

Supervisor Relationships Are Key To Beating Attorney Burnout

By **Anne Brafford** (January 25, 2022) | Originally published in *Law360*

Whether we call it the “Great Resignation,” the “Great Reflection,” or the “Great Reshuffle,” this very real phenomenon is causing record levels of turnover.

Thomson Reuters’ recently-published *2022 Report on the State of the Legal Market* reported that, as of last November, all firms were close to losing nearly one-quarter (23%) of their associates in 2021 [1].



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Although many firms significantly increased hiring efforts and associate compensation, their associates continued to head for the exits. According to the Reuters report, “lawyer headcount growth achieved through this enormous outlay of cash was comparatively modest — only 0.9% for Am Law 100 firms.”

Notably, firms that did the best job holding onto their associates did not do so by joining the compensation war—their associate pay increases were lower, although billable hours were not.

From Money to Meaning

The *2022 Report’s* findings strongly suggest that, in the wake of a wide-scale, pandemic-induced realignment of values, money alone will not be enough to retain (let alone engage) valued associates. It also proposes that keeping associates now will require a greater focus on the human aspects of work—such as feelings of value, meaning, and appreciation and opportunities for growth and contribution.

These themes are not new. Much has been written over the past decade about law firms’ broken cultures. What might be different now is that firms’ profitability (if not long-term viability) may be at risk if they are unable to reimagine their workplace cultures in ways that better align with lawyers’ evolving values and basic human needs.

Obstacles to Change

For many reasons, such realignment won't be easy.

One significant challenge is that, due to firms' historic blind spot to the importance of the human side of work, lawyers may not have developed the interest, commitment or skills for people development. For example, the Reuters report found that activities related to well-being, diversity and inclusion, developing internal relationships, and training were unpopular among surveyed lawyers, who did not consider such activities as central to their vocation as lawyers.

Disengagement in such people-oriented activities — which are essential for associate retention and engagement — has likely been exacerbated by the pandemic.

People are more likely to cut back on firm activities that they view as merely discretionary (like “good firm citizenship” activities) when they are feeling anxious, exhausted and burned out — which, as discussed below, lawyers at all levels are experiencing.

Research from consulting firm Gallup Inc. further shows that managers report more signs of stress and burnout than their employees.[2]

Weary, disengaged senior lawyers and overall high burnout for everyone appear to be contributing to collective thoughts of quitting.

Research Insights Into What’s Causing Burnout and Turnover

The Institute for Well-Being in Law, where I serve as vice president, conducted an electronic survey in May 2021 to examine both burnout and engagement in the legal profession; 771 lawyers and nearly 300 support staff responded.

Burnout is a debilitating response to chronic stress that can have serious psychological and physiological effects. It increases the risk of depression, substance use disorders and suicidal thinking; it can reduce self-regulation capacity necessary for civility and deliberative thinking; and it is tied to dishonesty and unethical behavior.

Work engagement is the flip side of burnout. It is a form of workplace thriving in which people feel energetic, have a sense of meaning, feel optimally challenged and are absorbed in work. When people feel highly engaged, they have better mental health, are more satisfied with their jobs, are more helpful and perform better. They also have lower stress, burnout and thoughts of quitting.[3]

The IWIL survey found that 63% of participating lawyers and 51% of support staff met the cutoff score for burnout.[4]

These statistics are alarming, but perhaps not surprising given the societal upheaval that's underway. Under the circumstances, the large number of lawyers who are not experiencing burnout seems just as notable, and raises a good question: What factors have aided their resilience in such stressful times?

Understanding the answer to this question can inform strategies for alleviating acute well-being problems, as well as strategies for evolving firm cultures to foster more engaging work experiences over the long term.

Findings of the IWIL study provide some insights. For lawyers, factors that had the strongest buffering effect against burnout were:

- Perceiving that their employer supports their well-being,
- Experiencing a sense of autonomy and control in their work lives, and
- Feeling that their personal values and goals and that of their employers are similar or aligned (which, research shows, is a key aspect of experiencing work as meaningful).

