why they are so busy is often futile and the senior lawyer’s reputation is on the line if something goes wrong before they have had a chance to fix it. The idea that “overflow work can be delegated to external firms” does not work in practice because “the implementation of any advice in the business is down to the lawyer”.

GCs also called out the power imbalance in most companies—the commercial lead is usually several grades more senior than the junior lawyer. Leaders are often asked to intervene in matters where team members are being harassed.

However, the good news is that most companies are ahead of the curve on wellbeing initiatives. One GC reported that there is no mental health support available at their company. Most HR/People teams have had to step it up during the pandemic and the fruit of their labour has been extensive employee assistance support ranging from counselling to health and fitness perks, meditation apps, “Speak Up Champions”, nutritionists, healthy food and online delivery service budgets. Pre-pandemic learning and development budgets largely have remained, and increasingly employees are using these to take top-up courses or to attend conferences. Most companies have private medical insurance with mental health support.

Most senior in-house lawyers still choose to show up to work every day with their game faces on. Their resilience, intelligence, personability and humility stands them in good stead against the “relentlessness and speed of the modern world”. As business leaders, senior lawyers face both common and unique post-pandemic challenges.

The lack of personal time and risk of burnout applies to all lawyers. Yet, two things are true: senior lawyers must take responsibility for their mental health, and businesses should take concerted steps to encourage GCs and CLOs in the setting and maintaining of boundaries.

Leah Brown is an outsourced general counsel for fintech businesses, she runs a consultancy solving unsolvable problems for corporates and charities.

For this piece, the author contacted 15 GC/CLOs from a range of businesses including investment managers, private equity houses, fintech, insurance, healthcare, retail. As all of the contributors were in fintech, the piece has focused on technology businesses.

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