

Ethics for Stressed “Super Lawyers”

Association of Corporate Counsel Annual Meeting

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MEET THE PRESENTER AND PANELISTS

Presenter

CLAUDETTE W. PATTON (JD, Med) is a consummate networker and encourager. Founding ChildAdvocateLaw.com in 2017, she draws upon her legal and education experience to help children gain access to justice, education and benefits. She is a three-time graduate of the University of Louisville earning a Bachelor of Science, Master's in Education, and Juris Doctor degree. She was a Member of law review, The Journal of Family law, and Editor of the Journal of Law and Education. As a former Assistant Attorney General for the Commonwealth of Kentucky, Law Clerk for the US District Court Western Division, university professor and successful litigator, she was moved in 2017 by the American Bar Association's call to action to find solutions for colleagues seeking to recover from stress, burnout and substance abuse.

Claudette's passion for mentoring and positioning others for success is evident by her recent completion of doctoral coursework in leadership and organizational effectiveness. Her focus is on the many aspects of workplace culture that improve engagement, foster well-being and avoid burnout, such as meaningful work, positive leadership, resiliency training and more. Her frequent speaking engagements reach coast to coast and thousands of lawyers have benefitted from her expertise, insights and encouragement. Claudette is an author, national legal education speaker, motivational trainer and board member for several nonprofits, including the Girl Scouts of Kentuckiana, The Fillies – a Kentucky Derby Affiliate, Miss Kentucky Scholarship Organization Foundation and the Olive Branch Foundation.

She is a youth advisor for the US Congressional Award Foundation, serves as a mentor for at-risk youth, and helps support cadets at the National Guard Challenge Academy. In 2018, the White House recognized her for lifetime achievement with the President's Volunteer Service Award for youth mentorship and community service. In 2019, the Governor of Kentucky appointed her to as a member of the Commonwealth's Child Sexual Abuse and Exploitation Prevention Board.

Claudette and her husband have one daughter and reside in Kentucky and Idaho with their three rescue dogs.

Panelists

HEIDI K. BROWN (JD) is a graduate of The University of Virginia School of Law, a law professor at Brooklyn Law School, and a former litigator in the construction industry. She served as Of Counsel with Moore & Lee, LLP, a boutique litigation firm with offices in the Washington, D.C., area and New York City, where she handled litigation and arbitration of complex construction contract and building development disputes. Previously, she was an associate at the Manhattan firm of Thacher, Proffitt & Wood and at the Washington, D.C., area firm of Watt, Tieder, Hoffar & Fitzgerald, LLP. Professor Brown is the author of *Untangling Fear in Lawyering: A Four-Step Journey Toward Powerful Advocacy* (ABA 2019), *The Introverted Lawyer: A Seven-Step Journey Toward Authentically Empowered Advocacy* (ABA 2017), and a two-volume legal writing book series entitled *The Mindful Legal Writer*. Professor Brown champions the importance of openly discussing stressors, anxieties, and fears in lawyering, and helping quiet and anxious law students and lawyers become profoundly effective advocates, in their authentic voices.

ERICA SALMON BYRNE (JD) is the Executive Vice President, Governance and Compliance for The Ethisphere Institute, where she has responsibility for the organization's data and services business and works with Ethisphere's community of clients to assess ethics and compliance programs and promote best practices across industries. Ms. Salmon Byrne also serves as the Executive Director of the Business Ethics Leadership Alliance; she works with the BELA community to advance the dialogue around ethics and governance, and deliver practical guidance to ethics and compliance practitioners around the globe.

Prior to joining Ethisphere, Ms. Salmon Byrne served as the Executive Vice President of Compliance & Governance Solutions for NYSE Governance Services, Corpedia, a leading ethics, compliance, and risk assessment consulting company and licensed credentialing partner of the Ethisphere Institute. Ms. Salmon Byrne worked closely with Corpedia's varied clients in addressing their compliance needs, including evaluating compliance programs, assisting companies in measuring peer practices and drafting training programs.

Prior to joining Corpedia, Ms. Salmon Byrne practiced with DLA Piper in Washington, DC, where she focused in the areas of internal investigations, enforcement actions, government audits, and international law. Ms. Salmon Byrne received a Bachelor of Arts degree from George Washington University, a Master of Arts degree with Highest Distinction from Northeastern University and a Juris Doctor cum laude from the Georgetown University Law Center. She is a regular columnist in The Compliance and Ethics Professional and a contributing editor to the Compliance and Ethics blog. She previously served as adjunct faculty, teaching business ethics in the Department of Business Ethics and Legal Studies in the Daniels College of Business at the University of Denver.

JUSTIN R. MARTIN (JD) is Associate General Counsel for the Electric Power Research Institute (EPRI). Justin is an innovative in-house corporate counsel supporting general and special business operations for executive, law department and business matters at the strategic, technical and membership levels of the Institute's work in the electric power sector. His subject-matter responsibilities include technology innovation, antitrust, drones, privacy and security, government contracts, intellectual property, technology licensing, tax, real estate, and bankruptcy. Mr. Martin is a two-time graduate of the University of Tennessee, where he obtained his B.A. in Philosophy and American Studies in 1995 and his J.D. from their George C. Taylor Law Center, with an emphasis in Business Transactions, Admiralty and Trial Practice in 2000. Last year he gave the Energy Bar Association's inaugural TED Talk on the holistic impacts of new technologies in the power industry.

Justin is the 2019 ACC Annual Meeting Program Chair for Law Department Management, and earlier this year began participating in ACC's Leadership Excellence Council after moderating and speaking at the 2019 Leadership Development Institute in Washington, D.C. He is also Immediate Past President of the Tennessee Chapter of the Association of Corporate Counsel (ACC).

JAMES W. PATTON (LLM, MDiv, FCEP) is both a legal and business executive in the senior living and long-term care industry. He has over 20 years of experience managing executive relationships and is recognized as an ethical team player delivering streamlined and cost-efficient legal solutions that foster organizational effectiveness, brand engagement, and revenue growth. His colleagues see him as a strategic legal and entrepreneurial thinker with proven ability to set a clear vision, build high performance teams, communicate with stakeholders, and transact business in cross-cultural settings. He

currently serves as Chief Legal Officer and Vice President of Advancement for The Broadhurst Group in Louisville, KY overseeing senior care communities across Kentucky. He also helps guide legacy donors with his background in philanthropy as a Fellow in Charitable Estate Planning (FCEP). Jim graduated with his LLM in international law from the University of Miami. He holds a J.D. from the Brandeis School of Law at the University of Louisville, and a M.Div. from the Louisville Presbyterian Theological Seminary. He is an author, legal education speaker and provides leadership to several nonprofits including Appleseed Network, Association of Corporate Counsel (ACC), Minority Corporate Counsel Association and others. He is the founder of National Community Service Day for ACC helping build corporate social responsibility programs. Jim was honored by ACC as Member of the Year with the Robert I. Townsend Award, and currently serves as an Ambassador for ACC's global wellness initiative. He is a youth mentor and advisor for the US Congressional Award Foundation and the President's Volunteer Service Award.

