



# Recognizing the Stress: Understanding the Well-Being Challenges for Attorneys of Color

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The Stress & Resilience Institute



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# Executive Summary

Twin Cities Diversity in Practice (TCDIP) and the Stress & Resilience Institute (SRI) collected data from attorneys of color working at law firms in Minnesota to learn more about their well-being. The purpose of this research and report is to inform TCDIP Members and in-house counsel about how to positively impact the well-being of attorneys of color with an eye towards increasing the retention of racially diverse attorneys at law firms. We collected information through a survey that was sent to law firm members of TCDIP, and we invited attorneys of color to sign up for an optional interview.

Thirty-six lawyers completed the demographic questions and general well-being statements segments of the survey. The second part of the survey asked the lawyers to specifically rate five statements related to their experience working with in-house counsel. Of the thirty-six respondents, eighteen lawyers rated four out of the five statements, and seventeen lawyers rated one of the five statements. We also asked open-ended questions after both the general well-being statements and the in-house specific statements.

While the sample size is small, there are some interesting findings. Nearly 50% of the lawyers who responded feel emotionally drained and cynical about their work. Chronic exhaustion and cynicism are two of the three dimensions/symptoms of burnout.

Importantly, 64% of lawyers reported feeling recognized by their colleagues for their work contributions, but that percentage dropped to 50% when the lawyers were asked about whether they feel recognized by their clients for their work contributions. While 47% of lawyers said they feel comfortable using their vacation time, only 25% said they feel comfortable taking PTO to address stress or other challenges to their well-being.

It is also important to note that 36% of the attorneys agreed with the statement, "If I make a mistake, it is often held against me," and 28% of the attorneys agreed with the statement, "I am sometimes rejected for being different." While more attorneys disagreed with both of those statements than agreed with them, it is frustrating that any lawyer of color must report that they are rejected for being different or feel that mistakes are held against them.

Fifty-six percent of the lawyers agreed that the in-house counsel with whom they work respect their work boundaries and another 44% said that they know they can wait to respond to non-urgent communications from in-house counsel during normal business hours. Only four lawyers agreed that their in-house counsel was invested in their success, and distressingly, not one lawyer agreed with the statement "My overall well-being is a priority for the in-house counsel with whom I work."


Please read the full report for more detail.

# Introduction

This report summarizes the findings from a survey created in partnership between Twin Cities Diversity in Practice (TCDIP) and the Stress & Resilience Institute (SRI) to better understand perspectives on attorney well-being. Specifically, the goal of this project is to better understand the perspective of attorneys of color at law firms in Minnesota and to better inform in-house counsel on the ways in which they can positively impact the well-being of attorneys of color with whom they work.


Data from the collaboration between TCDIP and SRI reveals the racial disparities of how workplace stressors impact attorneys of color and white attorneys. For example, a 2021 study by American Law Media found that approximately 31% of Black lawyers have contemplated suicide during their legal career versus approximately 19% of White attorneys. [i] At the same time, law firms struggle to retain attorneys of color. Nationally, approximately 12% of law firm partners are people of color and fewer than 5% of partners are women of color. [ii]

TCDIP and SRI collected data from attorneys of color in two ways. First, we created a survey that was sent to law firm member representatives of TCDIP, asking representatives and diversity professionals at member firms to distribute the survey internally within their firms to those lawyers who self-identify as people of color. Second, we invited attorneys of color to sign up for an optional interview to provide their candid thoughts about how their firm and work with in-house counsel, as applicable, impacts their well-being. Quotes from the interviews are incorporated into this report to provide more context.



**The mission of Twin Cities Diversity in Practice is to attract, recruit, advance, and retain attorneys of color in the Twin Cities through education and collaboration with member organizations. Our vision is an exceptionally diverse and inclusive legal community, free of systemic barriers, where attorneys of color have abundant opportunities to succeed and belong.**

**The Stress & Resilience Institute studies the effects of stress and burnout among individuals, legal teams, and within legal organizations and delivers cutting edge programs designed to help lawyers and legal leaders increase thriving at work, prevent burnout, and build resilience to stress.**



[i] Bagby, L. (2021, June 10). New Data reveals the startling mental health struggles of attorneys of color. 2Civility. <https://www.2civility.org/new-data-reveals-the-startling-mental-health-struggles-of-attorneys-of-color/>  
[ii] 2023 NALP Report on Diversity. NALP Report on Diversity. (n.d.). <https://www.nalp.org/reportondiversity>

# Survey

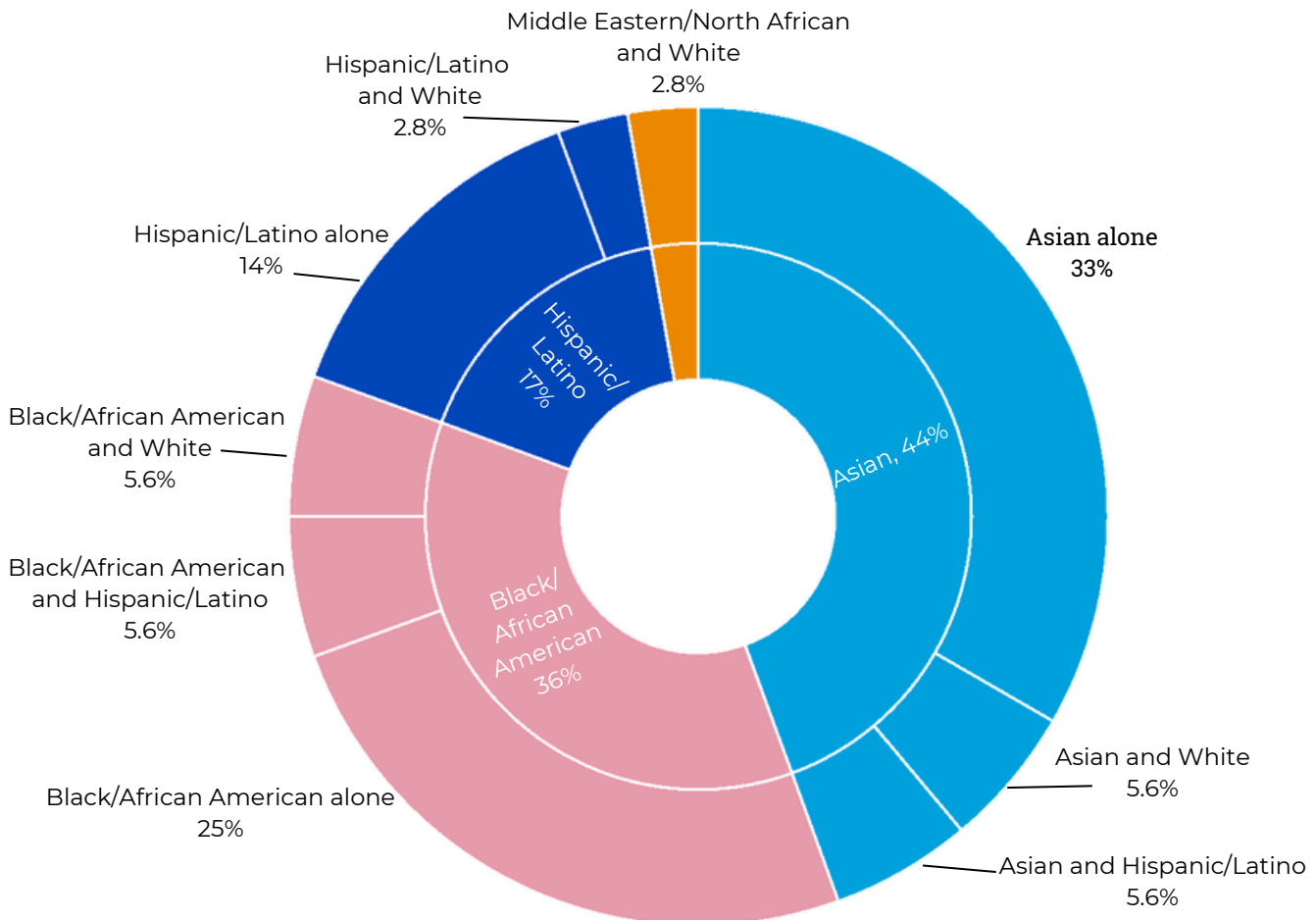
We sent the survey to 51 law firms that are members of TCDIP. The first part of the survey posed nine demographic questions for lawyers to answer, followed by thirteen general well-being statements, which the lawyers answered using the scale “Disagree,” “Neither Disagree nor Agree,” or “Agree.” Thirty-six lawyers completed the demographic questions and general well-being statements.

