



**AMERICAN COLLEGE  
OF TRIAL LAWYERS**

# **WHITE PAPER**

## **Law Firm Mental Health Best Practices**

**American College of Trial Lawyers  
Mental Health Awareness Committee**

**February 2026**



AMERICAN COLLEGE  
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Approved by the Board of Regents February 2026

## **A. Introduction**

The College's Mental Health Awareness Committee is tasked with the mission of raising awareness of mental health issues within our profession and proposing urgently needed reforms. Since its formation in 2023 (first as a Task Force and now as a full General Committee), the Committee has studied the impact of mental health and related substance abuse issues on the well being and performance of lawyers in the United States and Canada.

One key area of study is what law firms are doing to address mental health and substance abuse issues faced by lawyers within their organizations. The Committee has focused this inquiry in four key areas:

- the causes, scope and depth of the mental health and substance abuse issues facing law firms and their lawyers;
- mental health and substance abuse resources that are currently available to law firms and their professionals;
- what firms are doing now to address these issues; and
- best practices for instituting culture change within law firms to understand, de-stigmatize and address mental health and substance abuse challenges faced by their lawyers.

This White Paper summarizes the Committee's work on these issues and provides recommendations for institutional culture changes to enable firms to address the mental health and substance abuse challenges of their lawyers better and help them find needed resources.

## **B. Why lawyers are at heightened risk of mental health challenges**

Law is among the noblest of professions. Lawyers are often at the forefront of profound and positive social changes. Law practice can also deliver great professional satisfaction and economic rewards. Many lawyers love what they do and would not choose to do anything else.

But modern law practice carries with it inevitable pressures and stresses that can impact the mental health of lawyers. Lawyers carry a “double burden” on their shoulders: their own problems and other people’s problems. Adding to the weight of that double burden is the very complexity of legal problems and the chaotic nature of modern law practice. Lawyers grapple with conflict, volatility, ambiguity, and uncertainty on a daily basis. We begin with chaos and try to bring order—a most difficult undertaking.

The very nature of the adversary system contributes to these stresses. A doctor does not face a human adversary who daily is trying to undermine him and hurt his patient. But trial lawyers face this kind of adversity on a continuous basis.

And lawyers are often particularly vulnerable to mental health challenges. They are often driven by uniquely heightened needs for success – both real and perceived. The drive starts early and continues throughout the lawyer’s career. The would-be lawyer must work very hard to get into a good college and law school and then to achieve in law school in order to get a job in a good firm. Then the young lawyer must work very hard to pay off education debts and rise within his or her firm. Simply doing good work is not enough. Billable hour quotas far exceeding 2,000 hours per year are common requirements in “big law” and other firms. Lawyers working on contingent or blended fee cases face similar pressures, as losing a case has negative financial consequences for the firm and potentially the lawyer.

Young lawyers often deal with unrealistic work loads, unrelenting deadlines, arbitrary and unpredictable work schedules (sometimes caused by disorganized senior lawyers), and other difficulties that are beyond their control. Then, even after promotion to partnership, the pressure to originate large books of business can lead to even greater levels of stress. Personal health, well being, and family relationships take a back seat to the unending drive for professional and economic success.

Often the nature of the work itself is traumatic. It may be the personal injury lawyer being exposed to scenes of horrific car crashes or the trauma of losing a case on behalf of a severely injured client whose future depended on a positive outcome. It could be the criminal prosecutor being exposed to images of child pornography. As Justice Patrice Band stated in *R. v. Shaw*, [2018] O.J. No. 537:

In my experience in the criminal courts, child pornography involves the kind of traumatizing imagery that can affect even those of us who believe we are

“thick skinned” or that we have seen it all. The effects can be serious and lasting. They can, in combination with others, have serious impacts on our mental and physical health and our relationships.

In our profession, and others, direct and vicarious trauma are topics that are rightly becoming the topic of study and discussion. This discussion must continue.

Prosecutors and criminal defense lawyers are regularly exposed to other horrific crime scenes with the same risks of vicarious trauma with adverse impacts on mental health.