A NOTE ON THE PROGRAM CONTENT

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A copy of the questionnaires from the study conducted by the Hazeldon – Betty Ford Foundation may be found at the following link:
https://www.americanbar.org/news/abanews/aba-news-archives/2016/02/aba_hazelden_betty/

American Bar Association Comprehensive Report on Lawyer Assistance Programs full report may be found at the following link:
http://www.americanbar.org/content/dam/aba/adminstrationdelivery_legal_services/ls_del_2012_lap_comprehensivesurvey_authcheckdam.pdf

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Ethics for Stressed “Super Lawyers”

I. Introduction

Attorneys who practice law are required to comply with rules of professional conduct and must be cognizant of the manifestation of impairment. The legal community has long been aware our profession has some of the highest rates of addiction, depression, compulsive behavior, and suicide compared to other professions.

II. Characteristics of Great Lawyers—Super Lawyers

The legal profession inherently attracts professionals who possess character traits and qualities including but not limited to, self-motivation, problem resolution, perfectionism, competitiveness, resourcefulness (always has an answer or will find the answer), self-reliant, skeptical, pessimistic, and are lifelong learners.

III. Stress and Burnout

Stress manifests itself in degrees. A moderate level of stress is not necessarily destructive but rather necessary for professional productivity. However, the legal profession is adversarial by its very nature. Lawyers use all the super lawyer qualities to pound the other side into submission. Clients often expect or demand super lawyer zealous representation. When stress exceeds its boundaries burnout occurs, leading to abuses, addiction, unhealthy living, and lack of judgment often resulting in malpractice.

IV. Hazelden/Betty Ford Foundation and the American Bar Association’s Commission on Lawyer Assistance Programs Collaborative Study

The groundbreaking study conducted by Hazelden/Betty Ford Foundation in conjunction with the American Bar Association's Commission on Lawyer Assistance Programs (COLAP) (hereinafter "the Hazelden study") identifies that the rates of addiction and depression within the legal community are much higher than previously thought.¹ More information, education, and treatment opportunities are essential in order to educate and protect the legal community.² The American Bar Association's Commission on Law Assistance Program, coupled with state specific bar association's Lawyer Assistance Programs, provide law students, lawyers and judges with opportunities to recognize addiction, depression, and other mental health concerns. These two resources provide tools and resources to assist individual needs and to assist friends or colleagues. The full report may be found at https://www.americanbar.org/news/abanews/aba-news-archives/2016/02/aba_hazelden_betty/

V. Research

Patrick Krill, JD, LL.M, the Director of the Hazelden Legal Professionals' Program, the ABA Commission on Lawyer Assistance Programs through state lawyer assistance programs, bar associations and offices of discipline conducted a nationwide survey among lawyers and judges. The results reflect the percentages and statistics of 12,825 of legal professionals all lawyers who were employed and possessed active law licenses.

The Hazelden study used The Alcohol Use Disorders Identification Test (Audit-10). The test is a ten- question test developed by a World Health Organization-sponsored collaborative project to determine if a person may be at risk for alcohol abuse problems.³ In a systematic review of screening tools for alcohol problems, the AUDIT was found to be the "most effective in identifying subjects with at-risk, hazardous, or harmful drinking."⁴ The AUDIT-10 focuses on frequency, amount, and consequences of use.

VI. Alcohol Addiction

Lawyers have rates of addiction greater than the general population and also higher than other professions. This includes other notably "stressful" occupations, such as doctors. Lawyers can continue to be high-functioning even while impaired by addiction.

According to the Substance Abuse and Mental Health Services Administration (SAMHSA), 6.4 percent of Americans had an alcohol use disorder (AUD) in 2014.⁵ To be diagnosed with an AUD, individuals must meet certain criteria.

- The Eleven Symptoms of Alcohol Use Disorder
 1. Alcohol is often taken in larger amounts or over a longer period than was intended.
 2. There is a persistent desire or unsuccessful efforts to cut down or control alcohol use.
 3. A great deal of time is spent in activities necessary to obtain alcohol, use alcohol, or recover from its effects.
 4. Craving, or a strong desire or urge to use alcohol.
 5. Recurrent alcohol use resulting in a failure to fulfill major role obligations at work, school, or home.
 6. Continued alcohol use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of alcohol.
 7. Important social, occupational, or recreational activities are given up or reduced because of alcohol use.
 8. Recurrent alcohol use in situations in which it is physically hazardous.
 9. Alcohol use is continued despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused or exacerbated by alcohol.
 10. Tolerance, as defined by either of the following: a) A need for markedly increased amounts of alcohol to achieve intoxication or desired effect; b) A markedly diminished effect with continued use of the same amount of alcohol.

11. Withdrawal, as manifested by either of the following: a) The characteristic withdrawal syndrome for alcohol (refer to criteria A and B of the criteria set for alcohol withdrawal); b) Alcohol (or a closely related substance, such as a benzodiazepine) is taken to relieve or avoid withdrawal symptoms.

The presence of **at least two of these symptoms** indicates an alcohol use disorder (AUD). The severity of an AUD is graded mild, moderate, or severe:

- **Mild:** The presence of two to three symptoms.
- **Moderate:** The presence of four to five symptoms.
- **Severe:** The presence of six or more symptoms.⁶

In contrast to the 6.4 percent rate of addiction in the general population, according to the Hazelden study between 21 percent and 36 percent of lawyer's self-report problematic levels of drinking (the distinction between these two percentages is addressed below).⁷ In response to the same three questions on the AUDIT-C which showed 36 percent of lawyers having alcohol use disorders, physicians self-reported at only a 15 percent level of problematic drinking. According to these new figures, then, attorneys have alcohol use disorders between 3.5 to five times greater than the general population; and twice as often as physicians when asked specifically about quantity and frequency of use.⁸ Prior numbers reflected that lawyers suffered alcohol use disorders at between two to 2.5 times that of the general population.

