

The Lawyer's Paradox: The Link Between Personality and Psychopathology in Lawyers

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Introduction

When it comes to mental health, lawyers appear to be their own worst enemies. Research over the past several decades has identified that certain traits and characteristics correlate with success in law school and in the practice of law (Daicoff, 2004). Research has also identified that there is an unusually high incidence of distress and psychopathology (mental illness) amongst law students and lawyers, compared to the general population, and even other professions (Deveson, 2012). These findings have catalyzed the legal community to take action to try to improve the situation and outcome for law students and lawyers. They have also motivated researchers to try to pinpoint the cause of this phenomenon, in the hope of finding solutions.

Researchers have asked: what it is about being a law student or lawyer that makes them particularly vulnerable to psychopathology? The findings suggest that it is both in the nature of people who are drawn to and succeed in law school, and in the environment of law schools and the profession itself (Daicoff, 2004). While hypotheses abound, and further study is needed, the following observation emerges from the research: The very personality traits and characteristics that make lawyers good at their job make them susceptible to certain mental illnesses, reluctant to seek help and resistant to treatment.

This paper provides an overview of the interdisciplinary research regarding lawyers' personality traits, and the high incidence of distress and mental illness that emerges in law students and persists into the practice of law. It then suggests that not only is there a higher incidence of certain mental illnesses in law students and the legal profession, but the personality traits and thinking styles of lawyers, reinforced by the environment of the legal profession, actually exacerbates the problem. The paper concludes by asking: can this paradox be solved?

Discussion

The "lawyer personality"

Various methods of collecting and categorizing data on personality traits of lawyers have been used over the decades and despite the differences in instruments, common themes have emerged.

The Myers Briggs Type Indicator (MBTI) is an instrument that uses 16 different personality types to describe an individual's preferences in focusing mental energy, decision-making, gathering data, performing mental tasks and dealing with the external world (Daicoff, 2004). The MBTI results from a large sample of lawyers in the US in 1990 revealed the following tendencies of lawyers as a group: a slight tendency towards introversion over extraversion and intuition over sensing, a tendency towards judging over perceiving and an overwhelming tendency towards thinking over feeling (Daicoff, 2004). One study using the MBTI found that more than 75% of lawyers exhibit the thinking preference (Elwork, 1995).

The Attributional Style Questionnaire was used to assess the explanatory style of lawyers in the 1990s and found that the best law students were pessimists, contrary to findings of students in other faculties (Satterfield, 1997). The Minnesota Multiphasic Personality Inventory was used as a basis for assessing hostility, aggressiveness and cynicism in lawyers in the 1990s (Elwork, 1995).

Research using the Big Five theory of personality, now the predominant theory in personality research, found that traits in lawyers include neuroticism, competitiveness, aggression, introversion, perfectionism, cynicism, and a strong preference for thinking over feeling (James, 2012).

Daicoff, an expert on the personality of lawyers, synthesized all of the research on lawyers over several decades into the following list of predominant attributes: competitiveness, need for achievement, materialism, aggression, dominance, low interest in emotions, and a thinking decision-making style (Daicoff, 2004). Research has found that both law students and lawyers have stronger tendencies towards these traits than other professional groups (James, 2012, Daicoff, 2004).

Development of the ‘lawyer personality’

The question has been asked: do students become lawyer-like in law school, or is there evidence of these traits in the childhood of future lawyers? Research finds evidence of both.

Daicoff (2004) has found that people with “lawyer attributes” seem to self-select into law school. People who are accepted into law school tend to have greater needs for leadership, dominance, attention and achievement and prefer intellectual over emotional matters (Daicoff, 2004). These traits may exist from a young age, and may be encouraged and reinforced by early environment and experiences (Daicoff, 2004).

Daicoff’s overview of personality characteristics of law students, based on a synthesis of the data available pre-2004, describes them as dominant, competitive, leadership oriented, socially confident, extraverted (contrary to finding of introversion amongst lawyers), aggressive, achievement oriented, “masculine”, materially motivated, logical, analytical and conforming to rules (Daicoff, 2004).

Reinforcement of the “lawyer personality”

Law students without these “typical lawyer” traits tend to do poorly or drop out. One early study in the 1960s found that students with a “feeling” style of decision-making on the MBTI dropped out of law school at four times the rate of students with a “thinking” style (Daicoff, 2004). Later research found that “thinkers” and introverts received higher grades in law school than “feelers” or extroverts (Daicoff, 2004). The “thinking” students could easily discern inaccuracies and were excellent problem solvers, essential skills for law students and lawyers (Daicoff, 1998).

