JBA CLE BY THE SEA YOUNG LAWYERS PANEL

Panelists:

1. The Honorable June B. Darensburg, 24th Judicial District Court
2. Aspen Steib Murphy, Taylor Steib Law LLC
3. Mike Melucci, Yeager LaNasa Tauzier

YOUNG ATTORNEY BURNOUT AND CORRESPONDINGLY HIGH LAW FIRM ATTRITION RATES

STATISTICS OF BURNOUT/ATTRITION

Pre-pandemic associate attrition at AM Law 100 firms: 16%

2021 associate attrition at AM Law 10 firms: 27%

2022 associate attrition overall: 20%

2023 associate attrition overall: 18%

2024 associate attrition overall: 20%

- 22% for female associates compared to 19% for male associates
- 24% for associates of color compared to 19% for white associates
- 73% in the first 4 years of practice

COMPARISON OF ATTRITION RATES IN OTHER PROFESSIONAL SETTINGS

- Management: 6.3%
- Sales Professional: 7.3%
- Non-Sales Professional: 9.1%
- White Collar Professional: 9.9%
- Para-Professional Blue Collar: 12.5%
- Highest: Retail/Wholesale Industry: 26.7%
- Lowest: Insurance/Reinsurance: 8.2%



FREQUENTLY MENTIONED CAUSES OF BURNOUT

- Case load
- Work life balance
- Lack of proper training
- Non-inclusive culture
- Disciplinary actions of minor infractions
- Career Progression
- According to study done by Bloomberg, a staggering 97% of respondents worked while out of the office, with 73% doing so on at least half of their days off.

ATTRITION IN LAW FIRMS

Impact of Attrition

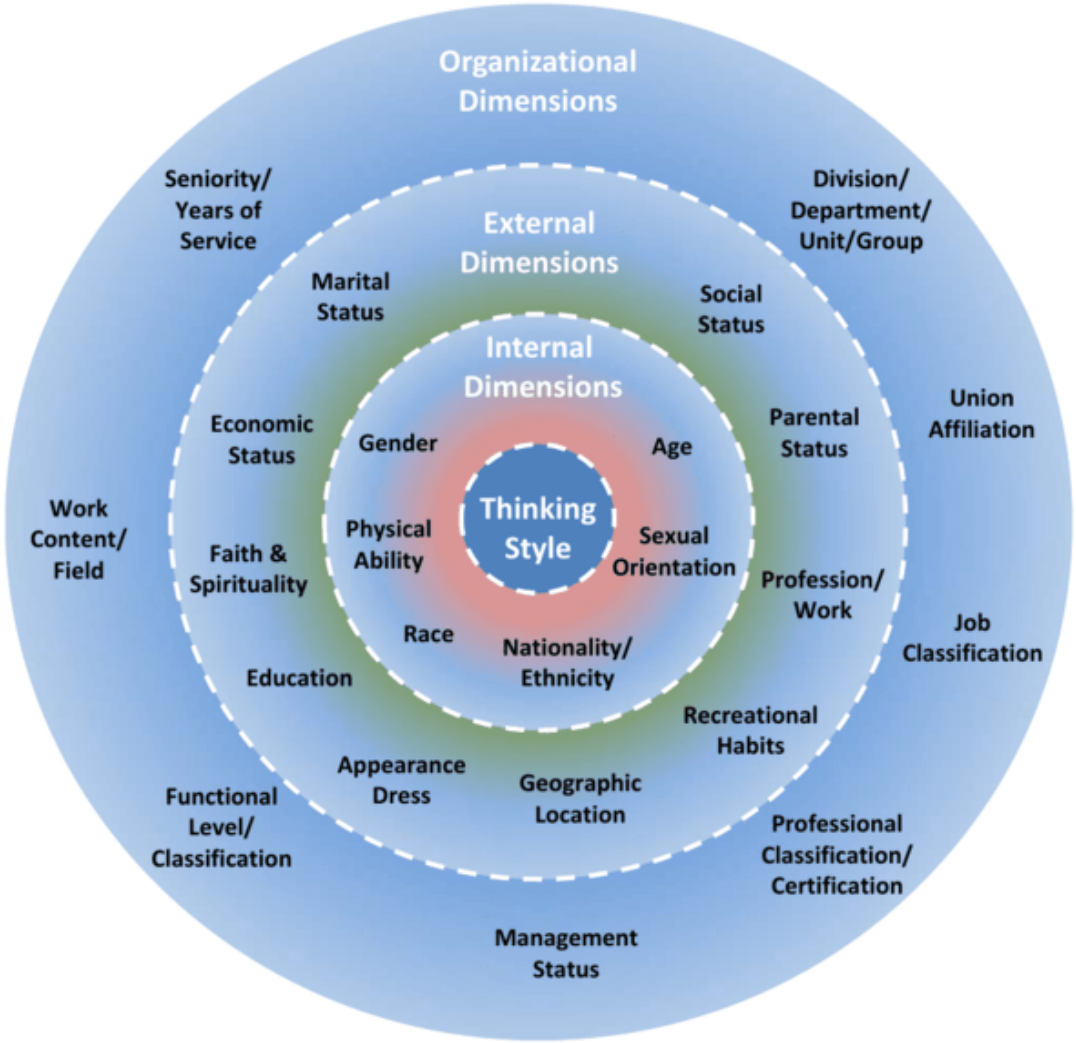
- Client relationships
- Firm reputation
- Current legal matters
- Firm culture and moral
- Productivity and knowledge
- Senior associates' time covering lower-level work
- Financial Cost of an attorney departure – average cost to firm: $200,000 - $500,000 (from Big Law Survey) 1.5 – 2 times the amount of annual salary