Some Statistics Regarding Alcohol Addiction

1. AUDIT-10.

On the AUDIT-10, 20.6 percent of lawyers scored at a level consistent with problematic drinking or alcohol use disorder (AUD). Remember the AUDIT-10 measures levels of use (frequency and amount) plus problem behaviors or consequences. "Problematic drinking" is defined as hazardous drinking and possible dependence. More male lawyers (25.1 percent) than female lawyers (15.5 percent) self-reported problematic drinking and possible dependence. In comparison, only 11.8 percent of a "broad, highly educated workforce" screened positive for problematic drinking using the same measure.⁹

2. AUDIT-C.

On the abbreviated AUDIT-C, 36.4 percent of lawyers scored at a level consistent with problematic drinking or alcohol use disorder. The AUDIT-C measures only frequency and amount (levels of use) but not problem behaviors or consequences. "A significantly higher proportion of women (39.5 percent) had AUDIT-C scores consistent

with problematic use compared with men (33.7 percent)."¹⁰

The contrast in the results between the AUDIT-10 (quantity and frequency plus consequences) versus the AUDIT-C (quantity and frequency only) could indicate a couple of things. First, it likely indicates that as lawyers, we're drinking far more than is safe for us, but that our self-perception of our problem is very low; and/or second, it indicates that we may not be suffering consequences at the same level as individuals in the general population. Both theories support what experts observe as a higher rate of denial by professionals versus that of (not only) the "low-bottom drunk," but also of the general population. "Denial" is the tendency of alcoholics or addicts to either disavow or distort variables associated with their drinking or drug use in spite of evidence to the contrary.¹⁰ "If a person doesn't recognize that his or her behavior is creating problems, then he or she wouldn't see the need to change or seek assistance," said Barbara McCrady, PhD, professor of psychology and clinical director of the Center for Alcohol Studies at Rutgers University in New Brunswick, NJ. "They are also likely to react negatively to people who believe they have a problem," says McCrady.

The National Institute on Alcohol Abuse and Addiction (NIAAA) provides the following drinking definitions:

- a. A "drink" is defined as something containing fourteen grams or more of alcohol. Roughly, that's a 1.5 oz. shot of eighty-proof liquor; a twelve oz. beer; or a five oz. glass of wine.
- b. "Heavy drinking" or "at risk drinking" for men is defined as having more than five drinks in a single day; or fourteen drinks or more per week (two drinks a day).
- c. "Heavy drinking" or "at risk drinking" for women is defined as drinking four or more drinks per day; or eight drinks or more per week (just over one drink a day).
- d. "Binge drinking" for men is defined as having more than five drinks on a single occasion; and for women it's defined as having more than four drinks on a single occasion.¹¹ Drinking a bottle of wine (alone) is considered a "binge drinking episode" for either sex.
- e. As defined by NIAAA, for women, "low-risk drinking" is no more than three drinks on any single day with no more than seven drinks per week. For men, it is defined as no more than four drinks on any single day and no more than fourteen drinks per week.¹²

The legal work place plays a role in the rate of addiction.

The workplaces where lawyers have the highest rates of addiction are in private firms and in bar administration or lawyer assistance programs.¹³ Under both the AUDIT and AUDIT-C, there were higher rates (23 percent in private firms and 24 percent in bar administration or lawyer assistance programs) than any other workplaces.¹⁴ Judges scored the lowest rates of addiction, according to their responses, at 16 percent, which still ranked them two and a half times the addiction

rate of the general population and also higher than physicians (again, 15 percent) using the same measure. Statistically, the in-between ranges are from 17.8 percent to 19.2 percent and comprise in-house or corporate counsel, sole practitioners, and government lawyers.¹⁵

VII. The Opioid Epidemic

Opioid addiction has reached epidemic levels in America. Abuse, misuse diversion and illegal sale of prescription drugs are some of the largest threats to the health of the nation. Addiction often begins innocently from prescribed pain killers such as OxyContin, Opana, or Hydrocodone. Once prescriptions are no longer available or simply too expensive, addicts turn to heroin. Prescription OxyContin costs \$60-\$100 per pill illegally purchased on the street and a dose of heroin cost approximately \$9.

Opioids affect highly concentrated areas of the brain which control pain and emotion. Opioids increase dopamine levels around the brain associated with reward and produce a state of euphoria as well as relaxation. The user seeks the reward repeatedly and wants the feeling as the name describes “a hero in” side. Fentanyl is now being added to heroin. The result is an amplification of the potency of the heroin. **WARNING: HIGH RISK OF DEATH.**

<https://www.drugabuse.gov/drugs-abuse/opioids/opioid-overdose-crisis>

Opioids are easy to purchase, hide, and often use without others recognizing the signs of addiction. Also, Opioids are now readily available on the Dark Web and delivered directly to the purchaser’s door step.

The United States tracks scheduled prescriptions through NASPER – the National All Schedule Prescription Electronic Reporting. <https://nasper.org/>

VIII. Mental Health

The American Bar Association has been concerned with the disproportionate number of suicide among lawyers.

Depressive disorders are among the most common mental health disorders in the United States. They are characterized by a sad, hopeless, empty, or irritable mood, and somatic and cognitive changes that significantly interfere with daily life. Major depressive disorder (MDD) is defined as having a depressed mood for most of the day and a marked loss of interest or pleasure, among other symptoms present nearly every day for at least a two-week period.¹⁶ Just like with substance use disorders, the rates of mental health disorders (including but not limited to depression, chronic stress and anxiety) are much higher within the legal profession, than the general population.

According to SAMHSA, 6.6 percent of adult Americans experienced a major depressive episode (MDE).¹⁷ Lawyers' higher stress levels (which scientists are now identifying as one of the roots of higher rates of depression and substance abuse) may have their genesis in the adversarial nature of the practice of law. There are very few professions whose core of work is completely adversarial.

The 2016 Hazelden study reveals that the percentages of lawyers with mental health concerns are even higher than previously thought. The statistical information previously relied upon was a 1990 Johns Hopkins University study which identified lawyers as having depression at a rate 3.6 times higher than non-lawyers, who shared the same socio-demographic traits.¹⁸ The Hazelden study quantifies lawyers as actually suffering from depression at a rate of 28 percent, or almost 4.5 times that of the general population.¹⁹ Approximately 61 percent of the study acknowledged concerns with high levels of anxiety during the course of their career; and 46 percent – almost half – reported having experienced depression during the course of their career.²⁰ Finally, and perhaps most chilling is the fact that almost 12 percent admitted suicidal thoughts at some point over the course of their career.²¹

One still-reliable finding of the 1990 Johns Hopkins study is that in all graduate-school programs in all professional fields, the optimists outperformed the pessimists – except in one profession. The only exception was among law students, where pessimists outperformed optimists.²² This is logical when you consider that pessimism is an asset for attorneys. Pessimism creates skepticism about what our clients, our witnesses, opposing counsel, and judges tell us, as well as assisting us in effectively questioning interpretations of the law. Pessimism inspires lawyers to anticipate the worst, and thus prepare for it. But pessimism is bad for your health: it leads to stress and disillusionment, which makes us vulnerable to depression.²³

In addition to the character traits and other stressors which may decrease the good mental health of lawyers (perfectionism, pessimism, financial insecurity, etc. . .), Britain's Medical Research Council established a clear link between longer work hours and depression.²⁴ In the study, the white collar workers who put in eleven hour workdays had a two and a half times higher likelihood of developing a major depressive episode (MDE) than the employees who worked only seven to eight hour days.²⁵ There was a link between long work days even after the researchers took things into account such as level of support in the workplace, job strain, alcohol use, smoking and chronic physical disease.²⁶ The study indicated that the overworked junior and mid-level employees appear to be more prone to depression than the people at higher levels, which support the Hazelden study's findings that junior associates and entry-level attorneys have the highest rates of depression (employees under thirty showed depression rates of 32 percent).²⁷ The takeaway is that regardless of age, and ignoring every other contributing factor (*i.e.*, increased rates of addiction, poor health habits and increased rates of depression), many lawyers are still two and a half times more likely to develop depression than those who work less than eleven hours a day as a result of the long hours.

