

Legal Workplace Culture: How Well-Functioning Environments Support Ethical Practice



Why do we care about workplace culture?

POSITIVE WORKPLACE CULTURE

Engagement

Satisfaction

Positive business reputation

Pride and ownership of work

Efficiency

Well-being

Creativity/innovation

Talent attraction and retention

Compliance with law and governing rules

TOXIC WORK CULTURE

Burnout

Turnover

Stress / poor mental health

Lack of motivation / contribution

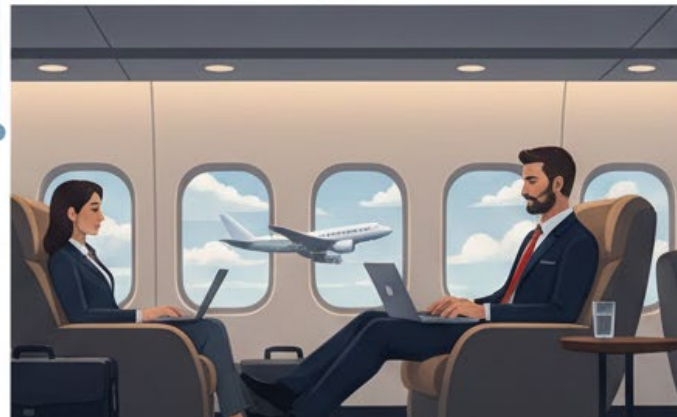
Declining productivity

Initiative is disfavored

Reputational harm to organization

Breeding ground for misconduct & liability

“Culture eats strategy for breakfast.” – Peter Drucker



The legal workplace,
circa 2025:

work is everywhere,
and everywhere is
work

What is legal workplace culture?

A collection of beliefs, values, behaviors, attitudes, and practices that reflect and characterize the legal workplace.

Shared norms and expectations that guide interactions between employees, clients, colleagues, and everyone in the surrounding community.

A central question: What is rewarded, what is tolerated, what is overlooked, and what is punished?

Characteristics:

What defines legal practice culture?

Culture: the beliefs, values, behaviors, attitudes, practices, norms, and expectations that define us.

Law firm culture: strictly hierarchical, tied to the billable hour, and resistant to change.

Cultural change is being driven by Millennial (born 1981 to 1996) and Gen Z (born in 1997 and later) lawyers

- *As digital natives, they expect technological advances to buy them more free time and flexibility*
- *They want work that has purpose*
- *They expect to engage in continuous learning, not to slot themselves into a structure that offers a far-distant possibility of partnership.*

The good ones leave firms – they go in-house, take government jobs for better schedules and benefits, join tech companies, build alternative legal service providers, or leave the profession entirely.



Components of a positive legal workplace culture:

- Work ethic – dedication, professionalism, quality service to clients
- Collegiality and teamwork toward common goals
- Integrity and ethics to support trust and credibility both internally and externally
- Professional development – a growth mindset for all participants, no matter what level
- Work-life balance – recognizing that personal well-being supports quality work and healthy integration of personal and professional lives
- Innovation and adaptability – continuous improvement mindset and openness to change and growth and opportunity

And beyond the immediate workplace, attorneys and judges are most effective in a culture of trust and civility

Behaviors that destroy trust and lead to ethics complaints:

- Lying about facts, making up facts
- Agreeing verbally, then changing written memorialization of agreement
- Denying previous agreements
- Fanning the flames on discovery disputes

“[L]awyers who know how to think but have not learned how to behave are [a] menace and a liability, not an asset, to the administration of justice.”

-- Chief Justice Warren Burger



“The great tragedy of the legal profession is the legions of lawyers who are wearing down, burning out, sinking into addictions, desperate for escape. But the even greater tragedy is that *we keep sending in more new lawyers to join them*. We keep turning the crank, moving the conveyor belt forward, defying the definition of insanity by doing the same terrible things and expecting the same terrible results.”

