

A Virtual Structure for Law Firms: Guidelines for Containing Your Lawyers' Anxiety in the Age of COVID-19

Making humane contact virtually across our physical divide might help law firms generate a new kind of professional connection among their lawyers.

By **Peter Lobl** | April 17, 2020 at 11:45 AM



"I'm working and then sometimes my heart starts to beat faster and I have a

difficult time breathing.” “And what are you thinking about when that’s happening?” I ask. “Just for a second” he says “I’m thinking I got the virus.” I was holding a virtual session with a patient the other day as he described increased anxiety for the past couple of weeks. He said they were lasting longer than usual and that his usual coping strategies—breaking the cognitive cycle of anxiety; disengaging from harmful thoughts—were not helping. He and I had discussed what he would do if he did contract the coronavirus and, before we turned to additional strategies for coping with anxiety, I said “well, you’re feeling more anxious—you and the rest of the world.” He smiled. “yes of course,” he said.

The rhythm of our daily lives has been upended. Our family and work routines—the train, car or subway to work; saying hello to staff in our building; getting settled in our office; stopping by to say hi to colleagues down the hall—those and so many other minute and routine daily behaviors and interactions, all gone for now. What we are left with is ourselves in the place we inhabit alone, with family, or with roommates. These routines and the places that represented the order of our work week and gave structure and meaning to our professional lives have vanished—and been replaced by Zoom. For who knows how long. Of course we are anxious. How could we not be?

Anxiety—unlike a Major Depressive Episode—does not necessarily indicate an illness. Though anxiety is an unpleasant experience, anxiety like other emotions such as anger, sadness, and guilt, can be the normal response to a given situation. This is because anxiety, like other emotions, has a function. The function of anxiety is to prepare us to meet an anticipated but still undefined threat or challenge.

Pervasive and constant anxiety can however become an illness, such as Generalized Anxiety Disorder, but in that case, the following criterion must be met: either “clinically significant distress” or “impairment in social, occupational, or other important areas of functioning.” Meeting one of these criteria, “clinically significant distress” (a subjective assessment of mental health) or “impairment in social, occupational, or other important areas of functions” (an objective assessment of mental health), constitutes a touchstone for most mental disorders in the Diagnostic and Statistical Manual of Mental Disorders DSM-5. For most mental health conditions, if you don’t meet one of these two criteria, you don’t have a mental illness.

Though experiencing anxiety is normal under our current circumstances, lawyers are at increased risk for experiencing anxiety symptoms that cause clinically significant distress or that impair functioning. Even in normal times, law firms are anxiety-producing settings: expectations are high; control over assignments and deadlines is low; job security is uncertain. Yet the law firm setting also helps to contain anxiety: it’s a familiar place; roles and authority are well defined; and everyone in that setting has daily predictable routines and interactions that lawyers and staff become accustomed to and can anticipate. Law firm life is thus both a cause of anxiety but also helps to contain anxiety because certain aspects of that work life are predictable and provide order to the day-to-day. These latter aspects of law firm life help reduce anxiety because order and predictability contain and bind anxiety.

Today, however, the order and predictability law firm settings provided have disappeared; what remains are the aspects of law firm life that produce anxiety. When added to the uncertainty of our times, this anxiety—in the absence of order and predictability—render law firms lawyers living at home particularly vulnerable to developing unhealthy levels of anxiety.

To address this anxiety, law firms should develop ordered and predictable routines for their lawyers' virtual interactions. These routines would help contain anxiety and provide a kind of virtual, relational substitute for the behavioral and physical order that lawyers experience in the workplace.

I offer below some suggestions for such virtual order. I also recognize that these suggestions need to be adapted to the particulars of each law firm's departmental structures; that some may not work for all firms; and that some firms may already be implementing some version of these suggestions.

Hold at least one group meeting per day—preferably at the beginning of the day. The membership of this meeting will depend upon your firm's organization and the structure of its practice group; I suggest limiting the number of participants to no more than eight or nine lawyers. If order and predictability help to contain anxiety, lawyers facilitating the meeting might consider the following guidelines:

- Start and end the meeting strictly on time and at the same time every day of the work week.
- Use the same set agenda for that meeting (e.g., (1) make time for announcements; (2) update the group on recent management decisions; (3) discuss work expectations and project timelines).
- Be mindful of your own anxiety and mood as a facilitator; try to remain consistent in your affect and presentation across meetings; and model the behavior you would want others to emulate. You will be coming into your colleague's homes virtually during these video conference meetings. Consider making an occasional light hearted observation. Keep it simple and positive: e.g., "so, I hear you have a dog." Such comments can be normalizing and humanizing.
- Consider co-facilitating the group with another lawyer at your seniority level so that you can both debrief on the meeting immediately after it ends.
- If a group member becomes physically ill, let him or her know that he or she is welcome to continue attending. Express respect for his or her discretion and judgment in deciding whether to do so.

Hold one individual meeting per day with another more junior attorney. For those lawyers in mentoring relationships, a mentor to mentee appointment is the natural choice for such meetings. For such individual meetings, the more senior attorney checking in might consider the following guidelines:

- Keep it brief—no more than 10 to 15 minutes.
- Start by asking how the other lawyer is doing.
- Many will say “fine” so you may need to inquire further, and I recommend borrowing elements from a check-in procedure widely used by primary care doctors at the beginning of their visits: the BATHE protocol. Ask: “What’s troubling you the most at this time?” Once he or she answers, ask “How are you handling that?” Then affirm what they are doing and ask how you could help.
- Ask them how things are going on their assigned projects and planned tasks for the day.
- Speak with them about work expectation; clarify your own; make room for them to discuss theirs; and ask if they need any help or guidance with the foregoing.
- Consider scheduling two such check-ins per day: one well-being check-in midday and one work-related check-in later in the day.
- If you schedule a second work related check in, provide constructive feedback on the work performed.
- Insist on a regular individual check-in even if your assigned lawyer is physically sick and especially if they are highly anxious or depressed.

These regular daily meetings will help provide your lawyers with order and predictability and will help contain their anxiety. They will also help them feel less isolated and provide you as an employer with helpful information about their well-being.

If the functioning of an attorney declines noticeably, err on the side of caution and alert those at the firm in charge of lawyer well-being. Signs that lawyers are in trouble include:

- A lawyer’s attendance becomes erratic or a lawyer stops attending your meetings altogether.
- His or her appearance becomes unkempt.

- His or her manner of speaking become odd or out of the ordinary for that person.
- Most of all, trust your instinct and don't ignore them. Pay attention during these meetings to visible indicators that something about the lawyer's presentation is off and pay attention to your personal impressions of the lawyer on the conference call.
- If something seems not right to you, bring it up. Say "I'm worried about you. What's going on?"

Even before this surreal COVID-19 world in which we now reside, law firms were rightfully concerned about the mental health and well-being of their lawyers. Well-being committees have been hard at work developing programs to identify lawyers at risk and to provide them with access to the resources they need.

Much can, however, also be done to improve well-being if lawyers worked on improving their professional relations. Consider the people in your personal life: You don't need a program to inform you a friend is struggling. You know when he or she is struggling because you know him or her and you can tell when something is not right.

So much is odd and alienating about these times, but I also wonder if law firms might seize on this odd and alienating moment—paradoxically—to work on improving their professional relations. Making humane contact virtually across our physical divide might help law firms generate a new kind of professional connection among their lawyers—professional connections that law firm lawyers might eventually bring from this virtual professional world back to the real one.

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