The same factors also had the strongest relationship with work engagement, along with a sense of community with one's colleagues. And, not surprisingly, other research has tied burnout to intent to leave and depression and engagement to well-being and intent to stay. [5]

What About Workload?

Notably absent from the top of the list of burnout factors in the study was workload, defined as not having enough time to finish work, having to work intensely over prolonged periods and not having enough time for personal interests

Workload was associated with burnout, but the relationship was small. This surprising finding comports with studies in the medical profession, which have found an inconsistent relationship between working hours and other workload factors and mental distress.[6]

This research suggests that the impact of workload on well-being may depend on other personal or work context factors.

Of course, this does not mean that excessive work hours cannot harm mental well-being. Some lawyers are surely working at levels that harm their health. Other lawyers may have personal characteristics, conditions or circumstances that increase their vulnerability to mental distress from workload factors.

Further, working hours can combine with other factors to cause distress. For example, studies have found a strong relationship between the experience of work-life conflict and burnout and poor mental health — and the risk of work-life conflict rises along with number of hours worked.[7]

It also contributes to turnover. For example, a 2021 study co-authored by Justin Anker and Patrick Krill found that female lawyers experiencing high work-life conflict were about 4.5 times more likely to leave.[8]

Taking Action

These findings provide actionable insights for firms: To increase engagement and well-being, as well as reduce burnout and turnover, firms will want to commit to concrete policies and practices that communicate that they care about lawyers' well-being, foster autonomy and

control, enable expression of values, and build a sense of community and belonging.

For firms that have not yet devoted much attention to building people-centered workplace cultures, this may seem like a daunting undertaking. Where should they begin?

Organizational-level policies relating to work practices, flexibility and wellness can play an important role in cultivating engaging, healthy work cultures. But they are not enough.

Whether we look at research on burnout, engagement, inclusion or mental health, scholars consistently point to one factor as essential: high-quality relationships with direct supervisors, who are the linchpins of employee work experience.[9] Such relationships are critical for retention.

The quality of such relationships are strongly determined by everyday behaviors of partners and other supervising lawyers as they interact with their team members.

The upshot is that, if firms really care about fostering positive workplace experiences that help retain associates, they'll need to confront their historic reluctance to invest in developing partners' people skills.

When tackling such complex problems, an approach that focuses on accumulating small wins will often be the most effective. [10]

For example, firms can start by designing small nudges to positively change partner behavior without triggering the resistance that may come from a top-down rollout of a formal leader development curriculum.

An effective, user-friendly framework for such an approach to developing relationship-oriented skills has already been tested in the legal profession: It's called self-determination theory.[11]

A Powerful Framework for Beating Burnout

Self-determination theory provides the foundation for developing high-quality relationships and also addresses the top factors identified in the IWIL study as buffering against burnout — attorneys perceiving that an employer supports their well-being, experiencing a sense of autonomy and control, and feeling that their personal values and goals and that of their employers are aligned.

The self-determination framework is a well-established psychology theory that proposes three needs as fundamental components of high-quality relationships, well-being and optimal functioning in and outside work [12]:

- **Relatedness:** Feeling cared for and a sense of belonging
- **Competence:** Feeling effective and able to grow
- **Autonomy:** Feeling a sense of volition, choice, and authenticity.

Hundreds of studies have found that employees' well-being and functioning are tied to whether their needs are met, including, for example, depression, anxiety, burnout, general well-being, internal motivation, engagement, job satisfaction, job performance, behavior and retention.[13]

Below are examples of small win strategies that supervising lawyers can incorporate into their everyday interactions to support firm members' basic psychological needs:

Relatedness

The following simple, everyday behaviors accumulate to communicate caring and belonging:

- Be fully present while interacting.
- Encourage them to ask questions and then listen to them.
- Use language and verbal and nonverbal behavior aimed at helping team members feel heard, understood, appreciated, and cared for.
- Showing empathy and concern (even via email). [14]
- Build team connection and celebrate collective successes.
- Communicate regularly—e.g., by organizing weekly one-on-one or team check-ins and inviting input.