The second part of the survey asked lawyers to specifically rate five statements related to their experience working with in-house counsel. Eighteen lawyers rated four out of the five statements, and 17 lawyers rated one of the five statements. We also asked open-ended questions after both the general well-being statements and the in-house specific statements.

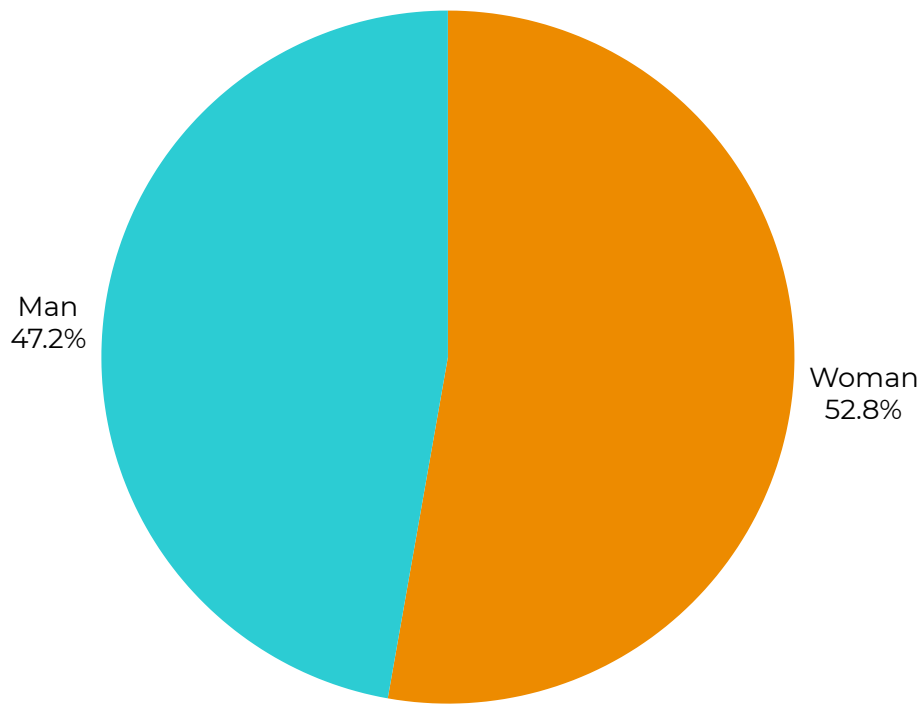
## Demographic Information

All 36 of the respondents work at a law firm in Minnesota. Two of the respondents have disabilities, one preferred not to say, and 33 do not. The respondents practice in a variety of practice areas, including corporate, intellectual property (patents), labor & employment, real estate, commercial litigation, energy, civil litigation, business litigation, trusts and estates, product liability defense, and corporate immigration.