– Jordan Furlong

Deep “mental and emotional sickness”*

- [Massachusetts](#): 77% of lawyers reported burnout from their work; almost half thought about leaving their job. 40% considered leaving the profession entirely due to stress. 7% experienced suicidal ideation in the weeks before the survey.
- [California and DC](#): Lawyers were twice as likely as the general population to experience thoughts of suicide, and those with high stress were 22 times more likely to have such thoughts.
- [Midsized law firms](#): Nearly 3/4 of lawyers, paralegals and administrative professionals at midsized law firms report feeling stress, burnout, or being overwhelmed in the past year.
- [Canada](#): 59% of legal professionals report psychological distress. 56% report burnout. 24% say they’ve experienced suicidal thoughts at least once since starting practice.
- [UK](#): 62% of lawyers have experienced burnout as a result of their work in the last year. 57% put “an unmanageable caseload” at the top of their list of stressors at work, followed by a lack of work/life balance (42%).
- [In-house counsel](#): Legal department lawyers face burnout and attrition internally, and supply chain issues and high inflation externally. “The environment legal departments are operating in now is an extremely challenging one.”
- [Law students](#): Over 75% reported increased anxiety because of law school-related issues; over 50% reported experiencing depression. A majority reported experiencing anxiety (77%), disrupted sleep (71%), and depression (51%).

*higher for new lawyers, women, visible minorities, and LGBTQ+ lawyers



Bullying in the Legal Profession:

A Study of Illinois Lawyers' Experiences and Recommendations for Change

October 2024

by Stephanie A. Scharf and Roberta D. Liebenberg



Bullying behaviors

- Verbal intimidation (insults, name-calling, shouting)
- Harsh, belittling, or excessive criticism of work
- Minimizing/dismissing target's contributions
- Demeaning nonverbal behaviors
- Unrealistic work demands
- Behind-the-back malicious rumors, isolation
- Improperly taking credit for work
- Not sharing important work information
- Gaslighting about concerns when confronted
- *Also cyberbullying, physical intimidation (stalking, throwing objects, invading space), and physical contact/intrusion into target's personal space or work area*

Key findings:

- **Bullying disproportionately affects female attorneys, attorneys with disabilities, attorneys of color, younger attorneys, and LGBTQ+ attorneys.**
- **Sex: 38% of female lawyers were bullied at work in the past year, compared with 15% of male lawyers.**
- **Disability status: 38% of lawyers with an impairment limiting a major life activity, compared with 23% of lawyers without.**
- **Race/ethnicity:**
 - **36% of Middle Eastern/North African lawyers**
 - **35% of Black/African American lawyers**
 - **34% of Hispanic lawyers**
 - **32% of multiracial lawyers**
 - **28% of Asian American lawyers**
 - **23% of white lawyers**

Key findings (continued):

- Age: 39% of lawyers 25-35 years old were bullied in the past year
 - The likelihood decreases with age
 - 12% of lawyers 66 to 75 were bullied
- Sexual orientation: 29% of LGBTQ+ lawyers were bullied, compared with 25% of heterosexual lawyers
 - 29% of LGBTQ+ lawyers were the target of verbal bullying related to sexual orientation, compared with 3% of heterosexual lawyers

Characteristics of workplace bullying

1. First, an employee becomes the target of systematic negative and unwanted social behaviors in the workplace.
2. Secondly, the exposure occurs over a long time-period.
3. Thirdly, the target experiences that he or she cannot easily escape the situation, nor stop the unwanted treatment ([Olweus, 1991](#), [Olweus, 1993](#)).



2021 Survey on Professionalism (Illinois)

Uncivil acts toward individual lawyers have larger consequences for lawyers, clients, and the general public. According to approximately 1,500 respondents, uncivil or unprofessional behavior:

- Makes it more difficult to resolve a matter (95%)
- Makes the practice of law less satisfying (92%)
- Harms public/client confidence in the profession (90%)
- Leads to an increase in litigation/transaction costs (88%)

Who are the bullies?