While age is the primary predictor of risk for mental health issues in the Hazelden study, sex is also a factor. Historically, men have had higher rates of depression and women have higher rates of anxiety. The Hazelden study corroborates these statistics among lawyers.²⁸ Regarding anxiety, more than twice as many women are diagnosed with generalized anxiety disorder than men. Anxiety usually occurs along with other mental health conditions, substance abuse problems and mood disorders. It also commonly co-occurs with major depression. The Hazelden study also validates that non-problematic drinkers on the AUDIT had lower levels of depression, anxiety and stress than those who drank more, as measured by the DASS-21.²⁹

IX. Demographics

Contrary to the results of the 1990 Johns Hopkins study, the Hazelden results indicate that the age group with the highest rate of both addiction and mental health issues are younger lawyers. The highest percentage of lawyers with alcohol use disorders as well as depression is the under thirty crowd.³⁰ In fact, age was the greatest predictor of risk for addiction and other mental health disorders. We see the same pattern with law students, who also have higher levels of distress symptoms than the general population (and even other professional school programs) but with limited help-seeking behaviors.³¹

This new research also established that most of, many of individuals with problem drinking reported developing those problems during their first fifteen years out of law school (typically from ages twenty-five to forty). Ages thirty and under reported a 32 percent rate of problem drinking, and the thirty-one to forty-year-old reported a 25 percent rate of problem drinking. Starting at age fifty-one the percentages fell below 20 percent. Older research showed just the opposite – that the rates of addiction increased as lawyers progressed in their careers. That data suggested that the longer somebody stayed in the profession, the more likely they were to become a problematic drinker. "That aligned with a perception that the legal culture sort of promotes drinking and it's a stressful profession, so the more exposure a person has in terms of years, the more likely a problem would develop. We found that that's not true at all. It's the reverse now."³²

Overall statistics related to age and alcohol from the Hazelden study are as follows:

- 22.6 percent of attorneys felt their use of alcohol/substances was a problem sometime during their lives;
- 27.6 percent of attorneys reported problematic use prior to law school;
- 14.2 percent of attorneys reported problematic use started during law school;
- 43.7 percent of attorneys reported problematic use started within the first fifteen years after law school; and
- 14.5 percent of attorneys reported problematic use started more than fifteen years after law school.³³

X. Treatment Barriers

The Hazelden study reveals that only 6.8 percent of attorneys have sought help for alcohol or drug use. Compare this with the general population whose percentage of seeking help is 19.8 percent.³⁴ Of those 6.8 percent of lawyers, 21 percent of attorneys sought treatment programs specifically tailored to legal professionals. The AUDIT scores of those attorneys who had specialized treatment were significantly lower than participants who attended more generic treatment programs.³⁵ Many treatment facilities are moving towards specialized programs. A typical "professionals program" may include pilots, physicians, nurses, lawyers and judges; while some facilities offer programs exclusively for legal professionals. There are also many types of treatment, facilities and programs of recovery including twelve-step recovery; faith-based recovery; and SMART recovery, among others. Recovery solutions are based upon individual need.

Denial is one of the very first barriers to treatment. As lawyers, periodic instances of heavy or binge drinking is not all that unusual. Professional events are often dotted with cocktail parties, and happy hour is practically a rite of passage in many law firms and other employment settings. As such, we have a barrier to overcoming denial. When the problem drinker's behavior is similar to his or her peers – it's hard for them to accept or understand that anything is wrong.³⁶ "Also feeding denial is the stigma and shame associated with alcoholism. Unfortunately, much of society still perceives alcoholism as a moral failure."³⁷

XI. Mindfulness and Well-being

- A. Well-being is your personal physical good health and lifestyle including good nutrition, proper weight control, exercise, and controlling risk factors such as smoking, alcohol, and drug abuse. Adopt healthy habits and behaviors that promote better health and improved quality of life. Lifestyle is the single most important factor determining a pattern of general health. Self-care is vital to well-being. Well-being is a proactive integrative approach to achieve optimum health.
- B. Mindfulness --According to Oxford dictionary is defined:
 - 1. the quality or state of being conscious or aware of something:
 - 2. mental state achieved by focusing one awareness on the present moment, while calmly acknowledging and accepting one's feelings, thoughts, and bodily sensations, used as a therapeutic technique.

We live in an increasingly complex world and work environment that requires focus, clarity, flexibility and creativity. The current strategies for avoiding addiction, abuse burnout and depression include paying attention, doing things on purpose, being in the present moment, and being nonjudgmental.

A basic mindfulness Meditation Practice is to first be still, second to engage your curiosity and kindness, and third be observant using your breath to focus and center you. Mindfulness strategies will rewire the brain.

Take five minutes from your day to be kind to yourself.

XII. Ethics and Practice Application

Abuse, addiction and mental health concerns that are not addressed and controlled can lead to impairment. Impairment may lead to malpractice.

A. Manifestation of Impairment

Bar associations often experience the highest level of complaints in the areas of Communication, Competency and Diligence. The Rules provided below are the ABA Model Rules of Professional Conduct, created by the American Bar Association, a set of rules that prescribe baseline standards of legal ethics and professional responsibility for lawyers in the United States.

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/

The rules were promulgated by the ABA House of Delegates upon the recommendation of the Kutak Commission in 1983. The rules are merely recommendations, or models, and are not themselves binding.

For binding rules on each state jurisdiction, seminar attendees should reference their state bar rules and follow the state rules of professional conduct including the attending comments.

For a list of individual state Professionalism Codes visit https://www.americanbar.org/groups/professional_responsibility/resources/professionalism/professionalism_codes/

B. ABA Model Rule 1.3 DILIGENCE

A lawyer shall act with reasonable diligence and promptness in representing a client. Reasonable diligence as used in this Rule means that a lawyer shall not without just cause to the detriment of the client in effect willfully abandon or willfully disregard a legal matter entrusted to the lawyer.

