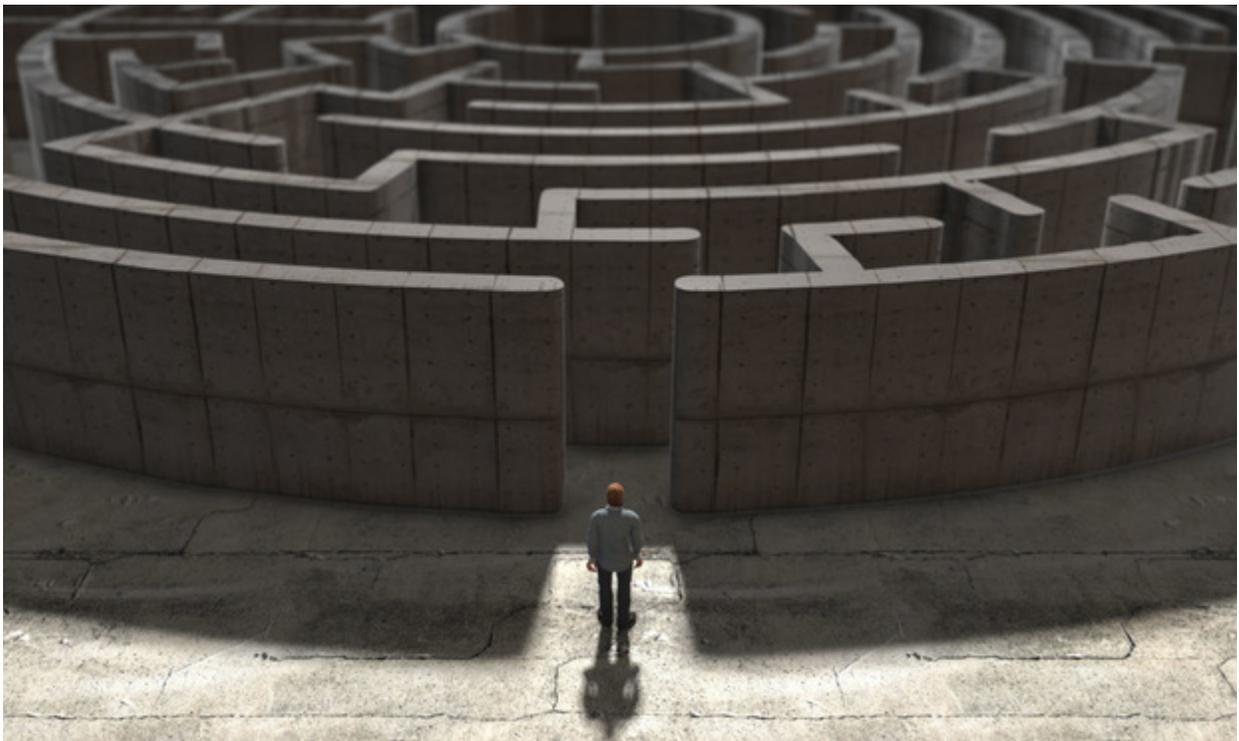


Unhealthy Law Firm Dyads Made Worse During the Pandemic—and What To Do About Them

What our isolated associate needs from the firm now is a lifeline—a process that he can grab a hold of in order to inform the firm how unbearable his work situation is becoming.

By **Peter Lobl** | May 12, 2020 at 11:00 AM



By now, attorneys, like many others, will have found a place to shelter indoors

in order to weather the pandemic. Some may have left their residence and moved back in with family. Others may be staying with friends, with a spouse or with a significant other. But what of the attorney who lives alone?

What of the associate who is more of an introvert and is living in isolation in his apartment? An attorney whose outlook on the world is gloomy even under normal circumstances. An attorney with a limited social circle and whose minimal social contacts have, since the pandemic, declined even more. A lawyer with a natural predisposition towards anxiety and for whom the pandemic has kicked his worries into high gear. A lawyer who used to have a drink—or two or more—every night to “de-stress” from the day-to-day of law firm practice and who now drinks even more than that. Now let’s say that associate is contacted by a partner with whom he has worked in the past.

