

# Confronting The Psychological Toll Of Personal Injury Law

By **Lisa Lanier** (June 13, 2024)

Personal injury law is often associated with high stakes and incredibly complex cases that can tug at the very core of human empathy. Lawyers in this field are on the frontlines of battling for justice and compensation for clients who have experienced trauma, loss and life-altering injuries.

What's less discussed, however, is the emotional toll that these cases can take on the lawyers themselves. I have been a personal injury lawyer for 32 years, so I have experienced this firsthand for decades.



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Below, I attempt to shed some light on the emotional impact of personal injury law — particularly the stress it places on lawyers — and present strategies for mitigating this toll.

## **Understanding the Emotional Weight of Personal Injury Cases**

Personal injury cases deal with life's most unexpected and often devastating events, where individuals and families are left reeling from the aftermath. Walking with clients through this grim reality often becomes a weight carried not just throughout the case, but well beyond its resolution.

As their attorney, you have the privilege of helping them through the worst thing that has ever happened to them. The initial client meeting, where you hear the harrowing details for the first time, is etched into memory.

Every lawyer can recount these stories, their gravity leaving an indelible mark. The sharing of these awful circumstances forms a quick bond between lawyer and client.

## ***The Long-Term Impact on Legal Professionals***

Continuous exposure to traumatic narratives can very easily lead to burnout, compassion fatigue and secondary trauma, as lawyers end up internalizing their clients' pain.

The stark contrast between the legal framework — where cases are solved with arguments and evidence — and the human experience behind every case often acts as a silent killer of the spirit. Because of this, it is incredibly important to recognize that beforehand and learn how to manage it.

I recall a moment some years ago when a gut-wrenching event played out in a mediation involving a severely injured child. I made eye contact with the defense attorney and my co-counsel, and they were both crying.

They were both men and a little embarrassed that the gender stereotypes were flipped, and I was not crying. Later, I did a little assessment about why I was not moved to tears, as they were. I decided that I was experiencing burnout and compassion fatigue.

## ***Recognizing the Ripple Effect of Emotional Strain***

It's not just the individual lawyer who is affected. The emotional strain can permeate an entire law firm's culture, and can affect staff as well.

The result can be an adverse impact on productivity, morale and overall engagement. The ripple effect can extend to personal lives, relationships and the broader mental health landscape of the legal profession.

It is also part of the reason for very high rates of alcoholism in the profession, as some lawyers try to get rid of the pain and stress with strong spirits.

## **Managing the Emotional Well-Being of Legal Practitioners**

To combat the emotional challenges in personal injury law, legal professionals must adopt a proactive approach to their well-being. There's a need to address these challenges openly, and normalize the conversation around mental health in the legal profession.

### ***Practicing Self-Care as Nonnegotiable***

"Self-care" is a term that has been tossed around quite a lot recently, but what does it mean? It conjures up notions of excess and decadence for some. But self-care is a necessity, not a luxury.[1]

Taking care of yourself so that you can be healthy, live your life and help others is the basic definition of self-care. This is so important for attorneys.

Regular exercise, a balanced diet, mindfulness practices and making time for hobbies are all essential in maintaining equilibrium. Failure to do so can lead to burnout that takes the joy and meaning out of one's career.

We are caring for others in some of their most difficult chapters of life, providing them with legal support and various resources, and walking them through until the end of their case and beyond. While it's incredibly fulfilling to be able to do this, we must prioritize taking care of ourselves to be able to effectively care for others.

### ***Cultivating a Supportive Network***

Being surrounded by injury, suffering and stress daily can be difficult. Seeking support from within the legal community or from mental health professionals is critical.

Mentorship programs and peer support groups can provide a safe space to share experiences and lend support. Just as we would suggest to our clients to seek out a support group or therapy to get through a difficult time, these things can be equally beneficial for us as attorneys.