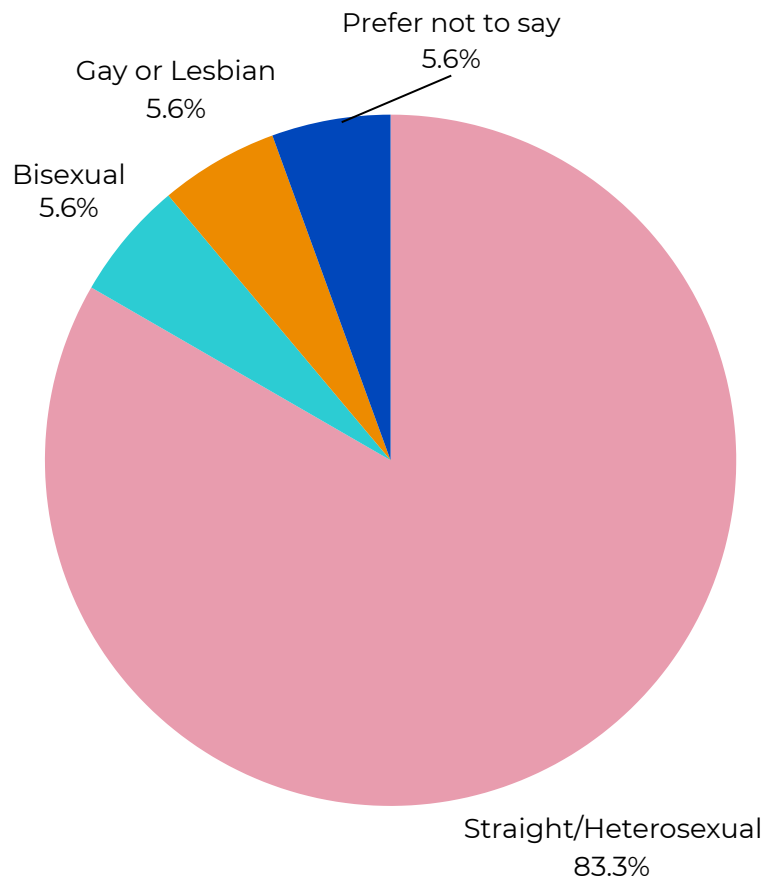
### Racial and Ethnic Identity



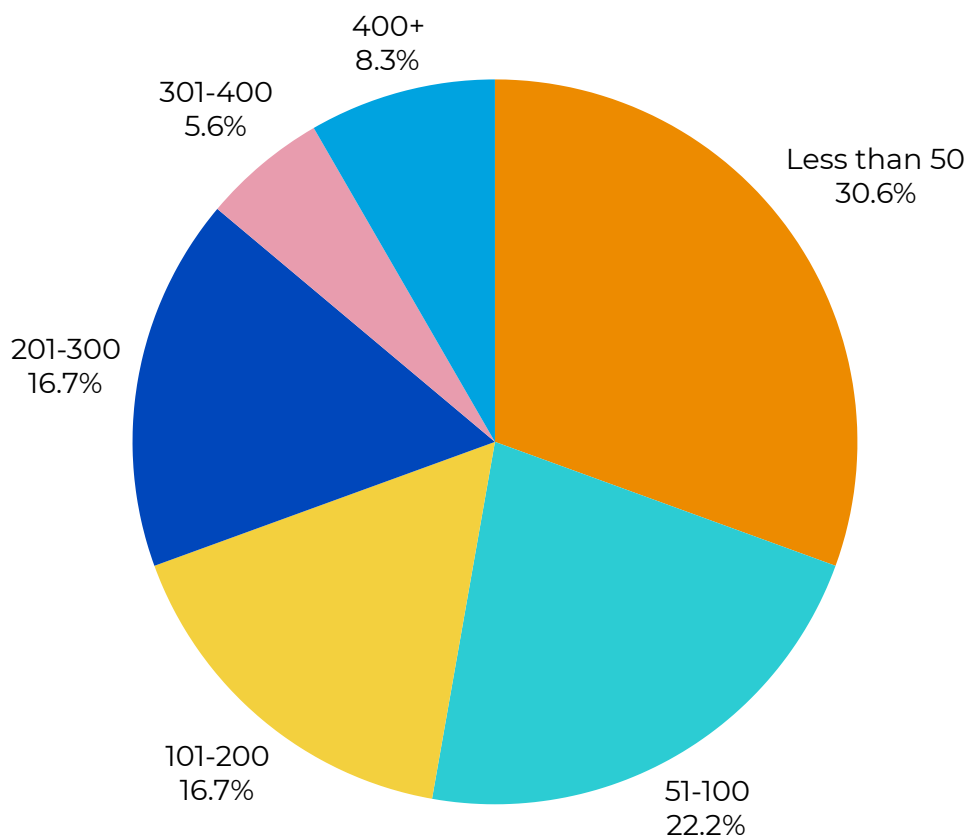
## Gender Expression



## Sexual Orientation

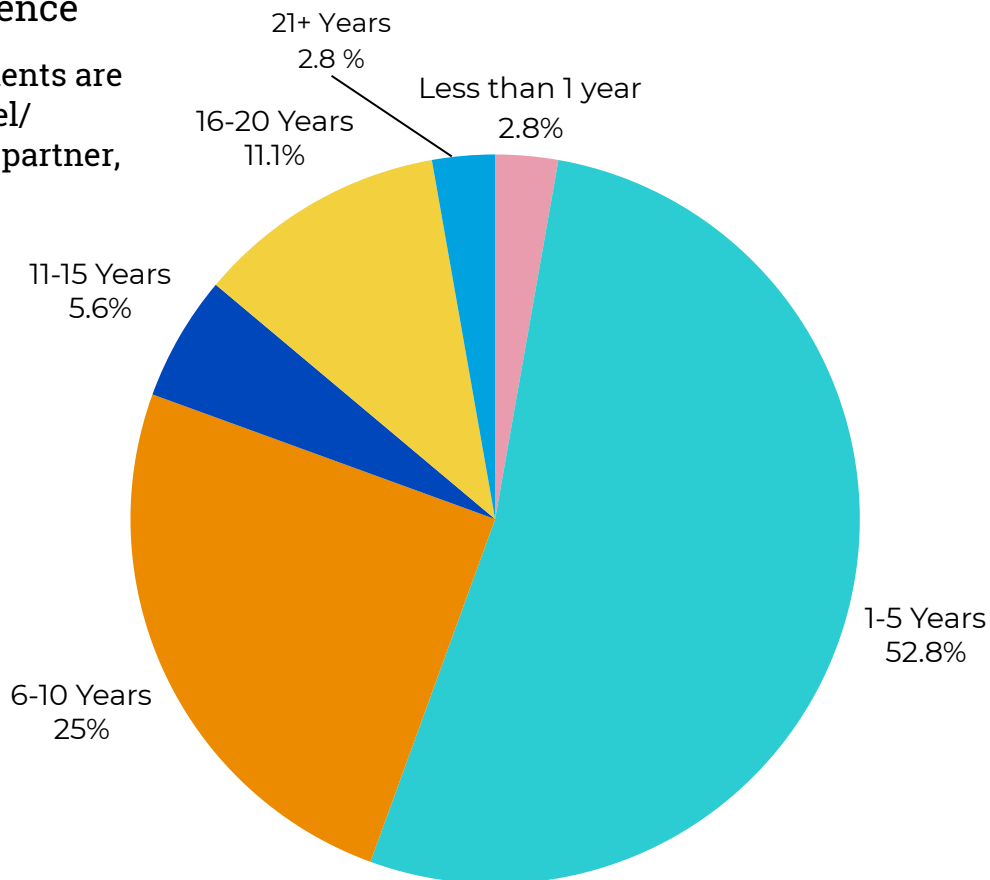


## Law Firm Size: Practicing Attorneys in Minnesota



## Years of Practice Experience

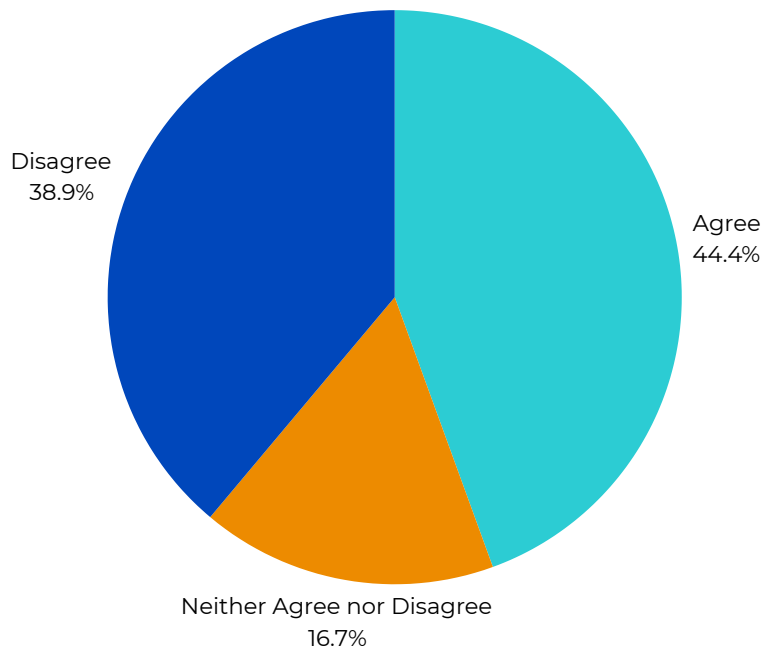
Twenty-eight of the respondents are associates, two are of counsel/counsel, one is a non-equity partner, and five are equity partners.



# General Well-Being Statements

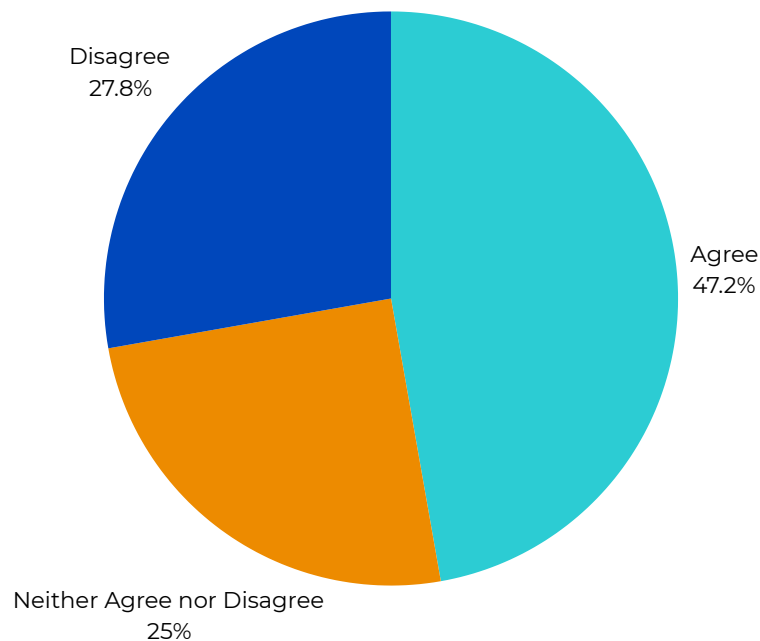
Respondents were asked to rate 13 different general well-being statements using the scale “Disagree,” “Neither Disagree nor Agree,” or “Agree.” Here is how they responded:

Statement 1: I have been on the receiving end of bias and/or racism at work.



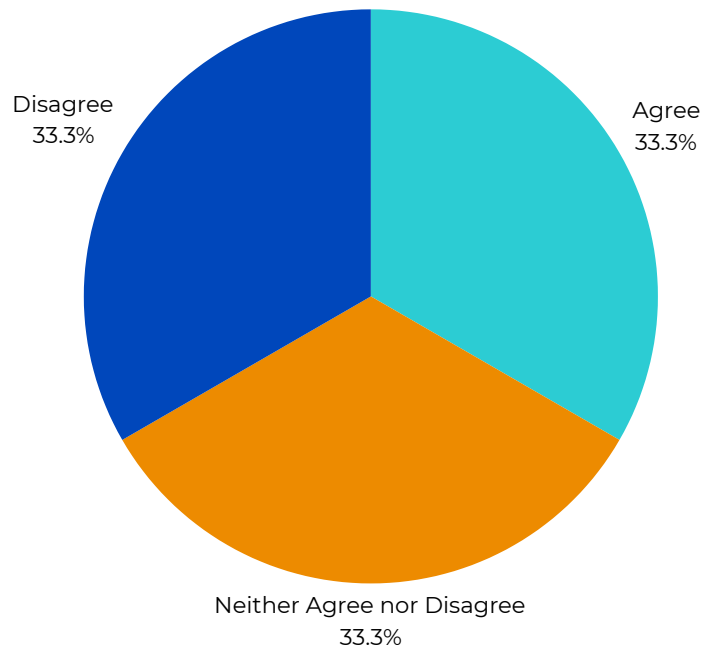
“Do I have a future at my firm? It’s hard to imagine when I do not see any partners who look like me.” *Asian-American male associate.*

Statement 2: I feel emotionally drained from my work.