An orientation towards care (an emphasis on avoiding harm, interpersonal harmony and mercy) dramatically decreases in law school, with research finding that students showing this preference at the beginning of law school shift towards a rights orientation (focus on rights, fairness, justice and rules) within a year (Daicoff, 1998).

A single year of law school has also been shown to cause a shift in students from intrinsic to extrinsic motivation, a result contrary to the usual tendency of people to shift towards intrinsic values, if any shift occurs (Sheldon, 2014).

Unlike any other area of study or profession, law is unique in rewarding a pessimistic explanatory style (Seligman, 2001). Contrary to expectations of researchers, students with an optimistic explanatory style do not tend to excel at law school. Studies that compared explanatory styles indicate that students with a pessimistic or midrange explanatory style significantly outperform those with an optimistic style (Satterfield,

1997). While some have suggested that this might be a form of “prudence” so necessary for success in the field of law, it may also be explained by the fact that law schools often have 100% finals (course grades based entirely on final exams) and so a “defensive pessimism” is advantageous in provoking anxiety and motivation to study (Satterfield, 1997). The same researchers queried whether this pessimism might also lead to greater tendency towards depression for law students. Turns out it does.

High incidence of mental illness amongst law students and lawyers

As a group, law students and lawyers have significantly higher levels of depression and anxiety than other similar groups subject to comparable levels of stress, such as medical students and doctors (Deveson, 2012). In fact, law students are twice as likely to experience anxiety as medical students (Deveson, 2012).

Studies done over the past several decades have repeatedly shown an unusually high degree of psychological distress amongst law students and lawyers. A recent study of Australian lawyers performed via questionnaire found that 37% reported moderate to extremely severe depressive symptoms, 31% reported moderate to extremely severe anxiety symptoms, 49% reported moderate to extremely severe stress symptoms, and 35% met the screening for harmful or hazardous levels of drinking (Bergin, 2014). These values are significantly higher than found in the general public.

Studies in the United States and Canada have also found levels of distress well above the norm for law students and lawyers. In a study of 105 professions in the United States in 1990, lawyers were found to be the most depressed group (Bergin, 2013). A comprehensive analysis of research data on mental distress in the legal profession found that amongst the large percentage of lawyers with depression, a majority were experiencing suicidal ideation, amongst other symptoms (Beck, 1996). A high percentage also reported extreme levels of anxiety and obsessive-compulsiveness (Beck, 1996). Roughly 70% of lawyers studied exceeded the cut off for possible lifetime alcohol-related problems, a staggering figure compared to the norms (Beck, 1996). More recent studies have confirmed the high incidence of these issues amongst law students and the legal profession (Reed, 2016).

Influence of lawyer personality on development of these illnesses

Personality neuroscientists argue that personality factors – ie. the lawyer personality - can explain the high incidence of these mental illnesses in the legal community, at least to some degree (Deveson, 2012). Using the Five Factor Model of personality to interpret previous research findings on lawyers, and focusing on the domains of extraversion and neuroticism, it was concluded that lawyers tended to be more introverted and more neurotic than the general public. Neuroticism is strongly correlated with depression and anxiety, and introversion has also been linked to anxiety disorders and depression (Deveson, 2012).

Other research has examined predictors of psychological distress in law students, and found that specific personality traits are at issue, particularly the Big Five factor of neuroticism (James, 2012). Previous research had established the personality factor of neuroticism as correlated to and predictive of psychological distress (James, 2012).

Influence of law school

For decades, research has linked the onset of high levels of mental distress with the beginning of law school. Symptoms appear to emerge about *two months* into study and remain at seriously high levels well into practice (Beck, 1996). Researchers have concluded that the environment of law students and lawyers is conducive to the onset of significant psychological distress (Beck, 1996; Reed, 2016).

Stress can occur when perceived demands exceed a person's capacity to deal with them, especially in a situation where coping is perceived to be important (Bibelhausen, 2015). Distress occurs when the feeling of being overwhelmed and behind in one's tasks becomes chronic (Bibelhausen, 2015). Both are common experiences in law school given the volume of reading assignments, teaching methods, competitive environment and law student expectations of high performance (Daicoff, 2004).

