

Finding Wellness & Balance in the Sandwich Generation: Can I have that on Rye?

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Robyn Diaz John E. Kelly Sarah Swank

Today's Speaker

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“Burnout happens when you try to avoid being human for too long.”

~ Michael Gungor

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The pressures do we face
as people and lawyers

What happens when we
burnout

What if it happens in
others who are facing a
crisis at work

Employment law
consideration and ethics

How do we find and
support balance in
yourself and others



Today's Presentation

The Sandwich Generation

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The pressures we face as people and lawyers

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Workforce Pressures

Increases in workforce disengagement (across all industries/sectors)

Technology, AI

Housing costs and inflation

Social isolation and loneliness



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- Mental health issues and alcohol abuse are common in the legal profession.
- High suicide risk
 - Stress
 - Isolated
 - Overworked
 - Overcommitted
- High-pressure culture often masks problems
 - Pace and hours
 - Frequent emergencies
 - Competing client demands
 - Adversarial nature of work
 - “on all the time”

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Mental Health by the Numbers

- According to a 2024 ALM and Law.com Compass Mental Health Survey of more than 2,000 law firm attorneys and 400 legal staff:
- **69 percent** of lawyers reported having anxiety
- **36 percent** of lawyers reported having depression
- **24 percent** of lawyers reported increasing drugs/alcohol use as a result of their work/work environment

Young lawyers (ages 25 to 34) reported higher rates of depression (41 percent) and anxiety (77 percent) than their peer age groups

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The Sandwich Generation

Have a living parent 65 or older and are either raising a child under age 18 or supporting a grown child.

¼ of Americans report being in the sandwich generation in 2021 (Pew Research Center)

27% of workers in their 30s

54% of workers in their 40s

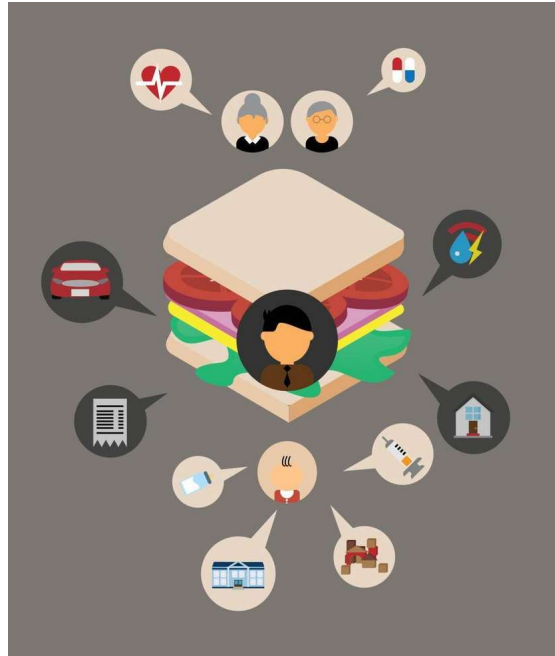
36% of workers in their 50s

Many providing emotional, physical, and/or financial support to their living parents

Paying parents' bills while paying for children's educational costs

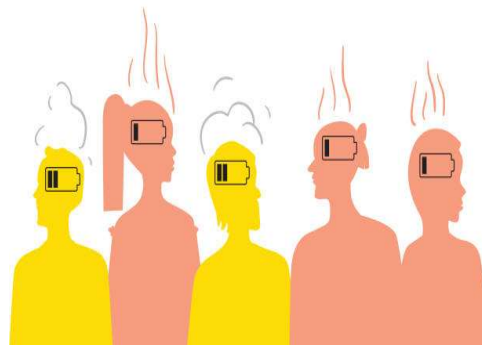
Arranging home health, doctor's appointments or dispensing medications for parents

Worrying about children's grades, sports, social activities, doctor's appointments, etc

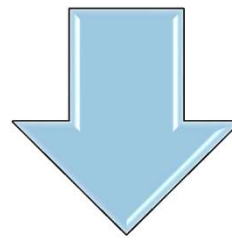


Caregiving & Lawyering: Incompatible?

- Stress and burnout in the legal profession – contributing factors
 - Competition
 - Long work hours
 - 24-hour service
 - High pressure environment
 - How reputations are built
 - Toughness
 - High ethical standards
 - Responsiveness
 - Perfectionism
 - Secondary Trauma



Attorneys Burn Out: Why?



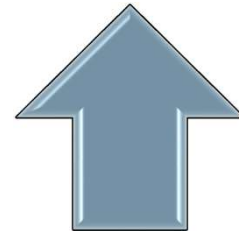
Law Firms

- Billable hours
- New business development
- New lawyer training & development
- Fighting for credits
- Number of client demands at same time
- Short turnaround times
- Slow times



In-house Counsel

- Long hours and lots of work
- Prioritizing
- Tracking time
- Client relationship development
- Scope creep
- Thinking on your feet and getting it right



What's Driving The Crisis?



Nearly 80 percent of survey respondents reported that their work environment contributed to their mental health issues



Drivers in the legal profession:

Competitive law firm hierarchies
Long work hours
24-hour service for clients
High-pressure environment
Reputations built on toughness, high ethical standards, responsiveness, and perfectionism

IDENTIFYING IT IN YOURSELF AND OTHERS

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The Biology of It

- **The Hand-Brain Model**

- You can change the function and structure of your brain by knowing how the brain is structured.