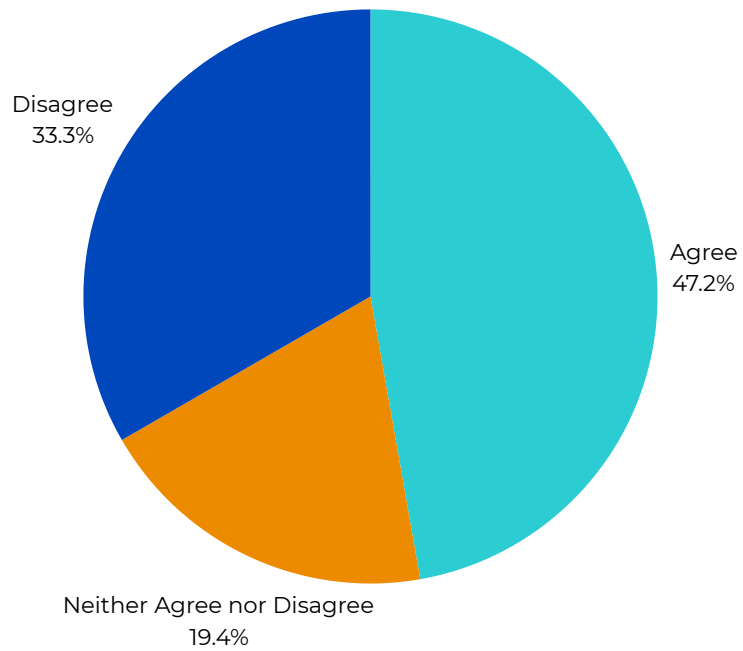




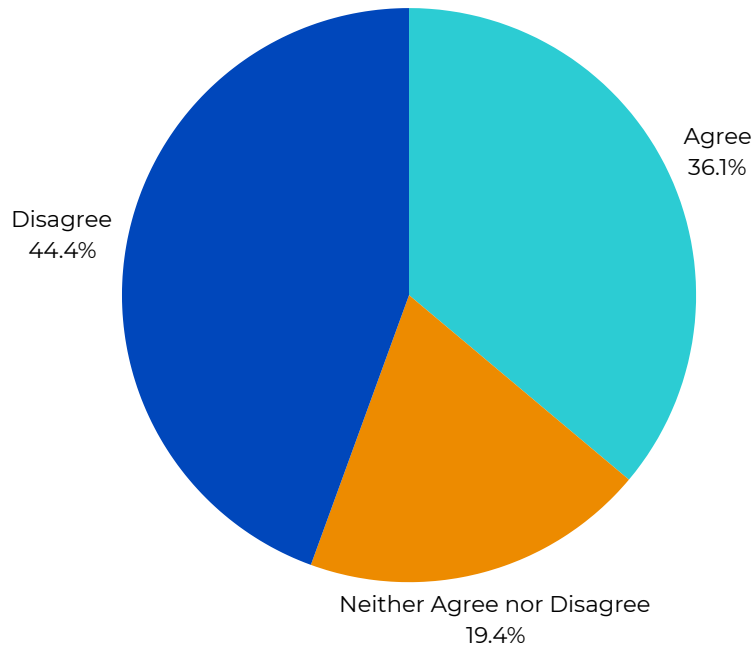
Statement 3: I have become less interested in my work.



Statement 4: I have become more cynical about my work.

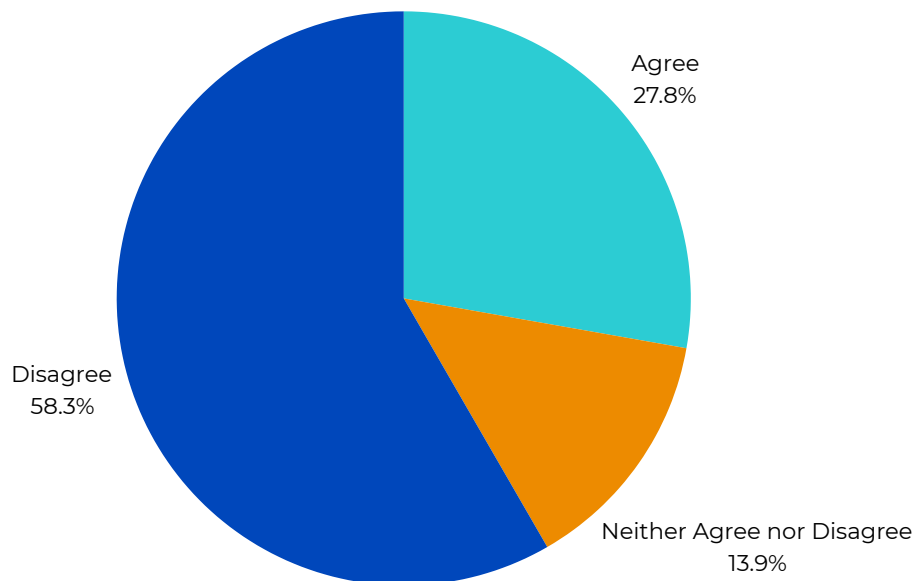


Statement 5: If I make a mistake, it is often held against me.

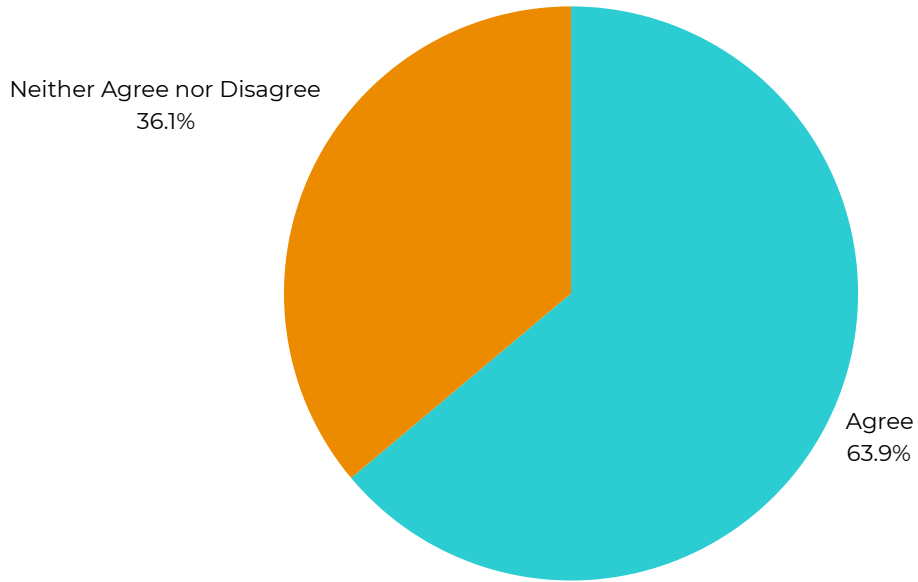


“If law firms want to retain more diverse talent, people can’t be afraid to give actionable feedback. But change does not happen overnight. Give people time to course correct after giving feedback. We must invest in people by giving feedback, the opportunity to learn from their mistakes, and course correct.” *Black male partner*

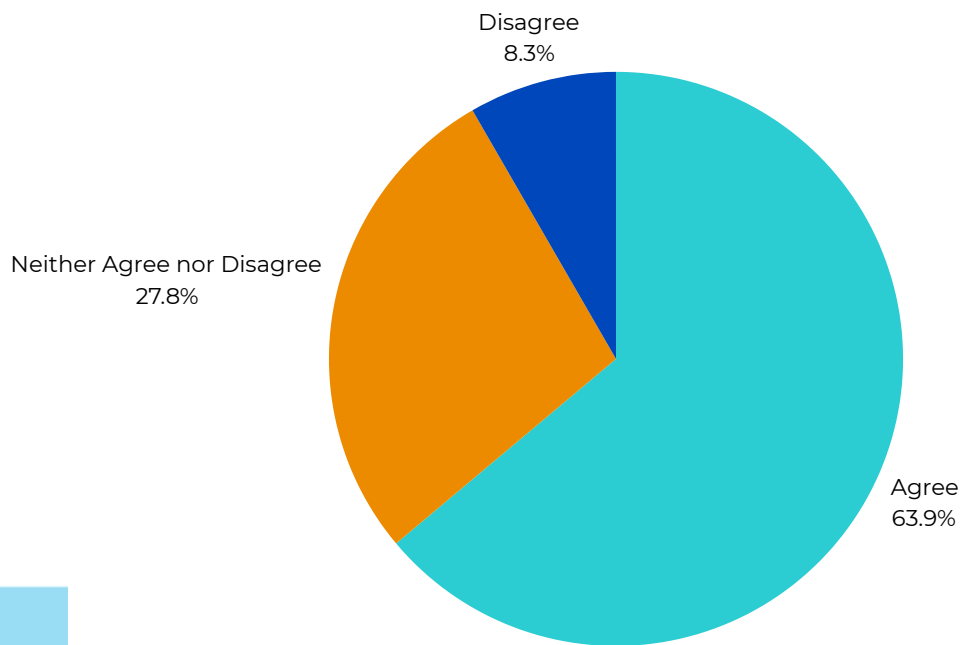
Statement 6: I am sometimes rejected for being different.