Depression, self medication through alcohol and other substance abuse, and related problems are all too frequently the price paid for the high pressure, multi-tasking, unrelenting demands of 21st century lawyering. The same drive for success causes lawyers who are grappling with mental health and substance abuse issues to deny or hide them due to feelings of shame and stigma and fear of harming their professional standing. They do not get the help they need, causing their work to suffer, their professional practice and standing to decline, and their lives and relationships to spiral downward—sometimes leading to tragic outcomes.

## C. The scope of the problem

Recent surveys leave no doubt that mental health within our profession has severely declined in recent years—a situation that can fairly be described as dire.

- A 2023 ABA survey reports significantly worsening levels of debilitating stress, anxiety and depression among lawyers, with 38% of respondents reporting depression, and 31% reporting another serious mental health issue.<sup>1</sup>
- A 2023 survey of New Jersey lawyers found a “profession in crisis,” with respondents reporting much higher rates of anxiety, burnout and suicidal thoughts than in other occupations. 56% of respondents reported alcohol misuse, 23% reported depression, and 10% reported suicidal ideation.<sup>2</sup>

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1 Report on Mental Health in the United States Legal Profession (American Bar Association 2023).

2 April 13, 2023 Law 360 report on New Jersey State Bar Association Survey (also reporting on California and D.C. survey results).

- A 2022 survey of 3,000 Canadian lawyers reported that almost half of the lawyers who recognized that they need help with their mental health difficulties did not seek help. The Canadian Bar study found that the rates of mental illness were highest in lawyers in the earliest stages of their careers, in women lawyers, in racialized lawyers, and in LGBTQ lawyers. The same study found that there is a very low level of confidence amongst lawyers in organizational and professional mental health assistance programs.<sup>3</sup>
- A 2017 study reported that more than one in six lawyers in the United States said they had contemplated suicide during their legal career.<sup>4</sup>
- A 2016 United States survey of 13,000 practicing lawyers reported that 28% struggled with depression and over 21% abused alcohol or other substances.<sup>5</sup>
- Similar recent surveys in California and in D.C. reported an average of 8.5% of respondent lawyers having suicidal thoughts.<sup>6</sup>

## D. The problem of differential treatment

The problem of lawyer mental health is often greatly exacerbated by the tendency to treat mental health issues differently than other health problems. The following hypothetical illustrates this recurring problem.

### Sharon and Hartley

Sharon and Hartley are both fourth year associates in the litigation department of a large Chicago law firm. They have both been working 14-hour days for the last 3 months as part of a team for an upcoming pharmaceutical trial four months away. At 4:00 pm on a Thursday, Sharon feels chest pains at the office. Hartley, seeing her grasp her chest and shout, “I think I am having a heart attack,” calls 911 and holds her hand until EMS arrives. Sharon is transported by ambulance to the local emergency room, leaving the firm on a stretcher hooked up to a heart monitor and an oxygen mask.

3 2022 National Study on the Psychological Health Determinants of Legal Professionals in Canada, drafted in partnership between the Université de Sherbrooke, the Federation of Law Societies of Canada and the Canadian Bar Association.

4 National Task Force Report on Lawyer Well-Being (2017).

5 Joint ABA Commission on Lawyer Assistance Programs/Betty Ford Clinic Survey of Lawyers (2016).

6 April 13, 2023 Law 360 report on New Jersey State Bar Association Survey (also reporting on California and D.C. survey results).

Hartley is in despair seeing his good friend leaving on a stretcher. Unable to concentrate or work, he goes for a long walk through the city. He wonders if the long hours are worth it. He thinks of his ex-girlfriend. They broke up two months ago because as she said, "he was never there." The painful images of seeing his father die in front of him of a heart attack when he was only 14 years old shoot through his mind. The cloud of darkness washes over him. The depression he has been silently fighting for decades is back.

Sharon arrives at the ED with a dangerously high blood pressure of 240 over 150. Stroke level. She is rushed in for an emergency angiogram. The results come back showing no blockages. The doctor explains to Sharon the dangerous level of her blood pressure and her shock that there were no blockages with such an unusually high blood pressure. She asks Sharon what she does for work. Sharon tells the doctor she is a litigator and has been working non-stop on an important file for 3 months. The doctor explains that neither this stress level nor blood pressure is sustainable, and she is in medical danger if she continues this way. She orders Sharon not to work for 2 months. The doctor leaves the room and Sharon tears up knowing the firm will take care of her. Finally, she may have her life back.

