



Lowenstein Sandler's Women's Initiative Network Podcast: Real Talk

Episode 12

A Slow Burn or a Burn Out: How to Know When You Are Past Your Limits

By [Megan Monson](#), [Nicole Fulfree](#), [Rachel Moseson Dikovics](#), and [Amanda Cipriano](#)
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Amanda Cipriano: Welcome to the Lowenstein Sandler Podcast Series: The Women's Initiative Network, Real Talk. I'm Amanda Cipriano, an Associate attorney and member of the Women's Initiative Network at Lowenstein Sandler. Before we begin, please take a moment to subscribe to our podcast series at [lowenstein.com/podcasts](https://www.lowenstein.com/podcasts), or find us on iTunes, Spotify, Pandora, Google Podcasts, and SoundCloud. Now let's take a listen.

Megan Monson: Welcome to the Women's Initiative Network: Real Talk. I'm one of your hosts, Megan Monson, Partner in Lowenstein Sandler's Employee Benefits & Executive Compensation group, and I'm joined by a number of my colleagues today.

Nicole Fulfree: I'm Nicole Fulfree and I'm Counsel in Lowenstein's Bankruptcy and Restructuring department.

Rachel Dikovics: I'm Rachel Dikovics. I'm an Associate in Lowenstein's White Collar Criminal Defense Practice group.

Amanda Cipriano: And I'm Amanda Cipriano. I'm an Associate in Lowenstein Sandler's Litigation Practice group.

Rachel Dikovics: For this episode of the Women's Initiative Network: Real Talk we're focusing on burnout culture. Burnout is a term used to describe the emotional exhaustion that attorneys and other professionals feel on an individual level, and that as this point, we feel collectively as a community.

While increased workplace flexibility is one of the silver linings of the pandemic, mental health has taken a hit as a result of decreased boundaries, and many people are finding themselves more stressed and burnt out than ever. This is something many of us have faced at one time or another, or maybe you're facing it right now. Today we want to focus on what burnout culture is, why it happens, and what we can do to avoid it.

Nicole Fulfree: In an article called Burnout Levels Are Higher Than Ever - So Why Is No One Listening, Refinery29 reported that 53% of women say their stress levels are even higher than they were a year ago, which was during the height of a pandemic. And just under half of the women polled reported they were burnt out, rating their mental health as poor or very poor as a result of that burnout.

Nicole Fulfree: Similarly, in a global report by Deloitte called Women @ Work, which covers women's attitudes towards the workplace, feelings of overwhelming stress were widespread among women. I think it's pretty safe to assume that these statistics show that the burnout levels are higher than ever before, and that they lead to women leaving the workforce. And so we need to focus on the problem of burnout and how to work through this together.

Amanda Cipriano: So let's dive right in, what is burnout culture?

Megan Monson: According to the World Health Organization burnout is, quote, an occupational phenomenon resulting from chronic workplace stress that has not been successfully managed. And while traditionally burnout was work-related, this has shifted over the years to be more than that. Emotional exhaustion, depersonalization, reduced personal accomplishment are all indications of burnout, plus the physical health detriments that accompany it.

We've seen newer generations of attorneys that are less accepting of the burnout culture because of the mental and physical health detriments. So as a society, it's really important for us to focus on not only what is burnout culture, but how can we mitigate this.

Amanda Cipriano: So why do you think burnout happens?

Rachel Dikovics: I think burnout, especially in the legal industry, is a result of a culture that's completely centered around results and pleasing clients. Burnout can result in people feeling resigned or literally resigning, reduced productivity, low morale amongst other things. Employees who are burned out feel overworked, underappreciated, or disillusioned.

Nicole Fulfree: Yeah, Rachel, I think that's a really important part of the problem. I think part of the reason that burnout is so prevalent in the legal world is because that's just the way things work. When you're pitching a case, you want to present yourself as always being available for the client and that's what the client wants. And if you're not going to provide it, the client can easily get that type of service from any other law firm. And so you want to make sure you can make that type of promise.

Another thing that people that are not in the legal industry I think might not understand is, I think when you're coming up the ranks as a junior attorney at a law firm, a sign of being a good associate and someone who's well-liked by the partners they're working for, is being in high demand, getting return customers. If people like your work, they'll come back to you and ask you to do more.

And so I think culturally, at our firm and at any other law firm, the best associates traditionally are always the busiest. And so I think this probably translates into a lot of other jobs as well, but I think busyness has come to be sort of a badge of honor in recent years. And I think it's a really negative way to think about things. And I don't think it should be viewed as a badge of honor, but unfortunately it's seen as a positive.