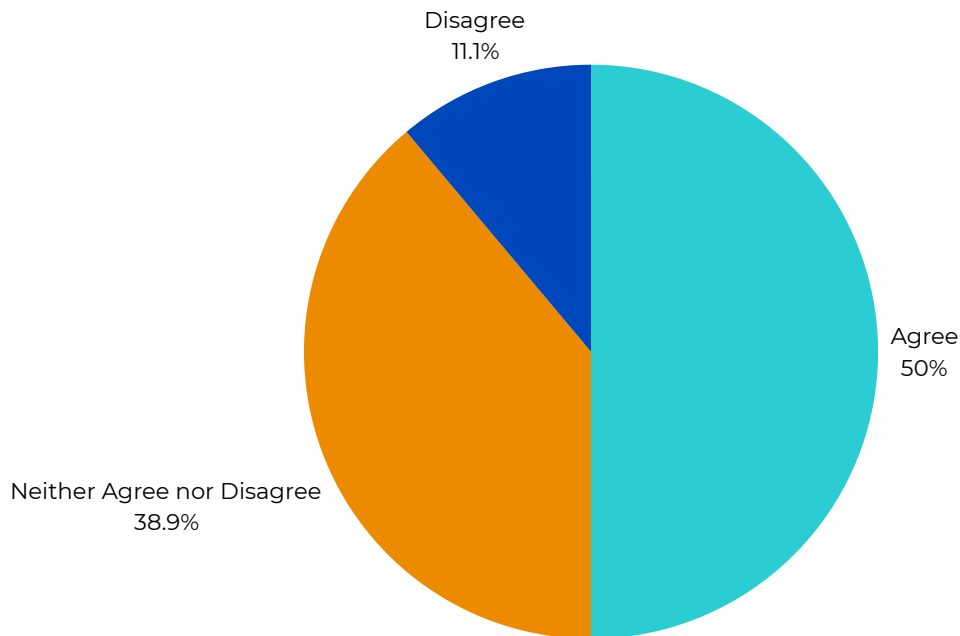
Statement 7: I know the work I do makes a significant contribution.



Statement 8: I am recognized by my colleagues for my work contribution.

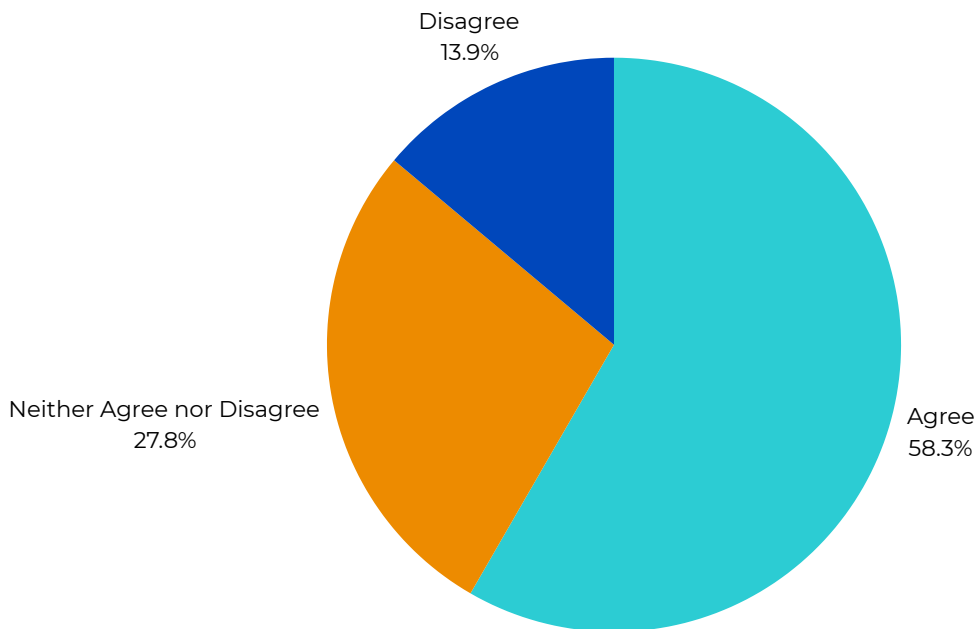


Statement 9: I am recognized by my clients for my work contributions.

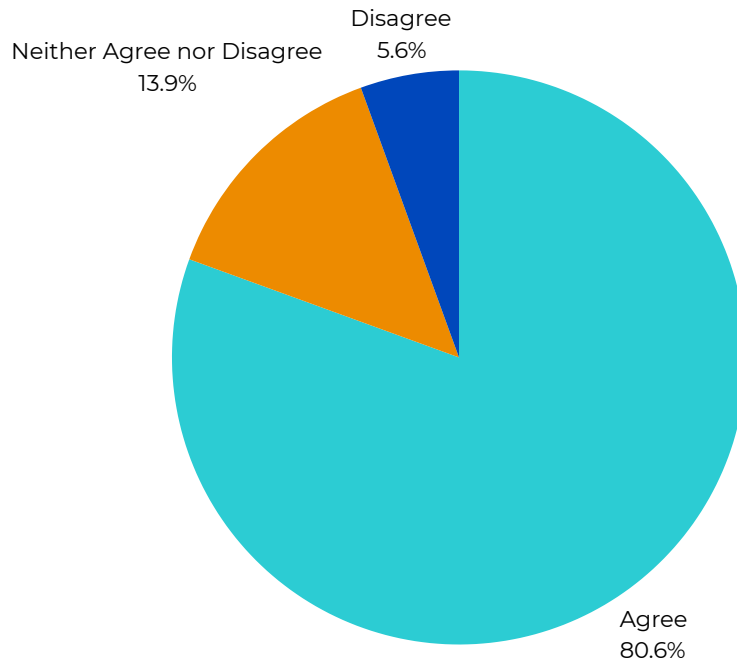


“Mentoring has been surface level. It’s intimidating to ask questions of mentors who are partners. I am cautious about what I ask my mentors because I don’t want them to get the impression that I am veering off course.” *Black and Latina female associate.*

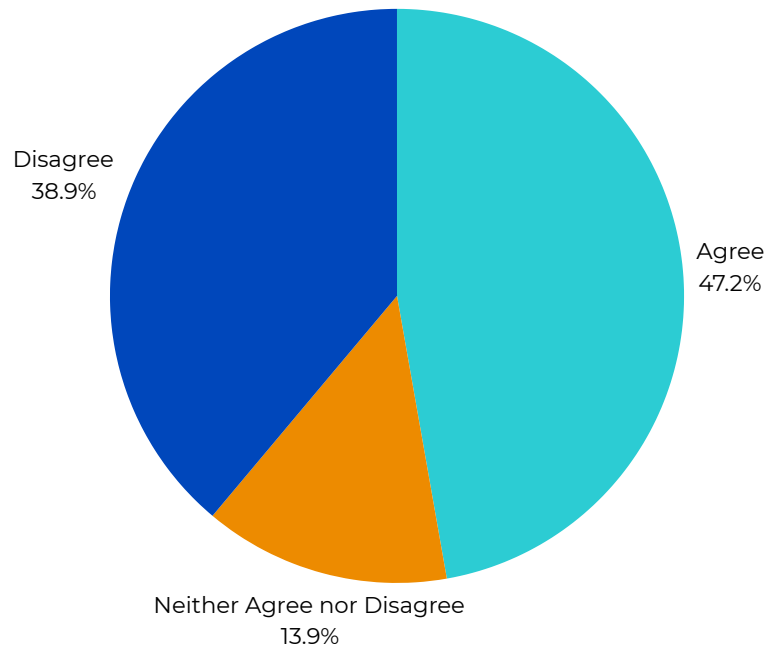
Statement 10: I feel appreciated at work:



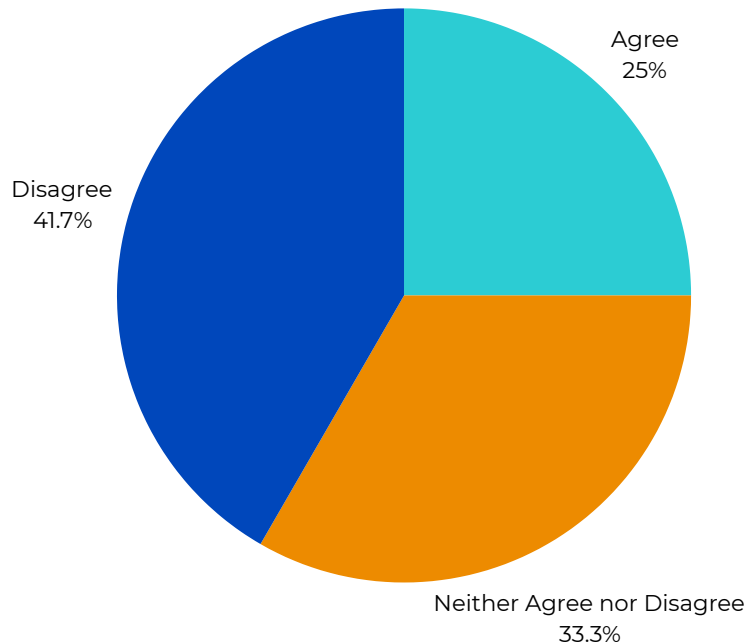
Statement 11: I am learning and growing at work and feel challenged.



Statement 12: I feel comfortable using my vacation time.



Statement 13: I feel comfortable taking PTO to address stress or other challenges to my well-being.



We then asked two open ended questions: What about your workplace negatively impacts your well-being? and What about your workplace positively impacts your well-being?

**Negative impact:** The responses were clear and centered around the quantity of work, the pace and general stress associated with the work, and not being able to disconnect to address one’s physical health, mental health, and general well-being.

**Positive impact:** The responses again were clear. Having personal relationships, strong teams, friendships, and camaraderie at work positively impact lawyers’ well-being.

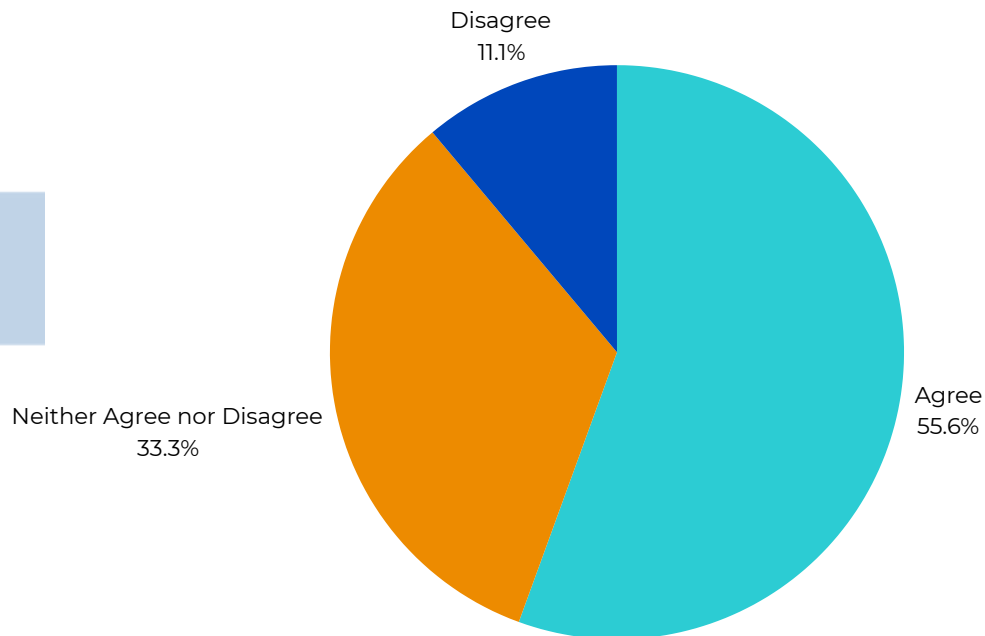


# Understanding attorney well-being: Working with in-house counsel

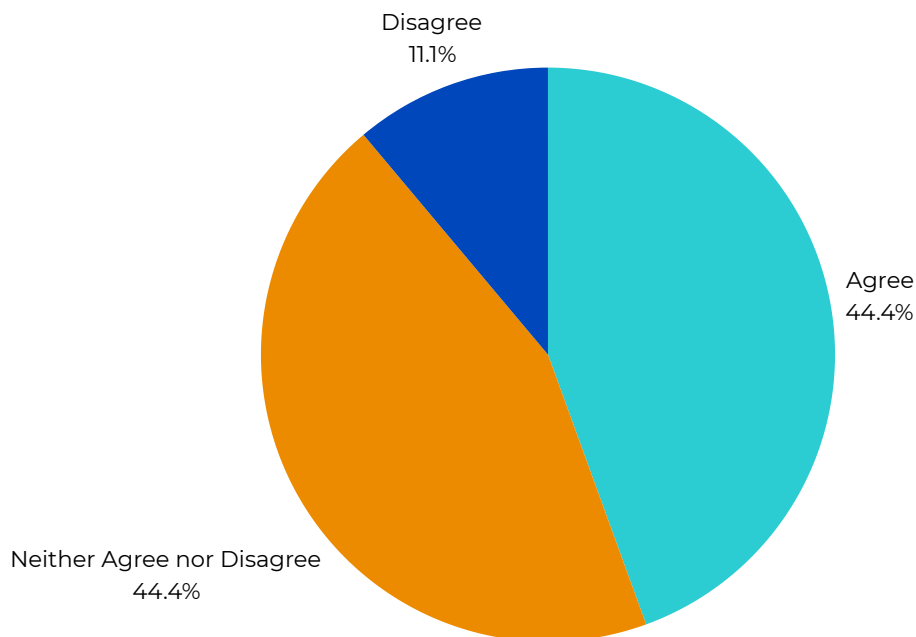
Respondents were asked to rate five different general well-being statements specific to working with in-house counsel, using the scale “Disagree,” “Neither Disagree nor Agree,” or “Agree.”

Eighteen lawyers responded to these statements as follows:

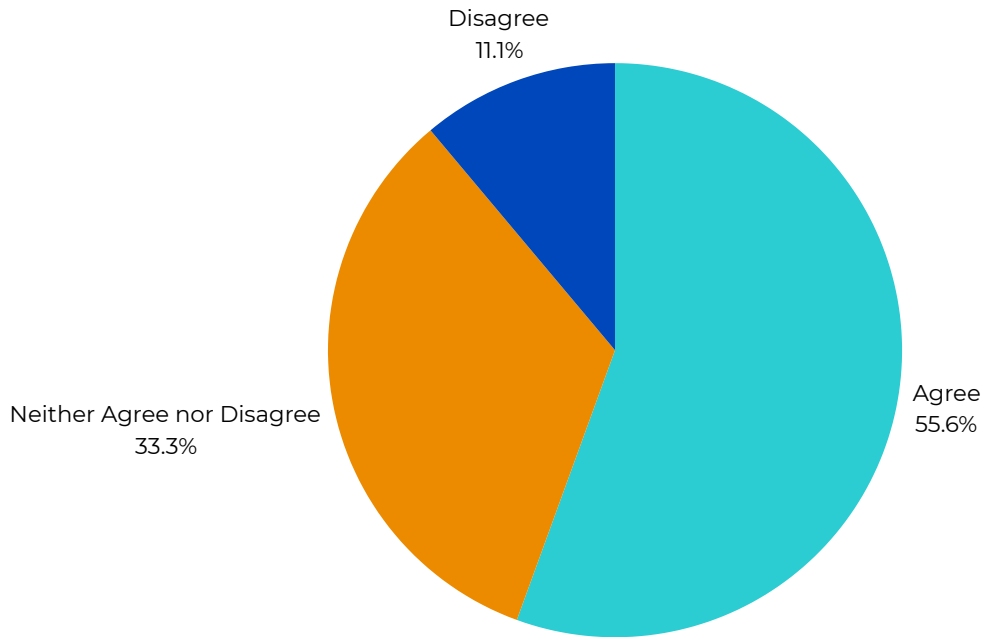
Statement 1: In-house counsel respects my work boundaries.