Hartley returns to his apartment and is relieved when he receives an email from Sharon that she will be OK and that she will be off for 2 months. After much thought Hartley sends a watered-down version of an email to his boss asking if he can take a week off to deal with the "stress issues." Hartley is afraid to send a more fulsome email setting out the desperate state he is in and that his depression has returned. After all, he is training to be a tough litigator and tough litigators do not get depressed.

Shortly after sending the email Hartley receives a message from the managing partner of the litigation department telling the team about Sharon's situation and how the firm will be fully supporting her through her illness. She will be taking a 2 month break to recover.

Moments later Hartley receives a response from his managing partner not only denying his request for a week of rest but informing him he would have to pick up Sharon's work. The next day Sharon receives emails of encouragement, flowers and a gift basket from the firm, and cards telling

her to take care of herself. Hartley, following the order of his boss, is in early Friday morning—almost like what happened on Thursday did not really happen. He is a tough litigator. He just needs to be tougher and get back to work. And, though he swore off alcohol five years ago, having a scotch at the end of the day will no doubt take off the edge.

## **E. The urgent need for profound change in culture**

The above scenario is all too common in law firms and other organizations that have not developed a culture of understanding, acceptance and destigmatization of mental health issues. No one would be angry with a lawyer disclosing a recent cancer diagnosis, while sadly anger or unkind gossip is all too often the reaction to a lawyer admitting to an addiction. The simple similarity is that neither chose his or her illness.

Unaddressed mental health challenges lead to professional dissatisfaction, reduced productivity, unwanted attrition, judgment lapses, malpractice claims and ethical and professional misconduct complaints. The time for profound cultural change around mental health in our profession is long overdue and that change can only benefit the profession. This change can occur only with a significant culture shift to understand that there is no difference between a physical illness and a mental illness, including addiction.<sup>7</sup> That culture change must come from the top.

## **F. Resources available to law firms**

Many resources are available to law firms to address mental health and substance abuse issues and bring about change in culture. For example, the College's Mental Health Resources webpage lists and provides hyperlinks to many mental health and substance abuse resources that provide valuable services to law firms and their lawyers. These include links to lawyer assistance programs in every state and province, articles on best practices, industry studies, mental health surveys, testimonials, and other resources. The ABA's Commission on Lawyer Assistance Programs also provides information on numerous resources.

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<sup>7</sup> In fact, the latest discoveries in neuroscience demonstrate that many disorders historically categorized as "psychiatric" are caused by chemical imbalances and other underlying biological mechanisms that until recently have been poorly understood due to the brain's incredible complexity. See, e.g., Neuroscience Institute, [Chemical Imbalances Contribution to Mental Health Conditions](#).

In addition, mental health experts are available to consult law firms on best practices to institutionalize mental health awareness and related programs within law firms. National consultants are available to help law firms design mental health and well-being programs, including mental health assistance programs, and develop holistic strategies for embedding wellness within organizational culture.

## **G. What some law firms are doing now**

Unfortunately, most law firms have not developed formal programs, policies, or procedures for dealing with issues of lawyer mental health within their ranks. But a few firms have taken some meaningful initial steps. One large United States law firm has formed a Health and Wellness Committee that includes the firm's General Counsel and other firm leaders. The Committee hosts regular firm-wide events featuring speakers who focus on mental health and well being, with related CLE programs and other outreach events.

One leading Canadian law firm has adopted a formal Mental Health Strategy that includes confidential "safe spaces" for lawyers to discuss depression and other problems. The Firm also has a mental health "first aid training" program for lawyers and staff to train them to identify and reach out to lawyers and staff who are dealing with serious mental health and substance abuse issues. Another firm has developed an "ombudsman" program staffed by lawyers who are willing to listen in confidence to lawyers and help them through their challenges.

A number of firms provide mental health insurance coverage packages that include free or reduced-fee mental health consultations to lawyers and staff. Notwithstanding this progress made by some firms, many firms have done little or nothing to address mental health issues within their organization in a formalized manner. Much more needs to be done.

