

## Why Do We Ignore Partner Mental Health in Big Law?

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Mental Health

By Leah Brown | October 27, 2022 at 06:55 AM

*To canvass views on mental health, Leah Brown, an outsourced general counsel for fintech businesses, spoke with 18 partners from law firms including: Linklaters, Freshfields Bruckhaus Deringer, Allen & Overy, Clifford Chance, Kirkland & Ellis, Arnold Porter, White & Case, Paul Weiss Rifkind Wharton & Garrison, Goodwin Procter, Gibson Dunn, Squire Patton Boggs, Herbert Smith, Hogan Lovells and Farrer & Co. Here, she explains what she found.*

Big Law requires partners to sink or swim, a modus operandi diametrically opposed to the Brené Brown era where vulnerability is a marker of true strength. The law firm business model attributes greater value to superstars than team-players.

But what impact is this having on the partnership when it comes to mental health? What happens when partners don't feel able to speak about their mental health openly? How do partners who feel trapped alleviate their burdens? Are we shutting down the only conversation that allows partners to be humanised by those they work for and to become better leaders?

The preliminary conclusion is that the legal industry still has a long way to go when discussing matters relating to anxiety and mental health.

I surveyed 18 partners from prestigious U.S. and U.K. law firms – diverse in age, gender, race and sexual orientation—and many of them felt a reticence to discuss the topic unless the discussion was off the record. Those who did contribute revealed that mental health as a state of well-being remains a divisive subject.

There is an implicit need to quash the myth that there is a correlation between high financial reward and the avoidance of adverse experiences of mental health as a partner. In the Magic Circle, “partners are expected to be HR, corporate development, compliance, execution, and operations”, another added “retention and recruitment” to that list—a remarkable job spec requiring versatility and perseverance.

Other partners agreed that the stresses of the job are down to the ever-increasing demands of clients, and suggested that clients could be better at communicating their expectations. Almost all agreed that partners are “humanised” when sharing their struggles, supportive of an open-door policy, and a culture of empowering colleagues to face challenges head-on, without fear of sanction or censure.

Big Law firms face the same post-pandemic challenges of instability caused by a constant state of flux; for partners, “insecurity causes negativity and pessimism”. One partner added that “there is never a time when a sense of attainment or security is reached—[one can] only be as confident as the last quarter's financial results allowed”.

All respondents remarked that promotion to the partnership was incredibly stressful, most hopeful that it would engender a greater sense of control over their workload and clients. The 12-18 month “byzantine process” to partnership remains shrouded in secrecy, described as “opaque” and “a gauntlet”, but for good reason. The availability of “homegrown talent” in UK firms seems to foster a greater sense of belonging, less transience and arguably an easier business case to partnership.

A U.K. partner noted that expressions of mental health range from maintaining a “stiff upper lip” to exhibiting “extreme openness”. In the former category, “some partners are analytical introverts and the subject of mental health is an anathema to them”. Where partners sit on this spectrum is irreducible to their age, practice area or law firm HQ. It is incontrovertible that law firms are professional places of work and employees should use discretion when disclosing matters that ought to remain the subject of conversations with a private medical professional. Partners claim to have received excellent support once they have spoken up.

However, most firms reported having an extensive health insurance policy with bells and whistles including therapeutic counselling services, coaches, performance management, personalised exercise courses for physiological support and annual questionnaires. Some offer compulsory weekly therapy sessions for partners, others deploy apps for mindfulness and meditation. From mental health charters, mental health networks, and no-email Sundays, the sky is the limit! Generally, partners feel like firms' grasp "of mental health issues and transparency about the challenges they present has really improved".

When asked whether firms could do more, respondents recognised that the legal industry is comprised of Type A individuals who hold themselves (and their teams) to relatively high standards; often this goes hand in hand with being highly self-critical. When juggling marriage and family life alongside career demands, there is a sense of failure felt by partners needing additional support.

Partners have been made to feel weak for not coping, or advised that they are not cut out for the job. One U.S. partner reported "having a recurring dream all night where [they] speak to clients in [their] bedroom or on the speaker phone and where [they are] worried that something has gone wrong. It repeats all night, every week night." The most surprising thing is not that this dream has persisted for 10 years, but how confident and competent this person appears to his colleagues and clients.

The topic of boundaries was recurring and the challenge of being "always on" persists. Post-pandemic, partners reported calls being scheduled all day and night, an added burden of increasing remote work. Problematic is not merely the sheer volume of work resulting from a relentless drive towards client deliverables, but the absence of downtime when on annual leave.

Partners are responsible for stepping up if an associate is out due to illness / mental health / parental leave / resignation. Younger (millennial) partners are juggling both the expectations of the older regime and the influx of Gen-Zers, themselves generally more emotionally literate and receptive to associate needs than their predecessors. Younger partners are working out how to be their best selves and moderately successful, while "working in a way that encourages others to feel able to address and improve themselves".

A magic circle partner measures their success not in revenue or other financial metrics, but rather on a "net happiness ratio", an approach shared by a U.S. partner. In both cases, these partners reported a high state of mental health and high job satisfaction, so having a team of engaged fee earners clearly mitigates some of the stresses and strains of the job.

Notwithstanding this, another U.S. partner said refreshingly that their experiences are largely positive and had nothing to add to the discussion. This underpins the notion that mental health is a part of health more broadly. Other partners felt uncomfortable sharing. The stresses of the job are mostly due to the "ever-increasing demands of clients"; there is always room for clients to improve their communication with firms. Some clients take the view that firms have a responsibility to call out GCs and recognise that it is okay to walk away from work because it is not good for their team's mental health.

The respondents agreed that law firms' role is as a professional services provider, and partners must be leaders in it which means taking responsibility for their own mental health. Partners are not robots but humans, each doing the best they can in a challenging role, showing up every day. The trend of early departures from the partnership is noteworthy and it might be inferred that this is prompted by mental health challenges. However, partners with the highest reported mental health drew heavily day-to-day on their relationships with other partners, their spouses, and in some cases coaches and/or counsellors.

Across the board, partners agreed that this is a conversation that needs to be continued and that more can be done industry-wide. Being pushed to extremes every day to keep your team and your firm afloat whilst juggling unseen and untold burdens is neither an act of sinking nor swimming, but treading water.

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

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