33% of lawyers identified a bully outside their organization

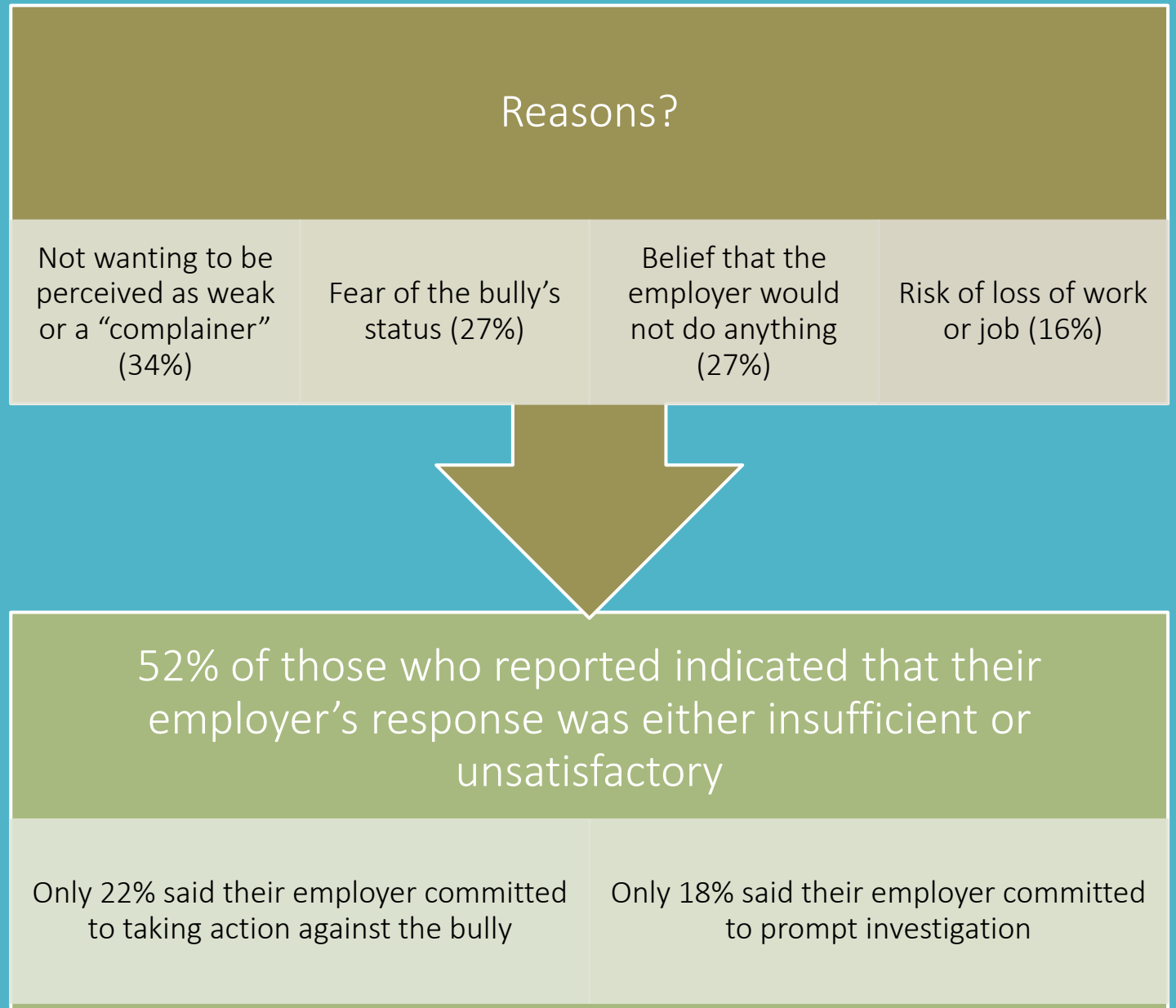
31% of lawyers identified a bully inside their organization, at a higher level/more senior position

14% of lawyers identified their bully as a judge

What's the harm?

- **Emotional harm/mental health:** 54% experienced a negative change in emotional well-being (anxiety, loss of self-confidence, etc.)
- **Productivity:** 39% felt less productive at work
- **Physical effects:** 20% experienced a decline in physical health
- **Turnover:** 18% had left a job practicing law because of bullying
 - Higher for female lawyers (28%), those with a disability (28%), and LGBTQ+ lawyers (25%). 24% of Black, Hispanic, and multiracial lawyers said they had left a legal job due to bullying.
 - Workplaces without appropriate anti-bullying standards, policies, and procedures are more likely to lose women, lawyers of color, LGBTQ+ lawyers, and lawyers with a disability due to bullying.

Only 20%
reported to a
supervisor,
senior atty, or
HR manager



Why do bullies act like that?

- **Personal history and psychological characteristics:**
 - *Abuse, being bullied themselves, lack of empathy, narcissism, low self-esteem*
- **Learned aggressive behavior**
- **Situational and ongoing stress coupled with poor coping strategies**
- **Feeling powerless**
- **Professional jealousy**
 - *Threatened by positive attention to others' work; bosses may target skilled workers to steal credit or undermine the target's work.*
- **Social envy**
 - *Bully wishes he was liked as much as his victim; needs to form cliques and factions.*
- **Threats to control: team players threaten a bully's need to call all the shots.**
- **Take advantage of target's insecurity/imposter syndrome/depression (may try to berate them "out of it")**
- **They take advantage of "people-pleasers" to get their way**
- **Prejudice: perpetrators target those who are different from them in status or personal characteristics**

What ethics rules may be implicated in bullying cases?