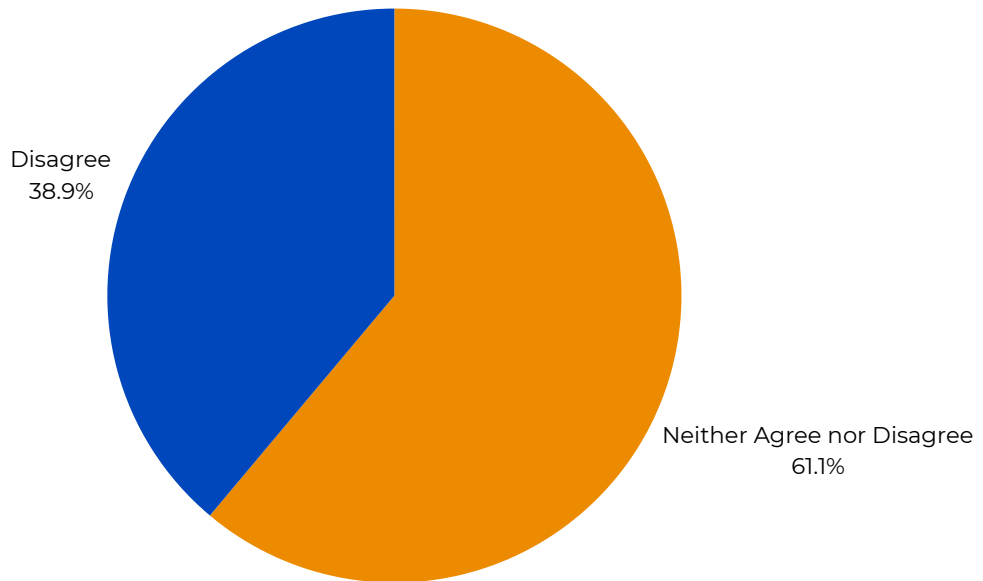
Statement 2: I can wait to respond to non-urgent communications from in-house counsel during normal business hours.



Statement 3: In-house counsel sets realistic workload expectations that are clearly communicated.



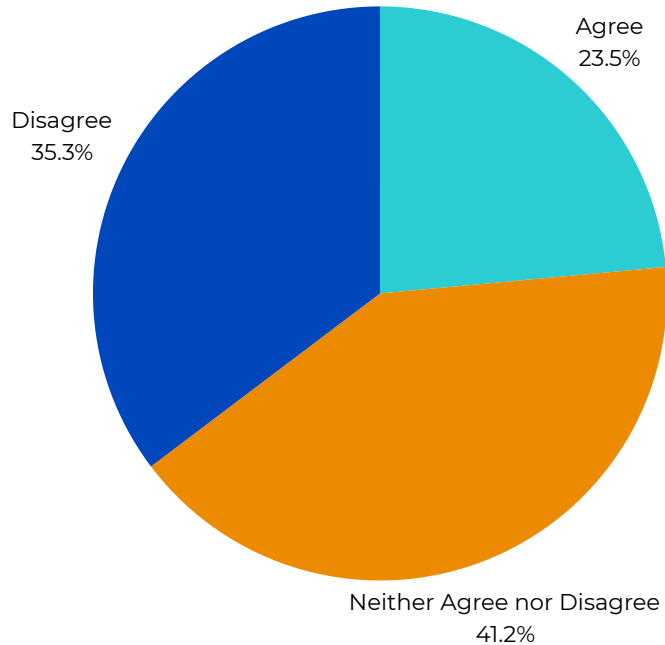
Statement 4: My overall well-being is a priority for the in-house counsel with whom I work.





## Statement 5: In-house counsel are invested in my success.

\*Note: 17 attorneys responded to this statement.



We then asked two open ended questions: What about working with in-house counsel negatively impacts your well-being? What about working with in-house counsel positively impacts your well-being?

**Negative impact:** We received far fewer responses than compared to the general well-being open ended questions. Lawyers cited unrealistic turnaround times, demanding quick responses, and lack of appreciation for meeting demanding deadlines as common responses.

**Positive impact:** Lawyers appreciated positive comments from their in-house clients, open and clear communication, feedback, and developing the trust of their in-house clients.



# Analysis

Even though the sample size is small, there are some important takeaways from this data. First, nearly 50% of the lawyers who responded feel emotionally drained and cynical about their work. Chronic exhaustion and cynicism are two of the three dimensions/symptoms of burnout.

In 2023, SRI partnered with American Law Media (ALM) to conduct a survey study about burnout in the legal profession. We wanted to better understand, in a more nuanced way, how frequently lawyers and legal professionals were experiencing different aspects of the three burnout dimensions – exhaustion, cynicism, and inefficacy. SRI created 17 statements and asked respondents to rate how frequently the statements applied to them. There were 887 responses to the survey, a mix of lawyers and legal professionals (797 lawyers and 90 with various legal and business professional titles). The respondents practiced or worked at law firms of all sizes.

The first thing that was troubling about the data was how frequently lawyers feel tethered to their work, to the exclusion of time with family, friends, and hobbies.

Statement	Response
I have so much work to do that it takes away from family and friends	63.3% said they felt this way a few times a week or more
I have so much work to do that it takes away from hobbies and personal interests	69.5% said they felt this way a few times a week or more
I don't think about my work much at the end of the day	60.8% said they could detach from their work a few times a year or less or never



Similarly, from the TCDIP and SRI study, attorneys of color are clearly showing and sharing that they are struggling to disconnect from work. Emotional exhaustion and cynicism often result.

What is important, however, is that 64% of the respondents to the TCDIP and SRI survey said that they know their work makes a significant contribution. This is important because the third burnout component, inefficacy, occurs when people do not feel like their work or their work contribution matters. However, as more legal organizations seek to figure out how to engage their lawyers, it is important to note that engagement is not the opposite of burnout. [iii]

## The Engaged-Exhausted Lawyers

Another profile has emerged that legal leaders need to monitor – their “engaged-exhausted” lawyers. These are lawyers who would likely show the following profile (and it is one SRI sees with increasing frequency in Paula’s own work – especially at the senior lawyer level): high exhaustion, high cynicism, but high professional efficacy. You see this combination in the TCDIP and SRI data. High professional efficacy sounds like, “I can effectively solve problems that arise from my work,” “I feel effective at getting things done,” and “I know I am contributing to my work and my team.”

In one study, more than 1,000 workers were surveyed, and the results showed that 35.5% of the sample were moderately engaged-exhausted while 18.8% of the sample were highly engaged-exhausted. The engaged-exhausted group was still passionate about their work, but they had strong mixed feelings about it – high levels of interest and still feeling connected to it (the high professional efficacy dimension revealing itself), but also high levels of stress. Notably, the engaged-exhausted group showed the highest rate of turnover intention in the study, even higher than the study participants who were most burned out. [iv]



[iii] Toon W. Taris, Jan Fekke Ybema, & Ilona van Beek (2017). Burnout and Engagement: Identical Twins or Just Close Relatives? 5 Burnout Research 3-11; see also, Sarah-Genevieve Trepanier, Claude Fernet, Stephanie Austin, & Julie Menard (2015). Revisiting the Interplay between Burnout and Work Engagement: An Exploratory Structural Equation Modeling (ESEM) Approach. 2(2) Burnout Research 51-59.

[iv] Julia Moeller et al. (2018). Highly Engaged but Burned Out: Intra-Individual Profiles in the U.S. Workforce. 23(1) Career Development International. 86-105.

Many legal leaders assume that engaged lawyers are happy and functioning well at work. That may not always be true because for some, engagement and stress (and aspects of burnout) co-exist. The absence of burnout does not imply the presence of engagement or vice versa. To illustrate, an attorney workload and hours survey published by Bloomberg Law showed that 29% of respondents said they were currently experiencing burnout while also reporting a satisfaction score of 7 or higher out of 10. [v] It's not uncommon for the corporate legal teams SRI works with to report high rates of burnout while also earning top tier scores in organizational engagement surveys. Building engaged legal teams is an important and worthwhile endeavor for firms and legal organizations, but as to its impact on burnout, it is important to think about engagement as a positive counterpoint to it.

Importantly, 64% of lawyers in the TCDIP and SRI survey reported feeling recognized by their colleagues for their work contributions, but that percentage dropped to 50% when the lawyers were asked about whether they feel recognized by their clients for their work contributions. While 47% of lawyers said they feel comfortable using their vacation time, only 25% said they feel comfortable taking PTO to address stress or other challenges to their well-being.