The maximum penalty for a violation of this Rule is disbarment.

ETHICS SCENARIO

Theresa is an in-house lawyer with ten years of experience working for an international semi-conductor firm. She has responsibility for the company's international trade compliance, including keeping up to date with the current pace of change. She has a team to support implementation but takes her responsibilities to the company very seriously, to the point that her team jokingly calls her infallible. She prides herself on her intense attention to detail and up-to-the-moment awareness of potential issues for the company. Recently, though, Theresa's mom has been fighting cancer and she is struggling with helping her mom with mounting health bills, her work and other family responsibilities. She isn't sleeping and is losing weight to the point that her doctor tells her she has to make changes to her lifestyle, but she does not see a clear road ahead without just quitting her job. In one recent instance, she could have easily learned that an in-country employee is closely related to a newly elected senior government official and there is now mounting evidence of providing gifts and other enticements for product sales. Theresa missed the instance and there is a rumbling of bribery.

C. ABA Model Rule 1.4 COMMUNICATION

A lawyer shall:

- a. promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(h), is required by these Rules;*
- b. reasonably consult with the client about the means by which*

- the client's objectives are to be accomplished;*
- c. keep the client reasonably informed about the status of the matter;*
 - d. promptly comply with reasonable requests for information; and*
 - e. consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.*

A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

The maximum penalty for a violation of this Rule is a public reprimand.

ETHICS SCENARIO

Bill runs the company's litigation practice, with a team of attorneys and paralegals reporting to him. He has responsibility for the litigation budget as well, and for a long time enjoyed a tremendous amount of autonomy in selecting litigation counsel. He has a close group of friends from law school who are still in private practice and they enjoy fun events that are pretty expensive and circle around alcohol. Those same firms also get a fair piece of the company's business. Bill feels a ton of pressure to keep up with his friends in terms of their activities. Recently, he's received scrutiny from his CLO about the company's business due to a colleague's internal complaint that Bill attended four expensive major sporting events with "after parties" in the last six months. The complaint said the use of the current outside counsel firms are because of Bill's friendships rather than qualifications. Bill's really angry the colleague dared to intimate his decision-making processes might be clouded by the entertainment. The CLO tells Bill to have the colleague oversee the litigation instead of him. He's in the process of making the necessary introductions but dragging his feet when he gets a notification that outside counsel missed a filing deadline. Bill introduces the colleague to the firm without revealing the firm's mistake and thinks to himself "serves her right."

D. ABA Model Rule 1.1 COMPETENCE

A lawyer shall provide competent representation to a client. Competent representation as used in this Rule means that a lawyer shall not handle a matter which the lawyer knows or should know to be beyond the lawyer's level of competence without associating another lawyer who the original lawyer reasonably believes to be competent to handle the matter in question. Competence requires the legal knowledge, skill, thoroughness and preparation reasonably

necessary for the representation.

The maximum penalty for a violation of this Rule is disbarment.

ETHICS SCENARIO

A longstanding Judge has a stellar reputation for legal acumen, civility and trustworthiness. Judge suffers minor injuries in a car accident and is prescribed 30 painkillers, which he renews for several months. He sometimes uses alcohol to augment the drugs to mask his pain. After a few months, he recognizes he needs help and gets another drug prescribed to control anxiety related to alcohol withdrawal. During this period, the standard murder and wrongful death cases are winding through his court. Judge is performing well on the bench and is being recognized for the skills on the bench, in the community, and in writing opinions. He overhauls and starts a new grand jury process, quickly recognized as one of the most efficient in the country. Within one year he has 12 doctors prescribing him 100s of meds and he lets a few folks off easy on some tough cases. These convicts, after becoming parolees, begin to “take off” and front him drugs. He then hears and convicts multiple defendants to death in a brutal double rape slaying of a young couple. When he is disbarred after 18 years on the bench, those convictions are overturned. He dies the following year and a series of retrials commence.

E. ABA Model Rule 8.3 DUTY TO REPORT

A lawyer shall act with reasonable diligence and promptness in representing a client. Reasonable diligence as used in this Rule means that a lawyer shall not without just cause to the detriment of the client in effect willfully abandon or willfully disregard a legal matter entrusted to the lawyer.

The maximum penalty for a violation of this Rule is disbarment.

The same rule requires attorneys to report judges to the Judicial Conduct Commission for misconduct. However, before you report an attorney for unethical conduct, it is prudent to first call your local Ethics Helpline attorney, and run the scenario, in hypothetical format, through the Ethics Helpline.

Generally, the information discussed with the Ethics Helpline is not subject to disclosure nor does it fall under the reporting requirement. That is, the Ethics Helpline attorney is excluded from the reporting requirement, just as the Lawyer Assistance Program is excluded from a reporting requirement when unethical or illegal conduct is reported or to volunteers while seeking or obtaining assistance from the Lawyer Assistance Program.

Reporting an individual to the Lawyer Assistance Program does not satisfy

the requirement of reporting unethical conduct to a State's Office of Bar Counsel. These are two distinct entities and any reporting obligation is on the practicing attorney.

Added ethics resources provided by the American Bar Association appear at https://www.americanbar.org/groups/professional_responsibility/resources/links_of_interest/

XIII. Recovery Is Possible

Alcohol dependency and substance addiction are treatable. Recovery is possible once an individual accepts help. Lawyers are in a unique position for recovery assistance. The legal community recognizes the high risk factors associated with legal practice and provides resources, mentors, and treatment programs for its members.

See the American Bar Association's Commission on Lawyer Assistance Programs https://www.americanbar.org/groups/lawyer_assistance/ to include sections on:

- *State program links and local resources*
- *Well-being FREE resources for lawyers, law students and judges*
- *Program templates for employers*
- *Anti-stigma Campaign materials*
- *Well-being Pledge by Legal Employers*
- *Well-being Toolkits*

XIV. Corporate Well-being Programs Play a Strong Role in Attorney Health

Corporate legal departments should participate fully in company well-being programs to foster resilience and strength under the pressures of the work. Participation will benefit the attorney, help recognize and support colleagues under stress, and reduce company costs attributed to medical insurance, workers' comp, disability, and absenteeism.

A practical **Wellbeing Tips and Takeaways** "Executive Summary" with easily adaptable resources from leading programs appears as Appendix A. The Summary is designed to examine:

- 1) personal well-being and resilience practices,
- 2) issue spotting, resources and solutions for assisting a colleague, and
- 3) leading practices in creating a corporate well-being program that meets the needs of the legal department based on company size and budget.