Nicole Fulfree: And because of that structure that I just talked about, is busyness as a sign that you are a competent and well-liked attorney, it's something that people tend to mention, "I'm so busy." And it's kind of a badge of honor to junior associates and they'll say, "I'm so busy," like it's a great thing. And people will compete about how busy they are. And it just turns into this slippery slope of trying to show up how busy you are. And then I think in trying to achieve that people sometimes lose sight of the more important things.

Rachel Dikovics: And in addition to it being a badge of honor to be busy, attorneys, at least at large law firms, are directly compensated for the number of hours that they bill. So the busier you are, the more money you're going to make at the end of the year.

It's an industry problem, I think, and it's linked to the billable hour, but the more money you make for your firm by billing more hours, the more you're going to get paid. And it's a big motivator for people, but it's really a double-edged sword.

Megan Monson: And related to that, I think it's also difficult, especially at a more junior level, to push back or say no or avoid taking too much on your plate. And so by virtue of what Nicole's saying, you want to appear busy and eager to please, you in effect perpetuate the burnout cycle because you're taking on so much and you can only work and sustain that level of capacity for so long without it starting to take its toll.

Rachel Dikovics: We've also talked about before ... I'm not sure if we've talked about it on the podcast, but I know we've talked about it in person, the curse of the competent, which I think is not limited to the legal industry. But when you are a high performer and your work is in demand, people keep coming back to you for more.

And that builds your profile, but at the same time, sometimes I think high performers feel, like Megan said, "I can only do so much. There's only so many hours in the day. I have to have some time to myself." And if you're the kind of person who's not only performing on the billable side, but also performing on doing things for your firm and doing pro bono work, it can increase that burnout feeling even more.

Amanda Cipriano: Do you think that burnout is an issue that impacts women more than men?

Nicole Fulfree: I think that burnout affects everyone, especially in the legal industry, or most people. I don't think it's an issue that's particular to women in any sense. But I do think that, for sure, women are more prone to burnout and to taking too much on their plate. I think we talk a lot at the Women's Initiative about the concept of the invisible work of women, and I think it's a concept that applies to women's professional and personal lives. And what I'm talking about is the work that women do that they either don't get paid or recognized for. In a professional sense things like administrative work that may or may not be billable, non-billable extracurricular firm activities. And I think it's definitely true that women are still saddled with more of this type of work.

Nicole Fulfree: And from the home perspective, I think unfortunately it still is the case in a lot of homes that, regardless of whether a woman has a job or not, she's still expected or feels that she is expected to make sure everything is running in the household as it should. I still do all of the laundry at my house. I feel like if we're having company over, I feel like I'm the one that has to feel like it has to be super clean for everyone. My husband does a great job and helps out a lot, but childcare responsibilities, I feel like certainly the default parent with respect to a lot of activities and the care for my daughter.

And so a lot of this stuff that is not recognized or paid work, women are still unfortunately expected to do. And so with all of that additional work on your plate, I think it's just inevitable that women are more prone to burnout.

Rachel Dikovics: I totally agree with Nicole. I think the difference between male attorney burnout and female attorney burnout is what happens after work. I think men and women for the most part work at least equally as hard at work. And the difference is that many men can give it 100% at work all day and all night, and many of their women colleagues are giving 100% all day and all night and then need to go give 100% at home after that. And that's not because their spouses are not trying to help, like Nicole said, or whoever, but it's because so much of the mental load, which I am sure is a concept we've talked about before on this podcast, falls onto women.

Keeping track of everything that's happening in your household almost invariably falls on the women in the household. And that's from making sure you have paper towels, to making sure your kids are getting doctor's appointments scheduled, to getting their homework done, to bringing the right things to school. These are things that almost always the woman in the family is taking care of, regardless of how hard she's working.

I know in my experience, sometimes I've had partners calling me at six, seven o'clock and maybe I'm trying to make dinner and take a break for a couple of minutes. And the concept of pausing to make dinner is foreign to the people that I'm speaking to. And it hasn't occurred to them that nobody's making dinner for me for the most part, unless I'm making it. And I think that that's not the experience that a lot of men in this profession have.

Amanda Cipriano: And I think there's a point to be made too for people who don't have partners or roommates and all the household tasks fall on them 100%. I'm learning that a lot of times things I have to do as someone who lives by myself, I realize that a lot of people I work with don't have to worry about the pressures of that. So that's another thing too, just not having someone to rely on I feel like adds to burnout.