[v] Linda Ouyang & Jacquelyn Palmer (March 11, 2021). ANALYSIS: Hours Data Show the Sweet Spot for Lawyer Satisfaction. Retrieved at, <https://news.bloomberglaw.com/bloomberg-law-analysis/analysis-hours-data-show-the-sweet-spot-for-lawyer-satisfaction>.

# The Risk of Suicidal Ideation

New research suggests that high levels of perceived stress, high levels of work overcommitment, loneliness, and being male are all significantly associated with an increased risk of suicidal ideation among lawyers. [vi] Specifically, the risk of suicidal ideation was:

- 2.2x higher among lawyers with high work overcommitment; 1.6x higher among lawyers with an intermediate level of work overcommitment
- 2.8x more likely for lawyers who screened as lonely compared to those who did not screen as lonely
- 1.8x more likely for lawyers with a history of at least one mental illness diagnosis
- 22x more likely for those lawyers with high perceived stress; 5.5x more likely for those with intermediate perceived stress
- Men were 2x more likely to endorse suicidality than women

This means that law firms need to do more than say “it’s OK” to take vacation and time off. Culturally, it must be “felt” that it’s OK to take this time for any reason, particularly if you’re feeling stressed or overwhelmed. It is enormously impactful when a partner or senior lawyer talks more openly about ways they have dealt with stress. It provides a strong signal to others that taking that time is not just OK, it’s necessary.

It is also important to note that 36% of the attorneys agreed with the statement “If I make a mistake, it is often held against me,” and 28% of the attorneys agreed with the statement “I am sometimes rejected for being different.” While more attorneys disagreed with both of those statements than agreed with them, it’s frustrating that any lawyers of color must report that they are rejected for being different or feel that mistakes are held against them. Both of those statements come from Dr. Amy Edmondson’s psychological safety questionnaire, so affirmative statements may also be an indicator that psychological safety (trust) with these lawyers and their teams is being undermined. [vii]



[vi] Patrick R. Krill et. al (2023). Stressed, Lonely, and Overcommitted: Predictors of Lawyer Suicide Risk. 11 Healthcare 536.

[vii] Edmondson, A. (2018). The Fearless Organization. Wiley.

## Well-Being As to Work with In-House Counsel

Fifty-six percent of the lawyers agreed that the in-house counsel with whom they work respects their work boundaries and another 44% said that they know they can wait to respond to non-urgent communications from in-house counsel during normal business hours. Only four lawyers agreed that their in-house counsel was invested in their success, and distressingly, not one lawyer agreed with the statement “My overall well-being is a priority for the in-house counsel with whom I work.”

What can we do together to bridge the gap? Companies like U.S. Bank are taking a proactive approach to building better work relationships with their outside counsel. As Ben Carpenter (Executive Vice President and Deputy General Counsel, U.S. Bank) noted, “We **must** prioritize well-being if we are to get the best work and results.”

In 2021, U.S. Bank started an initiative to work with seven outside counsel firms to improve well-being. U.S. Bank developed outside counsel guidelines that set expectations for communications, individual well-being, project management, and resource sharing. Drawing on learnings from the Mindful Business Charter, they formed the guidelines to help reduce unnecessary stress and promote stronger working relationships. To learn more about the guidelines, see exhibit A and the resources section.



## Resources and Information

Use this list of resources, books, and articles to find help and learn more about lawyer well-being and mental health.

- [Lawyers Concerned for Lawyers](#). Contact LCL if you are concerned for yourself or someone else. For immediate assistance, call 1-866-525-6466. LCL also provides education and other resources on topics related to mental health, stress, addiction, and other issues.
- [American Bar Association: Well-Being in Law](#). A hub of wellness resources for legal professionals, including toolkits, courses, and more.
- [Institute for Well-Being in Law](#). IWIL's mission is to transform the legal profession's approach to well-being. Through advocacy, research, education, technical and resource support, and stakeholder partnerships, IWIL strives to lead a culture shift in law to establish well-being as a core centerpiece of professional success.
- [Managing Partner Performance: Strategies for Transforming Underperforming Partners](#). See chapters 5-7. Consulting Editors: Nick Jarret-Kerr and Jonathan Middleburgh (2024).
- ['A Leap of Faith': Some In-House Leaders join Fight to Fix big Law's Mental Health Crisis](#). Trudy Knockless (2024).
- [Fostering Attorney Well-Being By Humanizing Attorney-Client Relationships: The Mindful Business Charter & U.S. Bank Well-Being Guidelines offer Pathways to Change](#). Practical Law (2023).
- [New Data Reveals the Startling Mental Health Struggles of Attorneys of Color](#). Laura Bagby (2021).
- [From Army Strong to Lawyer Strong: What the Legal Profession Can Learn from the Army's Experience Cultivating a Culture of Resilience](#). Paula Davis (2018).
- [How Teams Can Help Address Burnout in the Legal Profession](#). Paula Davis (January 2023).

## Guidelines for Promoting Well-Being in Outside Counsel Engagement

It is U.S. Bank's expectation that outside lawyers and law firms will take appropriate measures to promote the well-being of themselves and their professionals. In furtherance of Model Rule 1.1, it is our belief that maintaining strong mental, emotional, and physical well-being is a necessary component of competent client representation.

The guidelines that follow are a set of objectives to be considered when working with U.S. Bank's legal staff on U.S. Bank matters. These guidelines are designed to be flexible and are subject to, and may be affected by, requirements and limitations associated with U.S. Bank matters, such as

necessary deadlines and the specific needs or demands of a transaction or proceeding. The purpose of implementing and practicing these guidelines is to promote well-being, not to add to inside or outside counsel's burden, through better communication and setting reasonable expectations.

These guidelines are intended to reinforce U.S. Bank's expectations of outside counsel and also reflect U.S. Bank's commitment to well-being within the Law Division. These guidelines use "we" because well-being is a shared responsibility and the use of these guidelines reflects a mutual commitment to promote well-being in all U.S. Bank matters.

### COMMUNICATIONS

- We want to be considerate of others when working during off hours. For example, we will consider delaying non-urgent communications until work hours or include expectations for a response.
- We want to respect personal time, so it is important to set expectations for out-of-office status to avoid unnecessary interruptions of time off. This may include identifying a backup contact or discussing how to handle any urgent matters.
- We believe the use of video can benefit the way we interact, but that it is not always essential and that it is important to communicate expectations for the use of video in advance of meetings.
- It is important for the method (call, email, text) and design (summaries, bullets, memos) of communications to correspond with the relevant circumstances and the parties' preferences, so it may be helpful to discuss these at the outset of any engagements.
- We recognize everyone's individuality and encourage opening communications and meetings with a brief greeting and introduction, where appropriate.



### WORK-LIFE BALANCE

- We will manage our professionals' (associates, counsel, staff attorneys, consultants/advisors, paraprofessionals, etc.) workload appropriately based on their availability and the urgency of the matter.
- We acknowledge that accommodating flexible schedules and attending to personal needs is appropriate.
- Urgent matters should be the exception, not the rule, so it is important to be clear about deadlines and timeline expectations and resist the temptation to "over-deliver" if it means sacrificing work-life balance.
- Personal preferences and concerns may affect travel ability, so we will be respectful of personal choices related to travel, particularly when they affect work-life balance and personal health choices.
- We recognize that assigning work immediately prior to or during weekends and holidays can disrupt individuals' well-being choices, so we will be thoughtful about the timing of such communications relative to the urgency of the particular matter.



### PROJECT MANAGEMENT

- We will consider alternatives to the traditional billable hour arrangement, where appropriate, in order to reduce the impact of billable hour demands on individual well-being.
- We have a mutual interest in working together to minimize issues with invoicing practices.
- We will work together on issues and concerns prior to raising them with business line clients.



### JOINT PROGRAMMING OPPORTUNITIES

- We want to leverage each other's well-being events, initiatives, and activities, where feasible.
- We recognize our joint mission to promote well-being in the profession and seek to collaborate on industry-wide initiatives.





# Twin Cities Diversity in Practice

Find us at: [www.diversityinpractice.org](http://www.diversityinpractice.org)  
Contact us: [info@diversityinpractice.org](mailto:info@diversityinpractice.org)