XV. Conclusion

The statistics and personal stories presented in the material are shocking (see Appendix B – "My Story" by Attorney Benjamin G. Dusing). As a result, our

professional developed a National Task Force on Lawyer Well-Being which developed a report in 2017 that includes practical recommendations for positive change in the profession.⁴¹ The legal community should be concerned about the rapid increase in career destroying and life-ending addictions. Vigilance for mental health education and awareness is paramount for the profession. The devastating effects of impairment are real, even for Super Lawyers.

END NOTES

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- 3 Bohn, MJ; Babor, TF; Kranzler, HR (July 1995). "The Alcohol Use Disorders Identification Test (AUDIT): Validation of a Screening Instrument for Use in Medical Settings." *Journal of Studies on Alcohol* 56 (4): 423-32. doi:10.15288/jsa.1995.56.423.PMID 7674678.
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- 6 <http://www.niaaa.nih.gov/alcohol-health/overview-alcohol-consumption/alcohol-use-disorders>. Under DSM-5 anyone meeting any two of the eleven criteria during the same twelve-month period receives a diagnosis of AUD. The severity of an AUD – mild, moderate, or severe – is based on the number of criteria met.
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- 14 *Id.* at Table 3, 49.
- 15 *Id.*
- 16 See <http://www.samhsa.gov/disorders/mental>.
- 17 See <http://www.samhsa.gov/disorders/mental>.
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APPENDIX A

Well-Being Tips and Take-Aways

For You – Colleagues – Legal Department

I. TAKING CARE OF YOU

Do you....

- a. Use food, drug or alcohol to feel better or to simply not feel?
- b. Drag yourself to work and have trouble getting started?
- c. Have a cynical, critical attitude?
- d. Lack energy to be consistently productive?
- e. Find it hard to concentrate?
- f. Lack satisfaction from achievements?
- g. Feel disillusioned with work and life?
- h. Have difficult sleep habits?
- i. Trouble with unexplained headaches, stomach or other physical issues?

Subtle Signs of Chronic Stress to Monitor and Find Solutions

Physical and Emotional Exhaustion

Chronic Fatigue
Insomnia
Forgetfulness/impaired concentration and attention
Increased illness
Loss of appetite or weight gain
Anxiety
Depression
Anger

Signs of Cynicism and Detachment

Loss of enjoyment
Pessimism
Isolation
Detachment

Signs of Ineffectiveness and Lack of Accomplishment

Feelings of apathy and hopelessness
Increased irritability
Lack of productivity and poor performance

Online Self Assessments for Lawyers provided by Pennsylvania's Lawyer Assistance Program <https://www.lclpa.org/self-assessment/>

This online self-assessment quickly walks you through self-screenings on alcohol, drug use, anxiety, depression, anxiety, eating disorders, gambling, and sexual activity.

A valuable new resource discusses the reality, causes, manifestations, and consequences of fear in legal education and practice, from the standpoint of law students, junior attorneys, and clients. “Untangling Fear in Lawyering: A Four-Step Journey Toward Powerful Advocacy” by Heidi K. Brown.

<https://www.amazon.com/Untangling-Fear-Lawyering-Four-Step-Powerful/dp/1641053526>

Mayo Clinic healthy lifestyle resource <https://www.mayoclinic.org/healthy-lifestyle/adult-health/in-depth/burnout/art-20046642>

Quick and Positive Action Steps to Get Started

Evaluate Well-being Options by contacting

- Human Resource's employee benefits coordinator
- Employee Assistance Plan wellness coach
- Confidential resources with state bar association's Lawyer Assistance Program
- American Bar Association's Commission on Lawyer Assistance Program

Seek support from supervisor

Engage relaxing healthy activities

Exercise becomes a part of daily routine

Address sleep issues

Incorporate Well-being (physical, emotional, social and financial) into lifestyle

II. TAKING CARE OF COLLEAGUES

Signs an employee is “Burned Out” or worse

- Decreased Productive and quality of work
- Uncharacteristic disengagement
- Increased complaining and cynicism
- Mood swings and appearance
- Accidents and missing workdays
- Exhaustion – emotional, mental and physical
- Missing deadlines
- Giving away personal items
- Higher sensitivity to feedback
- Emergence of physical symptoms

Steps to Consider

- ASK
 - “I noticed you seemed upset during a meeting....what’s going on?”
 - “It’s unlike you to miss deadlines...did you not have enough support or what happened?”
 - “I didn’t see you at the company social event...?”
 - “You seem really exhausted – what do you have on your plate right now?”
- Do wellness activity together
- Do department community service project
- Learn to practice art of gratitude
- Help contact a life coach through employee benefits
- Celebrate work achievements and life milestones
- Contact state bar association’s Lawyer Assistance Program to ask for confidential guidance for resolution and free resources
- Contact Human Resources and supervisor about observations

III. TAKING CARE OF LEGAL DEPARTMENT WELL-BEING

7 Points for Crafting a Well-Being Program

1. Educate ourselves and corporate counsel community – read and commit
 - The National Task Force Report
 - “The 2019 Most Popular Workplace Well-Being Programs”
 - The ABA Well-Being Toolkit Nutshell
 - The ABA Well-Being Toolkit (Focus on Action Plan, p. 10, p. 29)

- Provide employees with copies
 - Conduct institutional assessment (ABA Well-Being Toolkit, pp. 12-13, 24)
 - Craft a Well-Being Mission Statement
 - Sign the 7-Point ABA Well-Being Pledge
2. Encourage/require individual self-assessment
- Foster a culture of “the whole lawyer”
 - Great athletes focus on excellence in skills, but also mental and physical health
 - Anne Brafford: “Well-being is a team sport.” (Well-Being Toolkit, p. 4)
 - Encourage / require employee self-assessment
 - Budget Booster: Team Surveys
 - Provide self-assessment tools
 - Well-Being Toolkit, Self-Assessment Resources, pp. 25-28
 - Pennsylvania Lawyer Assistance Program (online self-assessment tools for lawyers)
3. Cultivate awareness of, empathy for, and non-judgment of others
- Encourage awareness of, empathy for, and non-judgment of others
 - Provide resources for noticing subtle or obvious signs of distress
 - Help reduce the stigma around seeking help
 - See tips in the Well-Being Toolkit, pp. 18-20
 - Review the ABA’s Anti-Stigma Campaign
 - See something - say something
 - Provide tips for “getting out of our own way” and reaching out to others
 - Establish protocols for getting help for others
4. Plan a calendar of monthly chats/check-ins/discussion groups
- ABA Well-Being Toolkit: Education and Development Topics, pp. 18-23
 - ABA Well-Being Toolkit Worksheets #1-17
 - Consider topics related to anxiety, fear, and mistake-making in lawyering (see Appendix A to Untangling Fear in Lawyering book)
 - Invite outside counsel’s Directors of Well-Being to facilitate
 - Free and “budget easy” resources:
 - Book club (Well-Being Toolkit, book suggestions, p. 30)
 - Outside facilitators: State Lawyer Assistance Program representatives (Well-Being Toolkit, pp. 96-99); Lawyer malpractice insurance advisors; and ABA highlights (Well-Being Toolkit, pp. 33-42)