ABA Model Rule of Professional Conduct 4.4(a) states: “In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.”

ABA Model Rule of Professional Conduct 8.4(d) states: “It is professional misconduct for a lawyer to: [...] “engage in conduct that is prejudicial to the administration of justice.”

ABA Model Rule of Professional Conduct 8.4(g) provides that “[i]t is professional misconduct for a lawyer to ... engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law.”



Oh, and...

ABA Model Rule of Professional Conduct 8.3:

- (a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.
- (b) A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.

Is there
tension
between
zeal
and
civility?

NO.

ABA Model Rules of Professional Conduct, Preamble:

- “A lawyer should use the law’s procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers, and public officials....These principles include the lawyer’s obligation zealously to protect and pursue a client’s legitimate interests, within the bounds of the law, while maintaining a professional, courteous, and civil attitude toward all persons involved in the legal system.”

ABA Model Rule of Professional Conduct 1.3, Comment [1]:

- “A lawyer must ...act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client’s behalf....The lawyer’s duty to act with reasonable diligence does not require the use of offensive tactics or preclude the treating of all persons involved in the legal process with courtesy and respect.”

Recommendations of the Report

<https://www.2civility.org/>

Anti-bullying policies in workplaces

- Define bullying, detail remedial actions, outline process for reporting, require investigation, and prohibit retaliation
- Existing anti-harassment policies based on protected class status are insufficient

Training in legal workplaces and law schools

Courts should enforce anti-bullying standards in courtrooms and litigation

- Standing order regarding bullying and incivility (Colorado does this)
- Judicial training and intervention where needed
- Disciplinary officials should investigate and remediate/discipline if ethics rules are violated

Bar Association programming and education

Lawyers should respond to bullying incidents in the best way for their rights, well-being, and career (walk away, challenge, report later – no one-size fits all response)

- Document circumstances and follow reporting procedures in the organization
- Mentors and friends should support and guide colleagues, particularly younger or other targeted groups (use your senior status/privilege to help)

Bad workplace behavior & the ethics rules – patterns from complaints

Coworker issues

- Abuse of staff and junior attorneys
- Name-calling, yelling, public humiliation
- Bad language
- Throwing / pushing / slamming objects
- Sarcasm and mean jokes
- Condescension
- Refusals to greet
- Non-constructive criticism (“The team doesn’t like you.”
“Your face isn’t expressive enough.”)

Clients sense these tensions and feel like they are treated badly or are bullied / ignored

Clients sense dysfunction in the firm and challenge decisions, billing, competence, diligence

Staff and junior lawyers become sloppy, don’t ask for input when it is needed, fear admitting having made mistakes

Aggressive and hostile communications with clients and opposing attorneys (or, sometimes, with the Court)

Barriers to cultural change in legal workplaces

- “Legal ego” – lawyers / judges falsely believe they are special and capable of both managing AND lawyering / judging – despite not having or obtaining management training
 - *Rainmakers get leadership roles even when they are terrible leaders/managers*
 - *Law partners ignore management decisions they don’t like (“herding cats”)*
- Crisis addiction – lawyers devote time to management only when other crises settle down
- “Senior attorneys/judges superior, support staff/junior attorneys inferior”
- Constant issue spotting means that lawyers raise issues they are not willing / prepared to devote time to solving
- Billable hour promotes inefficiency, disincentivizes time saving, and prevents time for running the business
- Adversarial mindset is hard to shut off
- Management of an office is not a case to be settled and never thought of again
- Law firms are in constant states of flux (staff changes, location changes, mergers)



“Separate fiefdoms” impede teamwork

Most law firms are a “group of separate fiefdoms under one house ... without any real central leadership that has power to influence change in behavior.” Michele DeStefano, *An Excerpt from Chapter 3 of Legal Upheaval: A guide to Creativity, Collaboration, and Innovation in Law*, 27 U. Miami Bus. L. Rev. v, xv (2018).

Dysfunctional offices are characterized by defeated resignation ...and too many resignations.

A man in a dark suit and tie stands at the head of a conference table, looking down with a stern expression at a group of four people seated around the table. The seated individuals, two men and two women, appear to be in a meeting. The man on the left is looking down at a document, while the woman next to him rests her head on her hand, looking weary. The man on the right is also looking down at a document, and the woman next to him is looking down with her hands clasped. The background shows a typical office setting with a clock on the wall, a whiteboard with a line graph, and a bookshelf. The overall tone is serious and authoritative.

