

# Charred: Stopping Burnout before It Happens

By TANYEE CHEUNG

**T**hrowback to first year of law school: How many recall the phrase, “Look to your left, look to your right, one of you won’t be here next year”? For many, the phrase was an omen to the harsh environment the legal profession would challenge us with. While we might have made it through law school, many of us are struggling and some of us are just straight dropping out of the profession. A recently released report from our neighbors in Massachusetts found that almost half of the attorneys surveyed considered leaving or had left their job or the legal profession entirely due to burnout or stress.<sup>1</sup> Before we become one of these statistics, we should ask ourselves, “Am I on this path?” Burnout is a gradual process and can sneak up on you. It does not happen overnight. The best way to manage burnout is to step off the path if you are already on it. If you might be slightly charred (you know who you are), this article is for you.

So, what exactly is burnout? Burnout is a state of emotional, mental, and often physical exhaustion brought on by prolonged and intense stress. Not surprisingly, it is widespread across the legal profession. High levels of stress and anxiety is common in our profession. The 2017 American Bar Association commissioned report found that 23 percent of attorneys surveyed struggled with stress and 19 percent struggled with anxiety. Burnout, however, is not simply stress or fatigue. Burnout is chronic. It’s workplace stress that is not being managed. Where fatigue might be healed with a few days rest and stress can dissipate with mental health breaks, burnout can be much harder to recover from.



According to The World Health Organization, burnout is characterized by: (i) feelings of energy depletion or exhaustion; (ii) increased mental distance from one’s job, or feelings of negativism or cynicism related to one’s job (i.e. a disconnect from your work environment); and (iii) a reduction in professional efficacy.<sup>2</sup> You do not need all three dimensions to suffer from burnout, but the three are often interrelated, and the presence of one dimension can increase the risk of experiencing the other two. Burnout is a complex and multifaceted phenomenon, and it can often be dismissed and overlooked until it becomes debilitating. The longer chronic stress is unaddressed, the more difficult it is to recover. In extreme cases, recovery can take years. The legal professions’ high-pressure environment is a feeding ground for stress. Often on top of the na-

ture of the work, there may be a sense of lack of control, insufficient rewards or recognition, perceived unfairness, and isolation. To prevent this, we must recognize the symptoms and contributors to burnout and take actions that can help alleviate chronic occupational stress.

For law firms and other legal organizations, there is a compelling business case for tackling burnout head-on. The financial implications of untreated burnout—from the direct costs of healthcare expenditures to indirect costs like lost productivity and employee turnover—are significant. On top of these, there are reputational risks associated with high burnout levels that can damage client relationships and make it challenging to recruit top talent. While individual actions are a key part of the solution, there’s also

much that law firms can do to prevent and address burnout. Firms can cultivate supportive work environments by setting reasonable work expectations, providing recognition for work well done, promoting an inclusive and fair culture, and ensuring that employees have the resources they need for good mental health. These resources can include access to counseling services, mental health days, and regular check-ins about stress and burnout. Organizations need to be more aware and foster a healthy work environment, not only for their employees' sake but for the sake of the organization.

While we should all look for organizations that will help us thrive, we must also look within. Stress is managed first by the individual and, regardless of the conditions of our work environment, we must be responsible for our own self-care and take control of our lives. While burnout is an interplay of individual and organizational factors, it is imperative that we as individuals recognize and use the power we have within us to manage external factors that often contribute to burnout. We each are triggered by different things and have different tolerance levels and most organizations will be unable to create the ideal environment for each person. As individuals, we need to manage whatever stresses us. Sometimes, this might mean we leave our jobs or even our profession. But I challenge us all to stay in this noble profession and *be the change!*

We are the first line of defense, and we need to safeguard our well-being, regardless of the pressure from our employers, organizations, clients, or communities. By taking control of our well-being as early as possible, we have the greatest chance of staying in the profession. As the adage goes, an ounce of prevention is worth a pound of cure. By finding time for self-care, we show up better, not only for ourselves, but for our organizations, our clients, and our profession.

So, what can we do to effectively combat burnout? First, we need to recognize the causes of burnout: unrealistic deadlines and time pressures, lack of control, poor

instructions and communication, lack of support and unfair treatment, and lack of connection to the organizational community. Then, we need to see what we can do to lighten our own stress. To combat burnout at its root, we must have self-compassion and agency. We must believe we are worthy of the necessary steps, and we must take them.

The first rule of self-compassion is recognizing we are human. While we might all be super humans, we are not super-human. Don't take on the burden of unrealistic deadlines. If your child, your friend, or your mentee came to you and asked how they could do 18 hours of work in 10 hours, you would tell them they can't. Because you have compassion and because it is the truth. Letting others set an unrealistically high bar (whether by giving unrealistic deadlines or insufficient support) will leave you missing it every time and will lead you to experience the dimensions of burnout. Remind yourself that you are human; I am human, and I need good sleep, exercise, and relaxation to re-energize myself so that I can show up as the best version of me. The best me is not a stressed, sleep-deprived, lonely robot sitting at my desk; the best me is the one that takes care of myself both physically and mentally so that I can perform my best. I know for us attorneys, admitting we are human might be tough, but I promise you, with practice, you too can get good at it!

The first rule of agency is recognizing that while we might not be able to control the outside world, we certainly have a ton of control over the inside world. Whether it's demanding clients, unrealistic deadlines, unfair expectations, micro-managers, or micro-aggressions—all of which are outside of our control—we can control how we respond to these external factors. Funny enough, regardless of how high I raised my stress levels, these external factors were not moved by my ability to raise my stress. I learned that my internal world only changed me. Stress made me more grumpy, less focused, less efficient, and less effective. I learned com-

municating with my team and my clients about what I could and could not feasibly do and not getting infected by their stress helped me function at my best. Take the time to communicate with your team, client, etc. I have told clients that for me to meet their timelines, the work will suffer. I have also told them that I need sleep, or I will be useless to them. Surprisingly, not one of them argued that I would be just as effective with a lot less sleep. If you let people know you are behaving responsibly, they will often understand. If they continuously act unreasonably, consider prioritizing finding another job. I know that might sound unrealistic, but the truth is, if you allow yourself to get burnt out, you will likely leave your job anyway and have a more difficult time recovering.

Burnout among attorneys is a significant issue, but it's not an insurmountable one. While we all should seek organizations that champion well-being, we must also take responsibility for our own well-being. Leaning on self-compassion and taking the time to recognize and use the agency we have over our own lives can help prevent burnout and maybe even before we get slightly charred.

*Check back in on our next column, which will have some concrete actions we can take on this path. ■*



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## NOTES

- 1 Lawyer Well-Being in Massachusetts NORC at the University of Chicago (Sirkin, Sawyer Y Augenbraun, et.al. February 2023 [https://fingfx.thomsonreuters.com/gfx/legaldocs/lgpdknlazvo/NORC\\_MA%20Lawyer%20Well-Being%20Report\\_Final\\_2023\\_2\\_1.pdf](https://fingfx.thomsonreuters.com/gfx/legaldocs/lgpdknlazvo/NORC_MA%20Lawyer%20Well-Being%20Report_Final_2023_2_1.pdf))
- 2 Burn-out an "occupational phenomenon": International Classification of Diseases <https://www.who.int/news/item/28-05-2019-burn-out-an-occupational-phenomenon-international-classification-of-diseases#:~:text=%E2%80%9CBurn-out>