5. Schedule seasonal well-being activities and periodic reminders
 - Incorporate periodic department well-being activities and reminders (Well-Being Toolkit, p. 15)
 - Leverage technology: well-being apps, fitness apps (see Well-Being Toolkit, pp. 16, 29)
 - Well-being office stations: healthy snacks & drinks, positive & inclusive signage
 - Well-being office items: standing desks, lighting, stress balls, plants
 - Gym/fitness partnerships and incentives
 - Corporate well-being retreats
6. Connect employees with outside resources (programs/coaches/counselors)
 - Lawyer Assistance Programs (Well-Being Toolkit, pp. 96-99)
 - Information about insurance coverage for confidential mental health resources and physical fitness resources
 - Financial support for confidential outside coaching, counseling, and mentoring
 - In-house confidential coaching, counseling, and mentoring support
 - Collaborate with outside resources such as “Best Practices” program directors at law firms (Well-Being Toolkit, pp. 16-17) and recommended Partners (Well-Being Toolkit, p. 29)
7. Foster accountability
 - Complete the 7-Point ABA Well-Being Pledge One-Year Update
 - Communicate with outside counsel about signing the Pledge
 - Report back to C-Suite and participants
 - Garner and incorporate participant feedback
 - Spread the word - Use social media for corporate well-being initiatives

Additional Resources to Consider

- Learn from Others - The 23 most popular workplace wellbeing programs for 2019 <https://www.wellsteps.com/blog/2019/01/03/workplace-wellbeing-programs/>
- Learn why it's important from the full Report from the ABA Task Force on Lawyer Wellbeing https://www.americanbar.org/groups/lawyer_assistance/task_force_report/
- Invite your state bar's Lawyer Assistance Program Executive Director for an internal CLE and well-being luncheon or breakfast

- Overcome leadership and budget resistance with data
 - Average 26% lower medical spend
 - Average 28% reduction in Absenteeism
 - Average 30% decreased Workers' Comp and Disability claims
 - Average \$5.93 to \$1 savings-to-cost ratio
 - Improved productivity, morale and engagement

<https://www.howellusa.com/employee-wellness/elements-of-a-successful-wellness-program>

- Dialogue with Human Resources and ask for specific department support options.

- Adopt the ABA's WELL-BEING TEMPLATE in a customized form to provide suggested guidelines for responding to an employee who is experiencing impairment due to a substance use disorder, mental health disorder or cognitive impairment.
https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/well-being-template-for-legal-employers-final-3-19.pdf

- Utilize the ABA's Well Being Tool Kit for legal employers
https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/lscolap_well-being_toolkit_for_lawyers_legal_employers.pdf

- Foster open dialogue of ABA's Anti-Stigma Campaign to help de-stigmatize mental health and substance use disorders in the legal profession.
https://www.americanbar.org/groups/lawyer_assistance/profession_wide_anti_stigma_campaign/

- Use these 9 Successful Components of Wellbeing Programs to measure against your current situation
 - Program should be consistent with organization's overall mission – Sets objectives, success measures, long and short term visions and how initiative fits into overall strategic vision.
 - Program needs strong top level management support and involvement – Leadership team has to identify program champions

that can support the initiative through role modeling positive behaviors

- Program must be adequately funded – identify budget opportunities and design program that rows and meets needs for budgets
- Employees must want to get involved and participate – During planning or review phase, identify ways to overcome participation barriers through communication and marketing, incentives or wellness committee. Answers the “What’s in it for me?”
- Program must recognize cultural differences – cultural concerns need to be addressed in terms of timing, content and partnership growth
- Program needs a strong identity and branding, needs to be highly visible – Develop marketing materials and campaigns with input from all levels of employees to promote messaging, materials and timing
- Program needs to be convenient – Develop understanding of site locations and site size to determine delivery of services that balance employee engagement with cost. Aim for ease of process so employee satisfaction maximized
- Program must have consistency but evolves, grows and reinvents itself with company culture – Be consistent with communication and feedback so programs are current and fresh for maximum engagement thereby celebrating program successes and announcing annual improvements
- Program must be strongly and consistently evaluated – Determine specific first year metrics to track as indicators of success such as participation, average population health risk and employee feedback. Second year metrics might include the same plus impact on healthcare costs and absenteeism.

<https://www.trihealth.com/-/media/trihealth/documents/institutes-and-services/trihealth-corporate-health/worksites-wellness-and-fitness/frequently-asked-questions/nine-components-of-a-successful-wellness-program.pdf>

APPENDIX B

"MY STORY"

Benjamin G. Dusing
Managing Partner, The Law Offices of Benjamin G. Dusing
KYLAP Commissioner (6th Supreme Court District)
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I'll never forget the first time I tried cocaine.

It was a Saturday afternoon in early fall during my third year of law school at the University of Kentucky, sufficiently early in the semester such that the pressure of final exams was not yet on the horizon and those of us so inclined could feel free to "let loose." A classmate was having a pre-game party before a big UK football game and it was one of those picturesque autumn days in Lexington where the temperature was just right, the colors of the season simply magnificent. Despite the day's beauty, I have a distinct memory of feeling sad. There was a heaviness about my heart – the sort of weight recognized only in hindsight as the kind attributable to a deeply-aggrieved soul.

I can't remember how exactly I found my way into that clandestine back room – the one where I found a handful of party-goers hunched over a shiny mirror covered in a snow-like substance that I immediately recognized to be cocaine. In hindsight, I can understand that I was looking for that room. Although I had never before used a "hard" drug, I had seen enough to know that such recreational drugs were always just around the corner from every booze-fueled party. And on that particular Saturday, the booze just wasn't getting the job done. With the benefit of fifteen years of hindsight, I can look back now and recognize that it was an inner anguish – a deep, spiritual malady, incomprehensible at the time – that guided me to where I then stood. And it was that same spiritual malady that motivated me to put a straw to my nose and do my first "line."

Such was my introduction to cocaine. It was an introduction that would rock my world. I was hooked the moment the substance entered my body, and over the course of the next year or so my relationship with the drug would come to take over my life. Slowly but surely, my uncontrollable desire for that ever-diminishing period of synthetic numbness led me to push everything good in my life farther and farther away. Friends, family, hopes, dreams – one by one, these things slipped away. Over time, my existence was reduced to a chemical romance that would end, as it always does for alcoholics and addicts, only when I "hit bottom" amid consequences so impactful that the agony of my addictive existence could no longer be denied.