Solutions to Attrition

- Work-life balance initiatives: Policies may include hybrid or remote work options, flexible work schedules, and more multi-use PTO
- Career development opportunities: Formalize and invest in lawyer mentorship programs
- Enhance Firm Culture: Provide wellness programs support networks and DEI.
- Feedback Mechanisms: Utilize ongoing and multi directional feedback loops at regular intervals.

The Diversity Wheel

"The mix" of human similarities and differences



4 Layers of Diversity

- **The Core Dimension** is how we think and communicate.
- **Internal Dimensions** are largely out of our control but have a powerful impact on behaviors and attitudes.
- **External Dimensions** are largely within our control and are choices formed by environmental, social and cultural factors and experiences.
- **Organizational Dimensions** are largely defined and influenced by the group or organization in which we work.

Adapted from "Diverse Teams at Work: Capitalizing on the Power of Diversity" by Lee Gardenswartz and Anita Rowe

MULTIPLE GENERATIONS @ WORK



TRADITIONALISTS Pre-1945	BOOMERS 1946-1965	GEN X 1966-1977	MILLENNIAL 1978-1995	GEN 2020 After 1995
Experienced: Great Depression, WWI and II, GI Bill	**Experienced:** Television, Moon Landing, Watergate, Vietnam War	**Experienced:** MTV, Nintendo, PC's	**Experienced:** Natural disasters, diversity, mobile technology	**Experienced:** Economic downturn, Global Warming
Work is: An obligation	**Work is:** Expected	**Work is:** A difficult challenge	**Work is:** A means to an end	**Work is:** Consistantly evolving
Aspiration: Home ownership	**Aspiration:** Job security	**Aspiration:** Work-life balance; independence	**Aspiration:** Freedom and flexibility	**Aspiration:** Structure and stability
Changing Jobs: Stay for life	**Changing Jobs:** Loyal to employer; connecting to values	**Changing Jobs:** If necessary for compensation	**Changing Jobs:** Is expected	**Changing Jobs:** Constantly
Career Paths: Slow and steady	**Career Paths:** Upward mobility	**Career Paths:** Need to know options now	**Career Paths:** Switch frequently and fast	**Career Paths:** Career "multitaskers"

RESOURCES

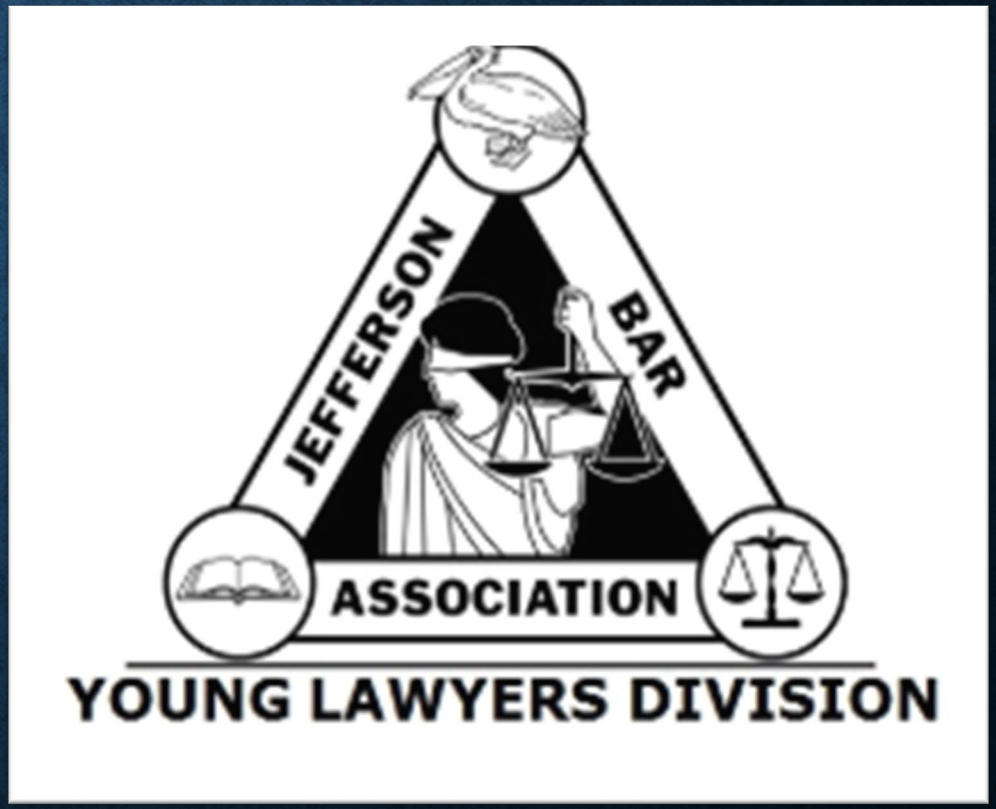
- **LSBA Committee on Alcohol and Drug Abuse; Judges and Lawyers Assistance Program (JLAP); privilege, confidentiality, and immunity**