**Workplace bullying
is a failure of
leadership**

Workplace bullies participate in or allow:

Petty tyranny from others or yourself

Undermining employee credibility and reputation

Criticism of ability / Snide remarks and put-downs ("what is taking you so long to understand this simple task?")

Stealing credit

Talking behind others' backs

Embracing and justifying "tough love"

Falling back on "That's just how I am"

Learned behaviors & a history of abuse: "That's how I was treated as a law clerk/associate"

Blame for innocent errors

Unreasonable job demands

Inconsistent application of workplace rules

Threats of job loss or reputational harm

Exclusion / icing-out

Yelling / screaming

Bullied employees:

Make mistakes

Talk badly about the organization

Cut corners

Produce sub-par work

Do the bare minimum (or less)

Perpetuate the bullying / become bullies themselves

Get sick

Struggle with mental health / poor coping choices

Leave

How to start?

Leaders must assess themselves

- Change efforts fail because leaders don't start by assessing themselves. By building on their strengths and shoring up their weaknesses, they will begin to create a culture of strong leaders who are self-aware, humble and communicative, says Michele DeStefano, University of Miami School of Law professor of law and author of the forthcoming book "Leader Upheaval: A Guide to Client-Centricity, Culture-Creation, and Collaboration."
- Accountability is critical, and firm leaders should be the managers of the culture. They can't delegate that to others, DeStefano says. It's often only one or two people who make the culture awful, and problem employees – even senior attorneys – need to be cabined off and told their behavior needs to change, she explains.

Assess and survey the current culture – good and bad

- Start by asking the people lowest on your organizational chart
- Ask everyone: "Is this who we are? Is this what we want to be?"
- What are we tolerating? What are we rewarding? What are we overlooking? What are we punishing?
- Invite innovation from junior lawyers and staff

Increase collaboration and cooperative work opportunities





Building blocks for positive workplace culture

- ❖ Clear mission
- ❖ Leaders and senior decisionmakers are present/visible/available
- ❖ Leading by example
- ❖ Open communication no matter what level the speaker
- ❖ Teamwork opportunities
- ❖ Recognizing and rewarding achievements
- ❖ Less blaming; more coaching
- ❖ Autonomy and trust
- ❖ Granting flexibility when life happens
- ❖ Requesting and integrating feedback from employees at all levels
- ❖ Asking employees at all levels to define, assess, and help improve culture



Focus on **how employees work together**,
rather than on how much they work separately.



Keys to a successful workplace:

- Dependable members
- Clear roles
- Meaningful work
- Impactful work
- Positive, specific, bite-sized but frequent correction / feedback
- PSYCHOLOGICAL SAFETY

Depends on conscientious, supportive, appreciative leaders

Leaders need to silence selves until others have an opportunity to contribute, especially those who are more likely to be silent (either due to personality or minority status)

Leadership must:

- ☐ Set value / cultural expectation of civility
- ☐ Publicly prohibit incivility no matter who does it
- ☐ Recognize that perpetrators need skills training to regulate behavior (and clearly-defined behaviors that must change)
- ☐ Maintain long-term intervention and ongoing accountability through supervision, clarity of expectations, and discussion of consequences if behavior does not change



Resources

- The Illinois bullying study: <https://www.2civility.org/bullying-in-the-legal-profession/>
- Illinois civility website: <https://www.2civility.org/>
- Regalia, Joseph and Wallace, David, "Clients and Lawyers Unite: The Dysfunction of Law Firm Teams Need a Cure" 48 U. Dayton L. Rev. 57 (2023). <https://scholars.law.unlv.edu/facpub/1405>
- https://www.abajournal.com/web/article/how-young-attorneys-are-shaking-up-law-firm-culture#google_vignette
- <https://law.yale.edu/student-life/career-development/students/career-pathways/law-firms/assessing-law-firms-culture-clients-compensation-and-beyond#:~:text=The%20factors%20that%20create%20a,might%20also%20exhibit%20cultural%20differences.>
- Iowa Attorney Self-Assessment: <https://tinyurl.com/2up3n5ww>
- https://open.substack.com/pub/jordanfurlong/p/send-in-another-victim-of-industrial?utm_campaign=post&utm_medium=web
- https://www.americanbar.org/content/dam/aba/publications/probate_property_magazine/v30/04/2016_aba_rpte_pp_v30_4_article_fisher_adelman_managing_dismissive_and_bully_opposing_attorneys.pdf
- <https://www.sciencedirect.com/science/article/pii/S1359178917301611>

Legal Workplace Culture: How Well-Functioning Environments Support Ethical Practice