Law school trains students in critical analysis, essential for lawyering but potentially detrimental when applied to one's self and one's relationships (Peterson, 2009). Law school's emphasis on reason over emotion encourages students to suppress their emotions and further entrenches the thinking over feeling preference (Peterson, 2009). Law students who are oriented towards feeling appear to have the hardest time in law school (Daicoff, 2004). Students who retain an altruistic nature are amongst the most psychologically distressed. (Daicoff, 1998).

Character strengths such as hope and love, which have the highest positive correlations with student well-being can become endangered in law school (Peterson, 2009). The shift from intrinsic values (self-acceptance, service to and connection with others) to extrinsic values (money, prestige, status, attractiveness) that occurs in law school also depresses their well-being (Sheldon, 2014).

Influence of legal practice

A lawyer herself, Daicoff (2004) argues that for the majority of lawyers, "typical" lawyer traits are adaptive to law school and the practice of law. Certain traits and attributes are actually necessary for the successful practice of law, including competitiveness, aggressiveness, achievement motivation and strict attention to detail (Daicoff, 2004). However, at excessive levels these same traits become pathological and show up as hostility, anxiety and obsessive-compulsiveness (Beck, 1996).

A number of factors have been identified as sources of psychological stress particular to lawyers: rule-based morality (rights orientation), perfectionism, pessimism, vicarious trauma, isolation, grandiosity, and analytical rather than emotional processing (Bibelhausen, 2015).

Lawyers have been found to suffer from vicarious trauma at rates higher than mental health professionals (Maguire, 2016). Vicarious trauma refers to the reaction to accounts of another person's trauma, including painful psychological effects, with symptoms resembling post-traumatic stress disorder (Maguire, 2016). This is particularly an issue for lawyers working in the areas of family and criminal law (Daicoff, 2004). Although lawyers often spend more time exposed to the traumatic material than other professionals, personality traits also appear to be linked to their higher rate of suffering, as various studies have found that resilience and vulnerability to vicarious trauma is related to scores on the Big Five dimension of neuroticism (Maguire, 2016).

Study of the effect of job demands (aspects that require effort expenditure) and job resources (aspects that reduce job demands) on depression and anxiety in legal practice revealed an unexpected relationship. The person-specific variable of over-commitment, defined as a "distinct personal pattern of coping with job demands, reflecting excessive work-related commitment and striving in combination for a strong need to be approved and esteemed", appears to play a significant role in explaining lawyers' distress (Bergin, 2013). Lawyers as a group tend to be overcommitted, and contrary to expectations, high job control was found to exacerbate depression not lessen it, and to increase anxiety in highly overcommitted lawyers (Bergin, 2013). Researchers concluded that the usual approach of decreasing demands or increasing resources may not be effective at reducing psychological strain in lawyers, and in fact may have the opposite effect (Bergin, 2013). Instead, cognitive-behavioural therapy was suggested (Bergin, 2013).

Stigma and reluctance to seek help

Given the stresses lawyers face, exacerbated by their typical personality traits, it is not surprising that mental health issues arise. Yet because they are required to convey confidence, competence and strength, lawyers are reluctant to show vulnerability and seek help (Daicoff, 2004).

Even before entering the profession, law students feel reluctant to seek help due to fear of social stigma, threat to admission to the bar, threat to their career, and privacy concerns (Bibelhausen, 2015).

Study of Australian lawyers indicate that although over 60% of solicitors (non-litigators) and over 40% of barristers (litigators) have significant levels of psychological distress, half of those would not seek help for depression (Bergin, 2013).

Even conducting research on lawyers poses challenges because of the reluctance of lawyers to expose themselves: law students and lawyers refuse to answer questions regarding their mental health unless guaranteed anonymity (Beck, 1996). Lawyers feel immense pressure to hide any potential weakness, as their mental competence is the very foundation of their professional status and reputation (Daicoff, 2004).

Challenges in treatment

Because of their intellect and the personality traits described, lawyers tend to "function" as they struggle independently, evidenced by the large percentage of practicing lawyers who suffer from mental illness. Meanwhile, the issue can worsen and become more difficult to treat.

A recent study concluded that lawyer distress is likely compounded by the low tendency towards help-seeking behavior amongst lawyers, and that this begins during law school (Reed, 2016). Research indicates that law students are less likely to rely on social support when under stress than medical students, turning instead to substance abuse (Daicoff, 1998).

The coping mechanism that lawyers tend to use to deal with psychological distress further exacerbates the problem. Lawyers are more likely to rely on alcohol or drugs to cope with depression than any other professional group (Bergin, 2104).

