



Attorney Well-Being: The Time is Now!

The COVID-19 pandemic worsened already epidemic levels of mental health concerns and substance use among attorneys. On the whole, the pandemic has highlighted the critical need to prioritize employee health as an essential element of law firms' standard business practice.

Here we breakdown why investing in well-being programming is fundamental to ultimately benefit associates' (1) recruitment, (2) retention, and (3) work performance.

The Business Case for Well-Being

Overall, investment in employee well-being leads to significant financial gain. Studies show that prioritizing employee wellness programming benefits the firm's bottom line in two major ways—(1) reduction in costs and (2) generating more profits:

- For every dollar spent on employee wellness programs, medical costs decrease by \$3.27, absenteeism-related costs decrease by \$2.73, and employers gain a \$4.00 increase in employee productivity.ⁱ

Further, because well-being has recently emerged as a leading employment consideration—especially among younger attorneys—actively prioritizing employee wellness will be key to attract and retain top talent now and in the future.

Recruitment

In our Post-COVID world, work-life balance has emerged as the top consideration to attract, and ultimately retain, younger legal talent:

- Among summer associates, work-life balance was cited as the top factor when considering an employment offer from a law firmⁱⁱ
- Practicing Millennial and Gen Z attorneys prioritize work-life balance more than salary when choosing employmentⁱⁱⁱ
- Almost 1/3 of Millennial associates (ages 25-40) want to leave their firm after 3-5 years as opposed to staying to make partner^{iv}



Retention

Especially as a record number of Americans quit their jobs during the “Great Resignation,” bolstering employee retention is a paramount business consideration:

- From 2012-2018, associate attorney attrition averaged 18% and more than half of these departures were considered “unwanted” by firm leadership^v
- It’s estimated that replacing a junior attorney costs 1.5–2x more than the attorney salary^{vi}
- Presently, 1 in 4 women and 1 in 5 attorneys under 40 are considering leaving the profession entirely^{vii}

Performance

Actively prioritizing our overall health and well-being is crucial to safeguard our ability to effectively practice law. Indeed, unaddressed mental health concerns can wreak havoc on lawyer performance and productivity:

- Since the pandemic began, lawyer mental health has further declined with approximately half of practicing attorneys reporting depression and anxiety^{viii}
- Female lawyers are experiencing meaningfully worse mental health concerns than men^{ix}
- Those with untreated mental health concerns take twice as many sick days and have 4x more unproductive time at work, averaging 5 days a month of lost productivity^x

ⁱ Report and Recommendations of the NYSBA Task Force on Attorney Well-Being, This is Us: From Striving Alone to Thriving Together (hereinafter NYSBA Report), Oct. 2021, <https://nysba.org/app/uploads/2021/10/Report-on-Task-Force-on-WellBeing-APPROVED-HOD-no-comments-or-staff-memo.pdf>

ⁱⁱ *Id.* at 50.

ⁱⁱⁱ *Id.* at 49.

^{iv} Making Their Mark: How Millennial Lawyers Could Reshape the Industry, Findings from the 2021 Major, Lindsey & Africa and Above the Law Millennial Survey, <https://www.mlaglobal.com/en/insights/research/2021-millennial-survey>

^v Law firms lost 15 associates for every 20 they hired, NALP Foundation study finds, Debra Cassens Weiss, ABA Journal, <https://www.abajournal.com/news/article/law-firms-lost-15-associates-for-every-20-they-hired-study-finds#:~:text=The%20average%20rate%20of%20associate,firm%20Major%2C%20Lindsey%20%26%20Africa.>

^{vi} NYSBA Report, pg. 49.

^{vii} New IBA report reveals significant numbers of young lawyers want to leave their current job, Internal Bar Association, January 31, 2022, <https://www.ibanet.org/New-IBA-report-reveals-significant-numbers-of-young-lawyers-want-to-leave-their-current-job>

^{viii} 1 in 4 Women Attorneys Consider Leaving Law Because of Mental Health Survey Finds, Law.com, May 12, 2021, <https://www.law.com/international-edition/2021/05/12/1-in-4-women-attorneys-consider-leaving-law-because-of-mental-health-survey-finds/>

^{ix} *Id.*

^x NYSBA Report, pg. 48.