- Provides counseling and intervention services for legal professionals with mental health issues "including but not limited to alcoholism, drug addiction, depression, burnout, and dementia." it also grants civil immunity to those involved in these programs.

- The Louisiana Supreme Court encourages members to use this service. "JLAP exists to offer assistance to judges and lawyers in need at the initial stages of a problem, as well as at the conclusion. As a profession we owe it to ourselves, as well as neophyte lawyers and the public, to encourage the enlistment of assistance before a situation develops into a problem that results in harm to clients and discipline to the attorney

KEEPING UP TO DATE WITH CHANGES IN THE LAW WHILE MAINTAINING AN ACTIVE PRACTICE

- The rules for continuing Legal Education require attorneys to stay abreast of laws and maintain professional competence
  - Rule 1.1
- JBA YLD Hosts an annual summer CLE at the End of July on new changes.



DEALING WITH SELF-REPRESENTING LITIGANTS

- A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the abilities of all litigants, including self-represented litigants, to be fairly heard, provided, however, that in so doing, a judge should not give self-represented litigants an unfair advantage or create an appearance of partiality to the reasonable person." Louisiana Code of Judicial Conduct Canon 3(A)(4).

DEALING WITH SELF-REPRESENTING LITIGANTS – COMMENTARY TO CANON

- Steps judges may consider in facilitating the right of self-represented litigants to be heard, and which (they might find) are consistent with these principles include, but are not limited to:

1. Making referrals to any resources available to assist the litigant in preparation of the case;
2. Providing brief information about the proceeding and evidentiary and foundational requirements;
3. Asking neutral questions to elicit or clarify information;
4. Attempting to make legal concepts understandable by minimizing use of legal jargon;
5. Explaining the basis for a ruling.

DEALING WITH SELF-REPRESENTING LITIGANTS – CONTINUED

- Courts have held pro-se litigants assume responsibility for their lack of knowledge of the law. *Food Perfect, inc. v. United Fire & Cas. Co., 2012-2492 (La. App. 2 Cir. 12/9/28), 722 So.2d 382, 384* ("Although we concede that Ledbetter, as a layperson, was representing himself, a pro se litigant assumes all responsibility for his own inadequacies and lack of knowledge of procedural and substantive law.")
- "I respectfully suggest that to require the trial judge in the present case to have explained the term 'in forma pauperis' and all that entailed, would have caused the trial judge to suggest a defense to the defendant's motion. Such a position, in my view, would have placed the trial judge in an untenable position, one that Canon 3 guards against… Notwithstanding the availability of [self-presented litigant legal] resources, it seems crucial that the dissemination of such information to the self-represented litigant from the very inception of litigation is essential to further the search for justice and foster the impartiality of the trial judge. To do otherwise keeps valuable information hidden from the self-represented litigant, thwarts justice, and places an undue burden on trial judges. *Clarkston v. Funderburk, 2016-681* (La. App. 3 Cir02/01/17), 211 So. 3d 509, 518
- LSBA Website has a self-represented section including an entire section of self-represented litigant forms. Other resources include the Law Library of Louisiana and Louisianalawhelp.org

IMPOSTER SYNDROME

- "The persistent feelings of self-doubt and a fear of being exposed as incompetent, even when a person has clear evidence of their skills and achievements."
- Younger and first-generation attorneys often identify with this feeling.
- The LSBA's focus on confidential assistance programs seeking to improve mental health provide a framework for addressing Imposter Syndrome and encouraging attorneys to seek help to build confidence in their professional abilities. *See* LA. R.S. 37:221

Q&A