## H. Recommendations

### 1. Culture change must come from the top.

Culture change around mental health in law firms must start “at the top.” Unless the firm’s leadership embraces the need for change at an institutional level, it will not happen.<sup>8</sup>

The following sections suggest some best practices for achieving such change. Many of these recommendations are drawn from the thoughts and wisdom of the Honourable George Strathy, Chief Justice (ret.) of Ontario, and the Honorable John Broderick, Chief Justice (ret.) of New Hampshire. The Committee is deeply indebted to both of them for their years of study, advocacy, and leadership on the issue of mental health in our profession.

### 2. Institutionalizing mental health awareness

Law firms should address the issue of lawyer mental health and culture change at an institutional level. The Firm’s Managing Partners and Board/ Executive Committees should implement a formal Committee structure along with written policies and procedures aimed at establishing a firm culture that accepts mental health issues as an unchosen health problem and seeks to help those who are grappling with those issues.

### 3. A Mental Health Awareness Committee

A “Mental Health” or “Mental Health Awareness” Committee should be staffed with the firm’s General Counsel, several practice group leaders, and other firm representatives. The Committee’s overarching charge and mission should be to bring about profound culture change toward acceptance and destigmatization of mental health issues, and to create an infrastructure that encourages lawyers to discuss their issues in confidence and enables them to quickly access the resources and help they need.

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<sup>8</sup> See, e.g., “The Honourable George R. Strathy Calls for Culture Change on Mental Health In Our Profession,” *Journal of the American College of Trial Lawyers*, Issue 107, Winter 2025, at pp. 33-36; Hon. John Broderick, Jr., “Changing the Conversation Around Mental Illness: It’s Way Past Time,” video presentation linked on the College’s Mental Health Resources webpage.

Firm leaders who have grappled with mental health issues personally or within their families should be encouraged to serve on the Committee if they are so willing. This Mental Health Committee should meet regularly and work proactively to help the firm achieve concrete, measurable goals. The Committee should educate firm personnel on signs that indicate a colleague may be struggling with mental health or substance abuse issues. The Committee should educate firm personnel on how to talk to a colleague who may be struggling with such issues.

The Mental Health Committee should establish a procedure or mechanism for confidentially reporting concerns about a colleague's mental health to Committee members. The Mental Health Committee should receive confidential reports of concerns regarding lawyers who may be having issues and appoint willing and trusted colleagues to check in with them regularly. The Committee should monitor those lawyers, protect their confidences, and steer them to help when needed. Those who come forward to report either their own issues or concerns regarding others should be assured that reporting a mental health issue will not adversely impact the incomes or career trajectories of either the reporter or the person having the issue.

The Committee should also facilitate meetings and firm events with experts focusing on mental health and well being, and other outreach events. Those sessions should include training on recognizing the signs of mental illness and addiction, including deterioration in physical hygiene or appearance, changes in speech, marked changes in moods and behavior, social withdrawal, deterioration in work performance, and other issues. The training would also include techniques for respectful, sympathetic and non-intrusive questions ("are you OK?," "is something wrong?," "would you like to talk?," "how can I help you?").

The Committee should also increase the firm's knowledge base and understanding of mental health and substance abuse issues and resources available to address those issues. The Committee should study how other professions and industries tackle the issues of mental health and substance abuse within their organizations. This knowledge base should include a library of go-to experts for training, consultation, and intervention. The

Committee should also develop close relationships with mental health and substance abuse agencies and other resources in each office location so that those resources can be accessed and mobilized easily and quickly.

#### **4. A strategic plan for mental health awareness**

The Mental Health Awareness Committee should be charged with developing a formal strategic plan to achieve the firm’s mental health awareness goals. This strategic plan should include the following elements:

##### **i. Creating a culture in which mental health can be addressed openly and safely**

Law firms should work to establish a culture in which lawyers can safely discuss mental health concerns and issues with trusted colleagues without fear of recrimination. All lawyers of the firm should commit to avoid gossip or ridicule directed at anyone who is suffering from a mental health or substance abuse condition. This commitment should be in the form of a written pledge. Firm policies should also explicitly prohibit incivility, bullying, harassment, and other offensive conduct that takes an exceptional toll on the mental health of lawyers. The Mental Health Committee should receive confidential reports of violations of these policies and take remedial action when necessary.