Looking back, it is easy to see that cocaine was hardly the cause of my fall. It merely accelerated my journey down a path that I had been on for some time. Already an alcohol-abuser (my first drink was at the ripe age of 14), I had for years relied on alcohol to soothe a troubled soul and "cure" what ailed me. What ailed me – I would come to recognize only later, in sobriety – was a deeply-rooted selfishness, insecurity, and dislike-of-self. I simply did not like the person I had somehow become. Worse still, I didn't know how to change. Alcohol became my crutch and mask – a tool to drown out the things that haunted and something to hide me from me. I had been drinking heavily even prior to law school, but its pressure-packed atmosphere and competitive undercurrent seemed to take the need to escape, and hence to drink, to a whole new level. I started drinking alone.

Like many alcoholics and addicts, however, my fragile state and substance abuse was hidden by my outward "success." To the untrained eye, I was the consummate achiever. In the top 10 percent of my class and editor-in-chief of the law review, my drinking (and later, my drugging) did not bring academic consequences. I was popular enough. I had a girlfriend. I was on my way to professional success, a federal clerkship position waiting for me upon graduation. Problems? How could I have problems when I was so clearly a "success"?

So long as I enjoyed such outward "success," it was easy to look past the increasingly-more-serious consequences of my substance abuse. (The DUI in my 2L year was explained away as "bad luck." When my closest law school friends suddenly wanted nothing to do with me, *they* were to blame.) But such "success" served only to perpetuate the lie. While slowly dying inside, I didn't dare get honest. The thought of living without booze or cocaine was at that point downright scary. (As I would later say to the doctor to whom my parents dragged me after becoming concerned: "You don't understand. The alcohol isn't a problem. It's my *solution*." It would be many years before I would appreciate the fantastic irony of this "denial.")

Mercifully, in the end my "bottom" did come. But it hardly seemed "merciful" at the time.

For me, "bottom" came in the form of my bar exam results. I failed. Not only that, I failed in humiliating fashion. I was the first editor-in-chief in the history of the University of Kentucky College of Law to fail the bar exam. (To my knowledge, I still hold this "distinction.") The correspondence informing me of my failure arrived on letterhead bearing the name of my father, who happened to be at the time a member of the Board of Bar Examiners. I was working for a federal judge.

The veneer of "success" suddenly stripped away, I was confronted for the first time with the harsh reality: I had a problem. I had spent the summer drinking and drugging (and not studying), and for the first time there was a serious, tangible consequence. Yes, I had a drinking and drugging problem, and I could deny it no more.

With that simple act of surrender, my road to recovery was begun. In my case (as with many others), recovery was not an event. It was, rather, a process. That process was at first marked by fits and starts, half-measures and hedging. After months of outpatient treatment, sustained sobriety still eluded my grasp. I would get a couple months, only to relapse. Though I had taken step one – admitting I had a problem – I was still having trouble buying into the solution. I still couldn't get it. *Wouldn't*, rather.

Enter Kentucky Lawyer Assistance Program (KYLAP). At the time operating as "Lawyers Helping Lawyers," the organization and I had an involuntary introduction when I reapplied for the bar. Having been honest in my re-application about my drinking and drugging issues, my application predictably was pulled from the pile. The Character and Fitness Committee gave me a "choice": agree to a two-year term of supervision by KYLAP (assuming I passed the bar exam) or be deemed unfit. Not much of a choice.

If only I knew then how lucky I was. Blessed rather, as anyone in recovery would be sure to correct me. Under the watchful eye of a score of Kentucky lawyers who had once "been where I'd been" – and under the particularly watchful eyes of my designated KYLAP monitor – I was forcibly immersed in recovery. Four AA meetings a week, a check-in call with my monitor, a monthly face-to-face – these requirements attached me

to recovery long enough for me to come to understand the miracle and gift that it is. As it was, I came to this understanding rather quickly. It was no time at all before I came to realize that I wanted with all my heart what those folks "in the rooms" had – and I wanted it damn bad. Serenity, peace, happiness. The very things that had eluded me for so long, and ironically the very things that I had destructively and artificially sought in the form of drink and drug.

It wasn't easy. I had to do things (the 12 steps) – take "suggestions," as the old-timers would call them – that weren't always easy to do. Like "making amends," believing in a God of my understanding (a "higher power"), taking a daily "inventory" of my actions, promptly admitting when I was wrong, and – above all – being *rigorously* honest. I had to get a "sponsor" and take direction. I had to, quite simply, *change everything*. (Only in time would I come to understand that that was precisely the point.)

It wasn't long before I started seeing changes in me – changes I could be proud of. I started to like myself, and *be* myself. Not drinking wasn't the half of it, I came to learn. Sobriety was a way of life. It was a way of living – a creed. I started too to see changes in *my life*. I had friends again. People seemed to enjoy being around me more. I enjoyed being around me more. I found my footing in the profession. I found myself contributing. In short, I found myself ... *happy*.

And so it should come as no surprise that I barely noticed when my two-year term of supervision expired. By that point, I was all in. Recovery had long since become not something I needed but something I *wanted*. It had become my most prized possession. The thought of going back to the way it had been only served to propel me forward. I felt as though I had won some lottery and the Big Man Upstairs had seen fit to reach down and give me – undeserving, hapless me – the "secret to life." There was simply no going back – thank the Lord.

As it is, I have not gone back. Not for 12 years, 9 months, and 30 days. I have the grace of God, KYLAP, and the fellowship of Alcoholics Anonymous to thank for that string of continuous sobriety. That, my friends, is a miracle. And my existence during this time has been no less miraculous. To say that I have been blessed simply does not do it justice. The truth is, my life today is silly, stupid awesome. Recovery has given me the love of my life and three precious children. Recovery has given me the opportunity to do what I love to do – be a lawyer – and make a living doing it. Recovery has given me the privilege of representing the United States of America (as a federal prosecutor for five years), the experience of being a partner at a large national law firm, and now the thrill of starting and managing my own firm. Most of all, though, recovery has given me the joy of giving – the truest form of happiness, as I have come to find out.

My story, like all of those in recovery, has no ending. It continues to be written. By design, we take it "one day at a time."

But *this* story must have an ending, and it is only fitting – given the audience – that it read like this: KYLAP and AA saved my life. I am but an ordinary miracle whose journey from despair to hope was infinitely assisted by this small but growing band of Kentucky lawyers who have dedicated themselves so selflessly to the mission of recovery and who every day give of themselves quietly and nobly in support of the greater good. It is without question my greatest professional honor to be associated with them. I will be forever indebted to KYLAP for introducing me to recovery's greatest gift: hope.