This is a partner with a singular dedication to client service and whose focus on excellence has, if anything, increased during the pandemic. A partner who is channeling any concern she might have about losing clients into better, faster legal service. Perhaps this is her way of coping, and this coping approach leads her to spend almost all her waking hours working; driving her projects towards completion; and emailing and texting colleagues and associates on her projects at all times of the day—and night.

When this partner begins to work on a project with our isolated associate, the consequences for that associate’s well-being are likely to be markedly worse than they would have been pre-pandemic. This associate, shut inside with his worries and cut off from the daily routines of his outside life, no longer has access to the distractions that provided him relief from the pressures of law firm life. He can no longer walk down the hallway and check-in with colleagues; no longer get the workout at the health club that lifted his mood; no longer get together with a friend for dinner or go see a movie to get his

mind off things. He is also less able to transition away from work with this partner. For example, he can no longer drop by the office of another partner and ask that partner for work. And in this work environment, he knows the odds of finding another legal job are bad and getting worse. Instead, he may feel trapped and feel bound to accept his condition—a condition where his isolation and worries are now compounded by the pressured energy, the calls, the texts, and the emails from the driven partner. So what recourse is available to this associate? To whom might he go to explain how dire his situation is becoming?

This associate is at higher risk now than before the pandemic for developing a Major Depressive Episode through the dynamic of learned helplessness. Learned helplessness is a construct associated with depression and developed in the 1960s by Martin Seligman, a prominent Psychologist at U. Penn. According to his theory, learned helplessness develops when someone experiences repeated aversive stimuli over which he perceives he has no control. When people have learned helplessness, they perceive themselves as powerless over their situation, and this resignation can lead to depression.

Many associate-partner interactions involve mutuality, respect, appreciation, and skillful communication about expectations, deadlines, roles and tasks. Moreover, few relationships involve dynamics where one party is purposefully trying to harm the other. Rather, people are often just trying to do their best within the given system in which they operate. But in our current circumstances, some partners may unwittingly begin to act more frequently in ways that might have caught someone's attention at the firm and been interrupted by management. This is because the social judgments and damage to reputation that might follow occasional, unprofessional behavior in an office setting—like yelling in frustration at someone—are no longer in

operation. With the guardrails of such judgments and damage to reputation removed, so too has an important deterrent for such behavior.

What our isolated associate needs from the firm now is a lifeline—a process that he can grab a hold of in order to inform the firm how unbearable his work situation is becoming. For the associate to reach out in this way, he would need to believe that this lifeline actually worked. To promote this belief, I believe at least the following elements need be present:

- (1) there are no reprisals or risks to job security for using this lifeline;
- (2) confidentiality for its use is protected;
- (3) a publicized protocol makes it manifest how the foregoing job security and confidentiality are ensured;
- (4) the reporting process is straightforward, simple to use, and widely available to attorneys at all levels;
- (5) management involved in the process have a reputation for trustworthiness;
- (6) management involved have the power to intervene and make a difference no matter who is involved in the reported matter;
- (7) the reporting person will always be contacted back;
- (8) some action is always taken to try and improve the reported situation; and
- (9) management repeatedly and openly encourages the use of this lifeline.

Maybe some firms already have such a lifeline in place, in which case, I hope my description of some of its possible elements is helpful.

With this lifeline available, the isolated associate may have an actual remedy for his situation. Moreover, knowing that this lifeline is available could help instill the perception that work conditions are not entirely beyond his control. This perception might in turn help reduce his vulnerability to learned helplessness.

This pandemic has produced circumstances that may have exacerbated certain negative dynamics in our professional lives. But our current situation may also serve to highlight what needs fixing. The hope is that we might use this time to address these dynamics so that we might return to a work environment that is not the same as before – but improved.

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