##### **ii. Creating a private wellness location or space**

Firms should consider establishing a private physical location or “wellness” space for private discussion with trusted colleagues, and for a lawyer to simply decompress and “take a break.” The Mental Health Committee could be charged with designing and preserving this physical space.

##### **iii. Commitment to mentoring**

Law firms should redouble their focus on mentoring younger lawyers. As Chief Justice Strathy has wisely observed:

Mentoring is not just about teaching. It is about creating an environment in which litigators feel they are learning, growing in the

profession, and fulfilling their potential. They also need to know that their work is appreciated and respected. A lack of control over work combined with limited contact with the litigation team and clients contributes to low morale and a risk of depression. In contrast, when junior litigators are brought into discussions with the client, discussions about strategy, conversations about the law or the facts, they begin to take ownership of the case. This simple step makes work more meaningful and leads to greater work satisfaction.

As barristers, members of a profession, we have a *duty* to mentor and train those who follow in our footsteps. And we have a duty to do that at every opportunity.<sup>9</sup>

The Mental Health Committee should be given a role to assist practice leaders in mentorship practices focused on enhancing lawyer mental health.

#### **iv. Senior lawyers taking responsibility for fairly assigning work**

Senior lawyers should be directed to remain mindful that younger lawyers cannot control their workloads, and that the sense of being out of control can contribute to mental health problems. Senior lawyers should take responsibility “for efficiently managing their caseloads so as to avoid burdening younger colleagues with last minute assignments, unreasonable and arbitrary deadlines, and late night and weekend e-mails, texts or phone calls, or quickly, hastily convened Zoom calls. There are times when it has to be all hands on deck, but not every day is an emergency.”<sup>10</sup> Firm leaders should also remain mindful that the excessive billable hour model can have a “highly negative impact on the mental health of all lawyers and [set] expectations that are mindful of that risk.”<sup>11</sup>

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9 Strathy, C.J., “The Litigator and Mental Health,” linked on the College’s Mental Health Resources webpage.

10 “The Honourable George R. Strathy Calls for Culture Change on Mental Health In Our Profession,” *Journal of the American College of Trial Lawyers*, Issue 107, Winter 2025, at p. 36.

11 *Id.*

Firms should consider procedures through which the Firm’s Mental Health Awareness Committee would monitor work assignment practices and have the authority to take action to reassign unfair workloads or take other proactive measures when necessary. And the Committee should instruct younger lawyers on techniques for balancing and prioritizing demands from multiple senior lawyers, including effective communication with senior lawyers on these issues.

Additionally, the firm’s leadership should take responsibility to promote lawyers into practice leadership and management based upon management ability as opposed to simply being a good lawyer. Firms “need to be selective in how we appoint and train managers and particularly with a view to unleash the potential of young lawyers in the firm, keep an eye out for their mental health, and train and mentor them to become good lawyers.”<sup>12</sup> We need to look out for our own.

#### v. Giving lawyers time to disconnect

Firm policies should “build resilience” by “giving lawyers, and particularly younger ones, the opportunity to refresh and renew themselves by having space from law practice at night and on weekends and vacations.”<sup>13</sup> Firm lawyers should be strongly encouraged to take their vacation days, and the Mental Health Awareness Committee should monitor that issue. Time off should be respected and protected whenever possible. Vacation means vacation—and not working the same amount from a beach or ski lodge. Lawyers should be *strongly encouraged* to engage in sports, hobbies and other pursuits.

#### vi. Letting go of “the gladiator”

Finally, the firm’s leadership should work to eradicate the image that litigators must be “gladiators.” “Many gladiators were slaves, prisoners of war or convicts—pressed into action for the amusement of the masses and to distract them from their misery.”<sup>14</sup> The facade of gladiator invincibility should be lifted and replaced with the image of the

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12 *Id.*

13 *Id.* at p. 36.

14 Strathy, C.J., “The Litigator and Mental Health,” linked on the College’s Mental Health Resources webpage.

committed professional, working hard for his client, but also mindful of his own physical and mental health—and most importantly, encouraged to reach out for help when it is needed.

## **I. Conclusion**

Every firm is different, and firms should design their mental health infrastructure, policies and procedures to fit their particular cultures. But profound culture change from the top is needed within most every law firm in the United States and Canada if we are to stem the tide of declining mental health in our profession. *The time for that change is now.*