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Economic Downturn Raising Suicide Risk Factors Among Attorneys

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As if long hours, high stakes and intense competition weren't enough, now lawyers are grappling with client cutbacks, lower pay and layoffs. And it appears some attorneys are cracking under the pressure.

Reports of three suicides at major U.S. law firms during the past six months underscore the stress that lawyers are facing as the economic downturn raises the intensity for billable hours and big wins. Kilpatrick Stockton, Simpson Thacher & Bartlett and King & Spalding have each lost an attorney since December.

It is difficult to gauge whether these three recent deaths indicate a rise in attorney suicides; recent statistics are hard to come by. And it has been more than 20 years since the National Institute for Occupational Health and Safety released a study that ranked lawyers fifth among workers in the frequency with which they commit suicide. Psychologists and attorneys, however, say factors in the profession that may contribute to suicide have likely grown worse, not better. Lawyers, they say, may be primed for depression because of their heavy workload and legal training that accentuates the negative.

"We really, as lawyers, are dunked into a bath of stress," said Dan Lukasik, a trial lawyer whose Web site Lawyers with Depression has seen a 50 percent jump in hits in the past six months. "You're sitting there stewing in your own stress chemicals and that goes on for years."

In two of the reported suicides, at Kilpatrick and Simpson, the deteriorating economy may have directly affected the attorneys' lives; both had reportedly been laid off amid cost-cutting at their firms. Just prior to his suicide, a King & Spalding partner at the firm's Charlotte, N.C., office had lost a big trial and the office, which he helped open, faced a decline in demand for legal services.

RECESSION STRESS

Lawyers tend to be overachievers whose legal training and working conditions can contribute to what studies -- most notably one by researchers at Johns Hopkins University -- suggest is a predisposition to depression and anxiety that can contribute to suicidal thoughts. Although it's impossible to pinpoint the many factors that may lead to suicide, the added stress of the economic downturn could be exacerbating that predisposition and pushing some people too far, they said. "You're not able to go to your friends or your family because they're in the same place," said Sherry Molock, an associate professor of clinical psychology at the University of Maryland. "The economy is an equal-opportunity downfall for everyone right now."

At Kilpatrick, Mark Levy, who headed up the firm's Supreme Court practice, killed himself at his Washington, D.C., office on April 30. Levy, 59, who was counsel to the firm, was one of 24 lawyers dismissed two days before he



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killed himself, according to a friend who declined to be identified. The firm confirmed his death, but declined to comment. At Simpson Thacher, a female associate apparently committed suicide last month shortly after being dismissed from the firm, the Web site Above the Law reported. The law firm would only confirm that an associate had died.

At King & Spalding, Charlotte lawyer George Covington committed suicide last December, five days after he and a team of litigators suffered a jury trial defeat in a seven-year-old case for Bank of America Corp., a major client Covington had brought with him when he moved to King & Spalding in 2007. Covington was previously at Kennedy Covington Lobdell & Hickman, which was later absorbed by K&L Gates.

Covington had been part of a group of lawyers who opened the Charlotte office for King & Spalding in 2007, just months before the economic downturn hit the city's major hometown banks. Wachovia Corp.'s collapse late last year and cost-cutting at Bank of America contributed to drying up demand for legal services in the city and to the closing of offices there for Sonnenschein Nath & Rosenthal and Dewey & LeBoeuf. Lawyers who had worked with Covington confirmed that he had committed suicide, but didn't want to be identified. King & Spalding declined to comment on Covington's death.

Of 12 large law firms contacted for information about counseling or treatment services they provide for lawyers, including many that have cut attorneys and staff, 10 declined to comment or did not return calls. Nearly all major law firms have employee assistance programs, in which staff and attorneys have access to counselors who can help them with mental health and substance abuse programs. Still, firms don't seem to have expanded such services since the economic downturn hit.

At McDermott Will & Emery, the firm tries to balance business decisions with a sensitivity to individuals being let go, allowing additional employment time or face-saving descriptions of the dismissals in some cases, said Jeffrey Stone, a partner who will become chair of the firm's management committee next year. "Particularly when you're dealing with people who have been with you a long time, you have to be mindful of the relationships that have been built up," Stone said. McDermott laid off 60 attorneys and 89 staff members in February.

Johns Hopkins Bloomberg School of Public Health professor Bill Eaton said that he believes his school's 1990 study, Occupations and the Prevalence of Major Depressive Disorder, which showed that lawyers have a greater disposition toward depression, is still valid today. Lukasik, who believes lawyers are taught to have a "pessimistic" style of thinking that focuses on risks, also pointed to a 1990 study of depression in Washington state lawyers and a 1986 study of Arizona law students that also echoed those findings.

The Dave Nee Foundation, named after a law student who struggled with depression and committed suicide in 2005, strives to educate law students about depression and prevent suicide among the students. Lukasik, a personal injury lawyer at Buffalo, N.Y.-based Cantor Lukaski Dolce Panepinto, discovered eight years ago when he was taking his turn serving as his firm's managing partner that he was suffering from depression. He now speaks to law schools, judges and lawyers' groups on the topic and is writing an American Bar Association-sponsored book on the subject. Meditation, exercise, spiritual practice and education can all help lawyers protect themselves against mental illness, he said.

Douglas Richardson, an industry consultant in Philadelphia affiliated with Altman Weil and a former lawyer, expects an increase in attorneys having trouble coping and is working with other specialists to offer law firms training on how to identify and deal with attorneys who show signs of a potential meltdown.

NOT MUCH LEGAL RISK

Employers, including law firms, generally don't face much legal risk when workers or former workers take their lives, said Ed Foulke, former head of the U.S. Occupational Safety and Health Administration and partner at Atlanta's Fisher & Phillips. There are only a handful of legal areas under which families of workers who have killed themselves can potentially sue, he said.

"There is the potential to claim intentional infliction of emotional distress," Foulke said. "There have been a number of cases where this has been alleged."

Those cases can involve situations where workers committed suicide after they were terminated or laid off, investigated for wrongdoing or disciplined by their employer. In order to prove intentional infliction of emotional distress, however, a plaintiff must prove that the employers acted "outrageously, intentionally and recklessly," which then resulted in extreme distress, causing the person to kill himself, Foulke said.