Taking advice, what do you do to avoid burnout for yourself?

Megan Monson: I think it's definitely a challenge and something we all struggle with in this profession. But for me personally, I schedule some time on my calendar for who I quote, me time, whether it's to go to dinner with my husband or spend time with my daughter or to work out. But by placing it on my calendar, it almost forces me to take that time that I otherwise probably wouldn't. Because as Rachel and Nicole said, we're doing 1,000 things, both at work

and at home. And inevitably, we're going to be less focused on ourselves because we're working and doing these things for all of these other people. But by actually scheduling it, it forces me to do it.

Megan Monson: Another thing I also try to do is periodically take vacation, because I think that's really important to having some opportunities to actually disconnect. And another thing that I find that works for me is also trying to take on and be a yes-person and take on a lot of work, but also learn when it's okay to push back. And try not to get myself in the situation where I'm just overloaded and overwhelmed all the time, because there's others on your team who are always willing and able to jump in. And sometimes it's a matter of just raising your hand and asking for help. And that's something that I've struggled with at a more junior level, but realize it's okay to do and rely upon the others you work with.

Nicole Fulfree: Yeah, so this is definitely a struggle for me as well, because as a junior associate, like Megan mentioned, you always want to prove to the people that you're working with that you're available, you're dependable, you're interested in the work that they're asking you to do, and you want to be a team player. And that's, I feel like, at least 50% of being a good associate, at least for the first couple of years of your career. And so I definitely took pride in my ability to make myself available for whoever needed me, especially in the first couple of years.

And candidly, I'll say that in every single one of my performance reviews I think one of the recommended areas for improvement is to be careful to not take on too much work. And so it's been something that I've really been trying to focus on. I definitely have not completely overcome the issue of taking on too much work. But one thing that's been important for me is learning how to say no in a way that I'm comfortable with. I feel like the reason why I was taking on too much was because I felt like I was being rude if I said no or if I rejected work. And so one thing that I really focus on is not just saying, "No, I can't do it," but saying it a way that makes me comfortable. For example, "I'm really sorry. I would love to work on this project with you, it sounds so interesting. I'm not sure what your timing is because my week, this week is really jammed up, but I would be happy to help if this project can wait until Monday."

And so that to me communicates to the person that I'm working with, "I'm interested, I really want to do this with you. I'm not afraid to take on a lot of work, but if I take this on today, I'll probably not be able to meet a time deadline. And so if it's okay to start at another time, I'm happy to do it." And just being a little bit more communicative about it, makes me a lot more comfortable in managing my schedule.

Megan Monson: And just to briefly piggyback off what Nicole said, I've had similar feedback in performance reviews. And I think it's really important in trying to have a shift with the burnout culture that we are seeing both in our firm and others, support in trying to get people to take more time for themselves or to take on less so that there is less of a chance of the burnout. It really shows that there is importance placed on the people that you work with.

Rachel Dikovics: I think those are both great points. And outside of work, I think there's some things we can do to prevent burnout. And a lot of it has to do with prioritizing the things that you actually want to do in the downtime that you do have. I know for me, if I have a weekend where I have a ton of things scheduled, I don't have time to catch up on anything around the house or to get errands done, I feel exhausted going into the next week.

And it's something I definitely notice more post pandemic. I've definitely put a higher premium on time to, quote unquote, do nothing, which usually involves me running errands, but time where I don't have social things scheduled. I think it's important to think about the time off that you have, or at least the downtime that you have. And don't overload it, because if you're just going 100% all the time in everything you are going to hit a limit at some point.

Megan Monson: And just to piggyback off that, I completely agree with everything Rachel said. And the concept of what Nicole was saying about saying no, that also applies in your personal life. Because we have limited free time, I'm not going to overschedule myself. And that may mean saying no to whether it's friends, family, your significant other.

It's okay to take that time for yourself and to not spend your downtime, always doing things that you don't want to do. If you're feeling obligated to go to a family function or things like that. You really have to pick and choose what's going to be the best use of your time for you.

Amanda Cipriano: So in a work setting, how do you personally prevent burnout of the others on your team?

Nicole Fulfree: One thing that I try to do is to just be a good friend and teammate, and I think this is something that you can do regardless of your seniority level. And I think it's as simple as just keeping a lookout for some of the telltale signs that people are getting really tired. If you're on a matter that's really intense for a certain time period, just look out for your team members. You know for the most part how your colleagues work. If you're seeing changes in their work patterns, atypical work product. If you're seeing people sending late night emails, just ask them, "Is everything okay?" If you're in a position to help or take on something that's on their plate, maybe you can do that. If you're a little bit more senior and maybe in a position or if you're you feel comfortable to inquire about staffing changes, that's another thing that you can do.