In line with the relatedness need, recent research by Catalyst Inc., a nonprofit that promotes gender equality in business, found that employees of empathetic managers — who demonstrate care, concern and understanding — have higher engagement and inclusion, and lower burnout and turnover intentions.[15]

Employees who experience belonging and other aspects of inclusion that need-satisfaction can foster likewise have lower burnout and thoughts of leaving and higher job satisfaction [16].

Competence

The competence need encompasses topics like growth, development, mastery, and feeling effective and confident—experiences that top the list of reasons why lawyers stay or leave their firms [17].

Supervisors support this need by enabling continual, positive challenge—where firm members feel stretched but not overmatched—and continuous learning by doing, watching others, and being coached and given feedback.

Recommendations for supporting the competence need include:

- Focus on development, mentoring, and feedback in everyday practice, not just enacting firm policies.
- Avoid excessive criticism and judgment that will stoke fear and undermine growth and confidence.

- Create a safer, more supportive environment where lawyers' strengths are affirmed and imperfections are understood as part of the learning process.
- Provide scaffolding for continual growth—support and training necessary to take on new challenges confidently and effectively.
- Provide clear expectations, structure, and context for work—do not expect that they should just know what you expect.
- Say and do things to boost confidence in their abilities to be effective and master new skills.
- Create opportunities for optimal challenges in which they feel stretched but not outmatched.
- Coach them through new things and express confidence in them.
- Actively help them build their skills and solve problems.
- Provide prompt feedback that is informational — e.g., "There were 20 typos" — rather than embedded in value-laden judgments, like "It looks like you don't care at all."

Autonomy

Autonomy encompasses a need to feel that we're self-authoring—that we have an opportunity for choice, to be our authentic selves, and to make decisions that align with our values, interests, and preferences.

Autonomy is intertwined with the concept of job control, which people experience when they perceive that they have influence over their work environment to make it more rewarding and less threatening.

When people are robbed of a sense of autonomy and control over their work, schedules and lives, they are much more likely to experience depression, anxiety, burnout, health complaints and alcohol use disorders.

Gallup research has found that employees are 43% less likely to experience high levels of burnout when they feel a sense of choice in what they work on and how they carry it out [2]. Notably, satisfaction of employees' need for autonomy is strongly related to the experience of meaningful work [18]—the absence of which has been proposed as a major driver of the *Great Resignation*. [19]

The autonomy need is undercut when, for example, firm members feel bossed around; guilty into things; or pressured to comply with things they don't understand, agree with, or value. Recommendations for supervisors' support for autonomy include:

- Solicit and welcome firm members' contributions, e.g., "What are your thoughts on how to address this argument?"

- Avoid controlling language—like "Get this to me tomorrow"—and micromanaging, e.g., "That's one way to make that point, but just write it exactly like I told you to."
- Display empathy about difficulties or challenging tasks, saying things like, "I know this is a tight deadline and that stinks."
- Provide rationale and context; for example, "The deadline is tight because of a court order; here's how your piece fits into the overall strategy."
- Get to know your team members personally, and tailor work interactions to account for each person's interests, preferences and work-related values — e.g., "I know you really care about this client, and this will be so helpful to her" — rather than trying to motivate them through demands or bribes, like "It won't look good on your performance review if you aren't able to handle this."
- Allow and encourage people to be themselves at work by saying, for example, "I genuinely want to hear your opinions about this, even if you don't agree with me. Let's go around the table and have everyone share their ideas."
- Maximize a sense of choice and initiative with questions like, "When do you think you can finish this?" and "What part of this would you like to present?"

I've also created a free ["Cheat Sheet"](#) that provides specific examples of supportive behaviors.

Conclusion

William James said, "Act as if what you do makes a difference. It does." This has never been truer than now for law firm partners and other supervisory lawyers. They are the linchpins for workplace well-being and must be a key part of any approach to curb burnout, enhance engagement, and reverse the Great Resignation.

About The Author

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