Why we 'flip our lid' or 'lose it'

- In the hand model of the brain, your fingers and thumb open and close in response to your internal body signals and your interpretation of the world around you.
- Bodily stress and distress, anxiety and fear make the fingers and thumb open up.
- Bodily safety, contentment and calm make the fingers and thumb close again.



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Behavioral Red Flags of Mental Health Issues



- Excessive anxiety or worry
- Regularly misses or appears late for meetings or court proceedings
- Unprepared or poorly prepared
- Patterns of last-minute requests for extensions or missed deadlines
- Increase in substance use
- Clients complain about performance, accessibility, or lack of communication
- Withdraws from colleagues, friends, and family
- Poor concentration, inattention, or judgment
- Decline in overall quality of work product



Why Warning Signs Go Unnoticed

Halo effect: We let our overall positive impression of a person color our judgment of their behaviors or character traits

Masks or smokescreens: Lawyers compensate well or are especially adept at masking stress or addiction, making mental health issues harder to spot

Confirmation bias: We look to confirm what we already believe, often assigning a more positive explanation to the warning signs

Bystander effect: When we aren't close to the person, personally or professionally, we assume someone else will notice the problem or has already stepped in

Fear of retaliation or negative consequences: We do not say anything because we worry about negative fallout for ourselves or for the person who needs help

WHAT DO YOU DO?

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How you identify an issue in others?

What do you do if you are the supervising attorney?

What are you obligations?

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Intervention Strategies

- Approach a colleague with:
 - Dignity,
 - Compassion,
 - Respect, and
 - Confidentiality
- Formulate a response plan:
 - Make a confidential report to the Lawyers Assistance Program
 - Offer support/resources to the lawyer and follow-up
- Hypotheticals



Ethics & Risk: ABA Model Rules of Professional Conduct

Competence (ABA Rule 1.1): “A lawyer shall provide competent representation to a client.”

- Mental health directly affects a lawyer's ability to think clearly, concentrate, and exercise sound judgment.
- Depression, anxiety, and burnout can impair decision-making, attention to detail, and the ability to meet deadlines—core skills for competent legal representation.

Diligence (ABA Rule 1.3): “A lawyer shall act with reasonable diligence and promptness in representing a client.”

- Mental health struggles can lead to procrastination, missed deadlines, or failure to follow through on obligations.
- Chronic stress and exhaustion can undermine a lawyer's ability to sustain the level of effort required to diligently represent their clients.

Ethics & Risk: ABA Model Rules of Professional Conduct

Integrity (ABA Rule 8.3):
“A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Misconduct....”

- AND if this raises a “substantial question” as to that lawyer’s fitness as a lawyer in other respects, shall inform the appropriate professional authority.
- When dealing with the most serious cases of mental illness or substance abuse, supervisors and colleagues might have a reporting obligation.

Misconduct (ABA Rule 8.4): “It is professional misconduct for a lawyer to... engage in conduct that is prejudicial to the administration of justice.”

- Untreated mental illness or substance use disorders can lead to serious ethical violations, disciplinary actions, or malpractice claims.

The Organizational Impact

Reduced productivity: Lawyers suffering from chronic stress or burnout may struggle to meet performance expectations, leading to decreased productivity.



Higher turnover: Firms that neglect employee well-being risk facing high turnover rates.
Employees are more likely to leave a job where they’re experiencing burnout or where their well-being is not considered a priority.



Lost Business Opportunities: Overworked, stressed lawyers may not provide the best service to clients, possibly resulting in lost business opportunities and damage to the firm’s reputation.

Employment Laws

Title VII (no discrimination based on sex (including pregnancy and sex-based caregiving biases/assumptions))

ADA (no discrimination against those who have caregiving responsibilities for someone with a disability)

FMLA (keep in mind that employees may be entitled to family leave under certain circumstances)

State laws which might be more protective of caregiver status

OSHA (requires employers to provide a safe work environment free from known hazards, which can include overwhelming stress)

Ethical Obligations (competence, diligence, duty to supervise, reporting obligations)

FINDING BALANCE





Juggling Family Resilience Emotional Intelligence Mindfulness

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- Flexibility
- Autonomy
- Empathy and compassion
- Shorter workweek
- Reduced hours
- WFH
- Flexible hours
- Resources
- Childcare
- Elder care referrals
- A network or affinity group with caregiving needs
- Fewer work emergencies
- Backup staffing to assist
- Help prioritizing competing demands
- Less emergencies

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Establish Infrastructure to Promote Well-Being

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Form a mental health committee or appoint a mental health advocate

- Identify an internal confidential point of contact for mental health concerns
- Provide access to an employee *assistance program*

2

Assess lawyers' mental health

- Conduct an anonymous mental health survey (e.g., burnout, workload, inclusion, and stress factors)
- Use results to track trends and tailor interventions

3

Provide training and education on mental health

- Bring in experts from Lawyers Assistance Program, therapists, or lawyers with lived experience
- Host CLEs or workshops on burnout, stress management, or mental health literacy

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Improve Culture: Leadership Level



- Set the tone that mental health matters
 - Prioritize “**you matter**” cues like calling people by name, making eye contact, and giving colleagues your full attention
- Recognize good behavior
 - Say “**thank you**” more than your current practice
- Make supervision meaningful and constructive feedback a learning-focused, two-way conversation
- Be clear when giving assignments and setting deadlines to minimize conflicting requests and ambiguity
- **Practice what you preach:** It is critical that firm leadership model healthy mental health practices for associates and staff

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QUESTIONS?



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