Just realize that some people may not be comfortable or in a position to voice that they're feeling really burnt out. And so just keep an eye on your colleagues. And if you're in a position to you can either help them, or just try to give a heads up to someone in your group that can do something about it.

Amanda Cipriano: As a junior, I've found it very motivating when I hear from senior associates or even partners, just checking in on how I'm doing. For example, I had a very busy winter, we had a very crazy case. And one of the partners I was working with just called me to check in and see how I was doing, see if I had any vacation plans coming up. And having that check in kind of motivated me to work more because I wanted to work with people who I knew cared about my wellbeing and valued my work product.

And then also to your point, Nicole, I've had times where Rachel will message me if my email sounded weird or I didn't sound as excited over the phone, just to see how I'm doing, because she can tell when things are a little crazy. It's nice to see that people notice these things and care about how you're doing, and it makes you want to work more and work better for these people. The checking in, I think, I cannot say enough positive things about how that makes me feel, at least as a junior.

Nicole Fulfree: Once you get past the initial, "Amanda, your email was weird. Are you okay?"

Amanda Cipriano: I was like, "I promise I'm fine. It's just been a crazy day."

Megan Monson: I think of a lot of it's too is having a team mentality. You're working together, you want to make sure that everyone's doing okay, offering to cover things if they need it. And similarly, just being open and honest with the communication. Because I think if you develop that good relationship with the people that you're working with and working for, if they are comfortable voicing something, you're willing to take it on, or if not and you could tell that something's going awry or they seem getting [inaudible 00:19:25], they're more inclined to let you take things off their plate.

Or if someone's going on vacation, offering to cover for them so they can enjoy their time off. I mean, I think it's all of those little things related to the relationship you've built with them and acting as a true team player that can make a difference.

Nicole Fulfree: Yeah, and I also think that this setting ... I know, we've been talking about examples in the work setting, like when you had a really intense case, but this also applies to when someone on your team is going through something on a personal level, just try to be aware of that.

Obviously everyone might not be able to be able to share with you all the details of their personal life, but if you see something different and see that they're not acting like they normally do, they may need help, even if they're not super busy or overwhelmed at work. From an hours' perspective, they may have something else going on, so it's important to check in on your colleagues.

Rachel Dikovics: I totally agree. And I think that is a great example of why groups like our Women's Initiative are important, because it helps expand your network in the place you're working so that you have relationships where people are interested in how you're doing, are watching the things you say, are noticing if something is different about you.

Because if you're just floating in a large organization and nobody knows you, nobody is going to know if anything is wrong. And I think it's really important to try to form those connections so that people can show up for you when you need the support.

Amanda Cipriano: What do you think organizations could do to prevent burnout?

Rachel Dikovics: I think setting an example from the top is really important. And Nicole and Megan both touched on this a little bit, but I think apart from checking in on people, it's also important for mid-level and senior attorneys to be showing what it looks like to try to prevent burnout.

I know for me, it's always encouraging to see more senior attorneys not be available 100% of the time, 365 days a year. Because sometimes I feel like it makes it feel unrealistic to be able to sustain this kind of work for a long time. And it's helpful to see people setting boundaries and sticking to them, I think that's a big component of avoiding burnout. And when more senior people are doing that, it makes more junior people comfortable with doing the same thing.

Nicole Fulfree: And so when I was reflecting about burnout and where it comes from, and just listening to our discussion today, Megan and I both noted we got constructive criticism on our performance reviews several times in the past for taking on too much work. When reflecting on that, I feel personally the reason I feel so conflicted about turning down work is because I really do think part of it is a double standard because senior leaders at the firm will say, "Don't take on too much work."

But then I think at the same time, and I'm not talking about our law firm specifically, I think it's general in the legal industry, at the same time when a partner asks an associate to take on a project and they say, no, they're not available, no one can deny that that assigning partner is going to feel some level of frustration. And so I think there really is a double standard in saying, "Don't take on too much work, but also if you don't take on my work, I'm not going to be happy." And so that's something that I think is really a struggle and causes a lot of burnout.