Witnessing and validating each other's challenges as legal professionals help us disperse the emotional burden. Every state's governing entity or state bar has resources available, and can point attorneys to substance use counseling or mental health support geared specifically to lawyers.

## ***At the Core of Lawyer Well-Being: Empathy***

Empathy is often cited as an integral component of the legal profession, and for good reason. Empathy plays a significant role in providing compassionate service and is essential for maintaining a lawyer's emotional well-being.

It helps to protect against the emotional strain of dealing with the logical detachment of the law while handling human tragedy. Law firms should consider implementing training programs that help facilitate trauma-informed approaches to their legal services.

Everyone from intake staff to lawyers could put this type of training to use. While empathy is a powerful tool, it poses its own paradox. The more one empathizes, the more they risk shouldering the client's emotional burden.

Lawyers need to balance their ability to deeply care with their need for personal preservation, or else they risk emotional burnout. This, once again, emphasizes the need for us as lawyers to practice self-care in whatever form works best for us.

A healthy form of emotional release makes us better lawyers because it allows us to release the burden. We must set strong boundaries, so that we don't risk taking on roles with our clients that would be more appropriate for a therapist or social worker.

## **Laying the Groundwork for a More Sustainable Legal Practice**

This enhanced approach to personal injury law has profound implications for the legal profession. It's not just about better advocacy for clients — it's about creating a more sustainable practice that values the emotional well-being of its workforce.

Law firms can promote staff well-being through comprehensive wellness programs. These can include:

- Offering on-site fitness options: Utilize unused space for gym equipment or sponsor group exercise classes during lunch breaks or after-hours.
- Encouraging team-building activities: Organize events throughout the workday to foster collaboration and support networks.
- Participating in community events: Promote team participation in charity walks, runs or volunteer activities.
- Creating relaxation spaces: Consider a rooftop garden or designated break area to encourage stress relief and team bonding.

These initiatives demonstrate a commitment to employee well-being, leading to a more positive and productive work environment.

## ***The Role of Leadership in Shaping a Supportive Culture***

Firm leaders bear the responsibility of cultivating a supportive culture that recognizes and addresses the emotional demands inherent in personal injury law.

By championing openness, providing necessary resources, and fostering an environment of

empathy and understanding, they set the stage for a sustainable practice where the mental health of their workforce is prioritized and respected.

### ***Impact on Client Outcomes and Firms' Reputations***

The benefits of adopting a holistic approach extend beyond mere client satisfaction. They resonate throughout the firm and reverberate in the legal community.

Evidence indicates that such an approach leads to superior client outcomes, reflected in heightened satisfaction rates and increased referrals. Consequently, firms that embrace this ethos distinguish themselves as beacons of excellence, known for their unwavering commitment to the well-being of their clients.

### ***Client Satisfaction as a Metric for Success***

In this new paradigm, success is no longer solely defined by courtroom victories but is measured by the holistic well-being of the client. Client satisfaction emerges as a pivotal metric, underscoring a firm's ability to provide comprehensive support and advocacy.

By prioritizing the emotional health of clients as a key performance indicator, firms not only enhance their competitive standing but also reaffirm their dedication to ethical and compassionate legal practice.

### ***Final Thoughts on the Profound Responsibility of Personal Injury Lawyers***

Personal injury law is not just about dealing with cases, but also dealing with individuals at their most vulnerable. It's an arena that demands a profoundly human response — one that recognizes the emotional investment that legal practitioners must make, and the potential for both positive and negative impact that this responsibility carries.

The conversation around the emotional impact of personal injury law is long overdue. By recognizing the human element in their work and implementing these strategies, legal professionals can continue advocating for their clients, while safeguarding their own emotional well-being.

In reevaluating our approach to this area of law, we not only strengthen the fabric of our profession, but also the very individuals we have committed to serve.

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[1] <https://www.nimh.nih.gov/health/topics/caring-for-your-mental-health>.

[2] <https://www.lanierlawgroup.com/blog/2013/february/what-is-a-life-care-plan/>.