

Workplace bullying in the legal profession hurts your bottom line, so stop it!

By Karen Ross, Esq., Tucker Ellis LLP

JANUARY 16, 2025

Bullies are not just on the playground. They have infiltrated the workplace. What is workplace bullying? The Washington State Department of Labor & Industries provides a clear and comprehensive definition: “a pattern of behavior that harms, intimidates, undermines, offends, degrades or humiliates an employee, possibly in front of other employees, clients or customers.” (<https://bit.ly/3BTrJly>).

Of course, workplace bullies are not limited to employers and co-workers. In the legal field, other counsel, court staff, and clients can also be bullies. Bullying is obviously harmful to the victims, but it also negatively affects the legal profession and our work product.

If you are questioning the existence of workplace bullying perhaps you have been lucky and never experienced it or witnessed it. Maybe you did not recognize the behaviors as bullying. Alternatively, could you possibly be condoning the behavior or be the bully yourself?

*How does workplace bullying in the legal profession hurt your bottom line?
It reduces productivity, creates ineffective teams, and limits staffing and succession planning.*

Regardless of your personal beliefs on workplace bullying, it exists. In fact, a Law360 article reported that nearly a quarter of Illinois attorneys who responded to a large-scale survey sent on behalf of the Illinois Supreme Court Commission on Professionalism reported being bullied at work within the last year. “Bullying In Law Is Pervasive, Drives Turnover, Ill. Attys Say,” Law360, Oct. 2, 2024. That survey, conducted by The Red Bee Group, defined bullying behavior as “inappropriate behavior intended to intimidate, humiliate or control the actions of another person, including verbal, nonverbal or physical acts.” *Id.*

Additionally, the Harvard Business Review reported in 2022 that about 30% of the general workforce are bullied at work; the authors also identify the different types of workplace bullying, workplace bullying myths, ineffective interventions, and how to create a safer workplace. Ludmila N. Praslova, Ron Carucci, and Caroline Stokes,

“How Bullying Manifests at Work — and How to Stop It,” Harvard Business Review, Nov. 4, 2022 (<https://bit.ly/3PyljGY>).

So how does workplace bullying in the legal profession hurt your bottom line? It reduces productivity, creates ineffective teams, and limits staffing and succession planning. An additional concern, not addressed in this article, is the risk of bullying exposing your firm/company to liability.

Reduced productivity

Workplace bullying decreases productivity because of the negative health effects on those affected (direct victims and those who witness it/hear about it) and because of its distracting aftermath, which includes anxiety/fear of future bullying behavior.

First, bullying can have negative consequences on the physical and mental health of those impacted, which can lead to time away from work and also lack of focus and interest in work when “on-the-clock.” For example, in the Illinois attorney survey, 54% of those who experienced workplace bullying reported a decrease in emotional well-being because of it, while 39% said they felt less productive at work and 20% experienced a decline in physical health. *See*, “Bullying In Law Is Pervasive, Drives Turnover, Ill. Attys Say.”

These health issues can also expand to others who witness the bullying behavior or hear about it; this can occur because the behavior can be a trigger or because the person is an empath.

Second, the amount of time spent dealing with workplace bullying further reduces productivity. A bully’s behavior does not exist in a vacuum. It spreads to all the co-workers and colleagues of those impacted by the behavior. That is, the reduced productivity spreads beyond the recipient reaching out to professional colleagues after a workplace-bullying incident and receiving messages by those who witnessed the behavior. The spread can take the form of office gossip, addressing complaints about the behavior, and managing the behavior. All of those activities take away from productive work time.

Because bullying is a patterned behavior, each incident further reduces productivity.

Ineffective teams

Many legal professionals work in teams. Teams can be composed of members of one firm/company, but they can also include

attorneys/professional staff from different firms/companies and/or in-house counsel.

When a member of the team is a workplace bully, it causes effectiveness issues within the team. This can start with inconsistent work product or representation because of the issues raised above regarding reduced productivity. Put another way, if team members are absent or distracted by workplace bullying their ability to work effectively and provide quality work product decreases.

A bullying team member can also limit problem solving by the team. Unfortunately, the workplace bully can be the loudest and most aggressive team member. The workplace bully often cuts others off as they are attempting to provide insight/ideas and utilizes gaslighting as a routine behavior.

Accordingly, when the bully is involved in meetings/group communications, obtaining input from all team members, achieving thoughtful discussion, and ensuring consideration of all issues is nearly impossible. Why? Because most people do not want to challenge the bully (either because of fear of becoming the target, a belief they have no power, and/or not wanting to get involved). The bully's behavior in the team setting also creates bad morale and takes the focus off the goals of the team and client.

A team can also become ineffective if the bully's behavior continues in public. If the behavior occurs in front of the opposing side, a judge/court staff, and even a jury, they will notice. Unfortunately, a strong argument/position can become ineffective if delivered by a bully or by a team with a bully on it. Further, if one's opposition recognizes the weakness caused by having a bully on your team they can utilize that to their advantage.

We have all heard that a team is only as strong as its weakest link. When a bully is on your team, however, every link is weak and that can lead to an ineffective team.

About the author



Karen Ross, counsel in the Cleveland office of **Tucker Ellis LLP**, handles all aspects of civil litigation and serves as national and local counsel in asbestos, talc, silica, coal mine dust, and other exposure-related litigation in Ohio and throughout the United States. Through her experience in the public and private sector — including “virtual law firms” and managing teams — she recognizes workplace bullying as a growing issue in the legal profession. Her hands-on community involvement with high school students, as both a mock trial coach and board member of a local high school, also provides insight into bullying. As chair of the Ohio Association of Civil Trial Attorneys’ Mentorship Program Committee, she engages with others to find ways to address and alleviate this trend. She can be reached by email at karen.ross@tuckerellis.com.

Staffing and succession issues

It is now 2025. Despite many of our experiences starting out in the legal profession, lawyers today can and do say “no” to working with certain people. That includes working with bullies.

New/newer lawyers, regardless of their age, are also able to identify bullies faster than the rest of us. Thus, they quickly identify whom they do not want to work with. This can also include in-house counsel when they select a firm for matters.

Accordingly, staffing a matter/representation that involves a bully becomes very challenging. If you cannot staff a matter with new/newer lawyers that means you are staffing it with more experienced lawyers who bill at a higher rate. This can cause billing issues with your clients or worse yet cost you clients. It also limits your ability to have succession plan for that client/matter. Furthermore, if you lose talent because of a bully then you have to expend time and resources to train new hires.

Additionally, allowing workplace bullying to occur in the legal field will only further reduce the pool of qualified, eager, and engaged lawyers. Of the respondents to the Illinois survey who reported experiencing bullying, 18% said they left a job practicing law because of it, and 9% of all respondents said they were looking for a new job or would leave their current job because of workplace bullying. See, “Bullying In Law Is Pervasive, Drives Turnover, Ill. Attys Say.”

Employers, and even clients, need to be concerned about staffing and succession planning because workplace bullying is a problem and it is clear that not all lawyers are going to tolerate it.

Bullying hurts your bottom line. This is true whether you are a law firm, government entity, or a company who retains legal services. Accordingly, employers, employees, and clients should take notice and action to stop this damaging behavior.

This article was first published on Reuters Legal News and Westlaw Today on January 16, 2025.