And so one thing that I think Lowenstein does that's really great and I think is a really practical tip that other law firms can use, is that they assign a mid-level non-partner as an assigning attorney. And so whenever any of the more senior attorneys in the group have an assignment that they need staffed, they'll reach out to the non-partner staffing attorney for the group and say, "I need someone to do this." And it kind of puts a middleman in there. And so it's not the senior partner or the chair of your group coming up to you saying, "Hey, do you have time for this?" As a first year you're never going to say no if the chair of your department comes in and asks you to do an assignment. You're just not going to.

But I think putting a middleman in between the partner and the more junior attorney in the staffing process is really valuable. And I've seen it work, because more junior attorneys will definitely feel comfortable to have a full conversation about their docket and whether they actually do have time for the assignment. Also, so for example, I'm the assigning attorney for my group. A first year associate in my group would feel way more comfortable talking to me about whether they actually do have the bandwidth to take on the assignment or not. And I think that's a conversation that I don't know that they would be willing to engage in with a more senior attorney.

Nicole Fulfree: And so I think in this role I play the role of a mentor and saying, "Okay, you're saying you have time, but you are also saying that you have this, this and this on your plate. And so I think I'm going to tell the partner that you were really interested in the project, but in my opinion, you're a little bit overwhelmed right now." And so I think that takes a little bit of the pressure off of the junior attorney in those types of communications that I think lead to burnout.

Rachel Dikovics: Senior attorneys are also not immune to burnout. And it's not so much the job of a junior to be checking in on more senior attorneys for the most part, but as a junior attorney you can try to take things off the plates of senior attorneys when you have the capacity to do so and try to help out in the ways that you can.

So if you're a little light on work and you know that one of the partners that you work with a lot is extremely busy, reach out to them and say, "I have some capacity. Is there anything I can help you with?" It'll help balance out your work as well.

Megan Monson: And that also just shows you as being a go-getter, being a team player. So really good all around from morale.

And I think more generally an organization can also just have more focus on wellness, whether it's formal programs your organization puts on, giving accessibility to anything that promotes wellness, whether it's gym membership or meditation. Or frankly, just allowing people to take vacation and making people feel that they can do that comfortably, is I think huge in getting towards preventing burnout by having that uninterrupted time to yourself.

Amanda Cipriano: Do you have any other tips for preventing burnout or helping others not suffer from burnout as often?

Rachel Dikovics: I think one thing to consider when you are deciding whether or not to take on a particular assignment is whether or not the assignment will be something meaningful to you and whether the work involved is meaningful in some way. I know for me, I'm a lot more likely to feel burned out when I'm doing work that is less intellectually stimulating. Shall we say like a big doc review or something like that. It's a lot easier to feel tired of doing the work than it is when you're doing something where you feel like you're making an impact or you're making a difference or it's, you know, an important piece of a larger puzzle. And you can understand the significance of the work you're doing. I think feeling like your work matters both to the client and to the partner who's receiving, it is really important, important to avoiding that feeling.

Nicole Fulfree: I think a helpful tip, which is probably more applicable to more senior attorneys, but an important thing to keep in mind is the management of deadlines. And it seems simple, but as you become more senior, just be aware that you may be on a client call that the junior may not be. And if you just take that extra step of keeping the juniors in the loop about upcoming deadlines, when you're expecting a case to really heat up, when there might be some downtime, I think it can be really helpful in managing expectations

and helping people know what to expect, and so that they can plan accordingly.

Nicole Fulfree:

It's never fun, we've all been junior associates, it's never fun when you have weekend plans and then a more senior attorney tells you, "Oh, we have this deadline on Monday." And presumably they've known about the deadline for a while. I think that adds to frustration and it's not good for morale. And so if you can just try to keep those juniors in the loop about what's coming up and try to give everyone a heads-up about upcoming deadlines. I think that goes a long way and it's just shows a level of respect.

And at the same time, I think Amanda mentioned this before, but you can't overstate the importance of positive feedback. And I think everybody knows the feeling of going through a really busy time on a particular matter and you just feel like you don't have the energy to do anymore. And I think if you receive just a small piece of positive feedback like, "Hey, you did a really good job on that brief." For me, I know that comments like that have been what I needed to like, "Okay, it's worth it. This keeps me going." And I think people forget sometimes how important that type of feedback is, but it can be so helpful in helping you push forward when you're in a really busy time period.

Rachel Dikovics:

These have all been really amazing tips about recognizing and preventing burnout. We hope that it's helpful for our audience as always. Thanks for joining us for another episode of the Women's Initiative Network: Real Talk. We hope you'll continue to join us for future episodes. See you next time.

Amanda Cipriano:

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