The thinking of lawyers can also exacerbate mental health issues (Daicoff, 2004). Lawyers rely on their strong cognitive abilities to solve problems, but when tendencies towards self-criticism, pessimism and perfectionism worsen during illness, they cannot "think" their way out. For illnesses such as depression, anxiety and OCD, the problem this can create is evident. It can result in a cognitive trap.

Lawyers also pose specific challenges for therapists, including highly defensive, adversarial and intimidating natures, and strong cognitive skills combined with weak development of emotional abilities (Elwork, 1995).

Hope

Although the findings discussed above paint a bleak picture of the state of the legal profession, there is hope. Fields such as positive psychology (Seligman, 2001) and cognitive-behavioral therapy (Bergin, 2013) show promise in addressing the particular challenges that lawyers face in terms of mental health issues. Therapeutic interventions can help lawyers understand their emotional needs and the cognitive traps they can fall into, given their personality tendencies. A psycho-legal therapeutic approach, particularly tailored to lawyers, has been suggested (Elwork, 1995). Greater development of emotional intelligence has also been suggested as a means to help both lawyers and their clients (Kelton, 2015).

However, Daicoff cautions against a solution that involves changing lawyer's personality attributes towards more caring, interpersonally sensitive, altruistic and feeling oriented, citing research that suggests that such steps might actually result in increased psychological distress for lawyers (Daicoff, 1998). She suggests that many lawyer traits are adaptive to the practice of law and protective against work that might otherwise be intolerable due to internal psychic conflict and even gut-wrenching emotional pain (Daicoff, 1998). Although this is particularly an issue in areas of practice such as criminal and family law, lawyers in all areas of practice need to override their own feelings and ethics about the actions, positions and instructions of their clients in order to serve them (Daicoff, 2004). The legal system depends upon this function.

Conclusion

Lawyers serve an essential service in societies and need to be at the top of their game mentally to do so. However, research indicates that the very personality traits and characteristics that make lawyers good at their job also make them susceptible to certain mental illnesses, reluctant to seek help and resistant to treatment. The environment of law school and the legal profession exacerbates this problem. So is it even possible to solve this paradox?

Psychologists and lawyers are exploring possible solutions. Everything from changing law school, to changing lawyers, to changing the practice of law and the entire legal system has been considered (Daicoff, 1998, 2004, 2008). But is that realistic?

Since the problems seem to emerge in law school, new approaches to legal training are being explored (Daicoff, 2004). But caution is warranted: if law schools have been effective at training students to become effective lawyers, is it really a good idea to change them? The Socratic method of teaching is used for a reason: it challenges students to think about and synthesize material under pressure and answer on the spot, in front of others. That skill is absolutely necessary for success in the practice of law. Final exams worth 100% also have real value in training students in the preparation and skills necessary to perform on a predetermined day, when performance is critical. Those two things alone are foundational skills necessary for successful lawyering, along with learning case law, critical analysis and persuasion.

The fact is, the job that lawyers do *is* challenging and stressful, and students must be taught the skills to succeed. Stress is often considered an inevitable, even accepted, part of law school (Peterson, 2012). Perhaps what has been missing is an emphasis on *also* teaching students healthy ways to cope with the challenges and stresses, and raising awareness of the particular risks that face lawyers. Recent research in the field of positive psychology indicates that law students who find ways to use their top strengths are less likely to suffer from depression and stress (Peterson, 2012). Techniques to encourage such focus can be taught, perhaps buffering law students at the earliest stages against psychological distress (Peterson, 2012).

The same approach can be taken for practicing lawyers: greater awareness and education as to the particular traps that lawyers are prone to fall into, greater emphasis on health and well-being, alternatives to using alcohol as the reward and antidote to lawyer stress.

It appears that law societies have recognized this and are now taking action to raise awareness about mental illness, reduce stigma and provide both professional and peer support to lawyers and law students (Bibelhausen, 2015). As research continues in the fields of personality, neuroscience, cognitive, behavioral and positive psychology and counseling, treatment approaches best tailored to lawyers can be explored and used. Lawyers who have experienced and recovered from these problems are in the best position to provide understanding and support to those currently struggling.

Perhaps the paradox cannot be solved. Perhaps the most that can be done is mitigation of the effects of this link between the “lawyer personality” and mental distress. Many professions come with inherent risks and hazards. Perhaps this is just the particular risk inherent in the choice of law as a profession, and in success in that choice.

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