



NO ONE MAKES IT OUT UNSCATHED :

*The Effects of Personal Trauma, Stress
and Burnout on Our Lives*

Presented By:

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Lawyers Concerned for Lawyers of PA

THE
PROBLEMS



Lawyers were at an increased risk to develop alcohol, substance use and mental health disorders prior to COVID-19 related issues.



ABA / Hazelden- Betty Ford Study


(Published February, 2016 *Journal of Addiction Medicine*)

Problematic Drinking*

- 6.4% of entire U.S. population
- 21% of all licensed attorneys
- 32% of all attorneys under 30 yrs. old

* Problematic drinking defined as hazardous, possible dependence





ABA / Hazelden- Betty Ford Study

(Published February, 2016 *Journal of Addiction Medicine*)

Depression, Anxiety and Stress Scale

- Depression – **28%** *of all attorneys*
- Stress – **23%** *of all attorneys*
- Anxiety – **19%** *of all attorneys*
- Higher rates among younger lawyers

Mental Health By The Numbers

A recent survey conducted by ALM Intelligence and Law.Com revealed:

- 74% feel the profession has had a *negative impact* on their mental health.
- 44% use alcohol to deal with *stress*.
- 64% feel they suffer from *anxiety*.
- 31% feel they are *depressed*.
- 62% know a colleague who is *depressed*.
- 50% know a colleague with an alcohol problem.
- 18% have contemplated *suicide* at some point in their careers.



Mental Health By The Numbers

A recent survey conducted by ALM Intelligence and Law.Com revealed:

- 65% feel they could **NOT** take an extended leave from employment to tend to mental health issues
- 77% were fearful of what the firm would think.
- 56% felt they had too much work to take a extended leave.





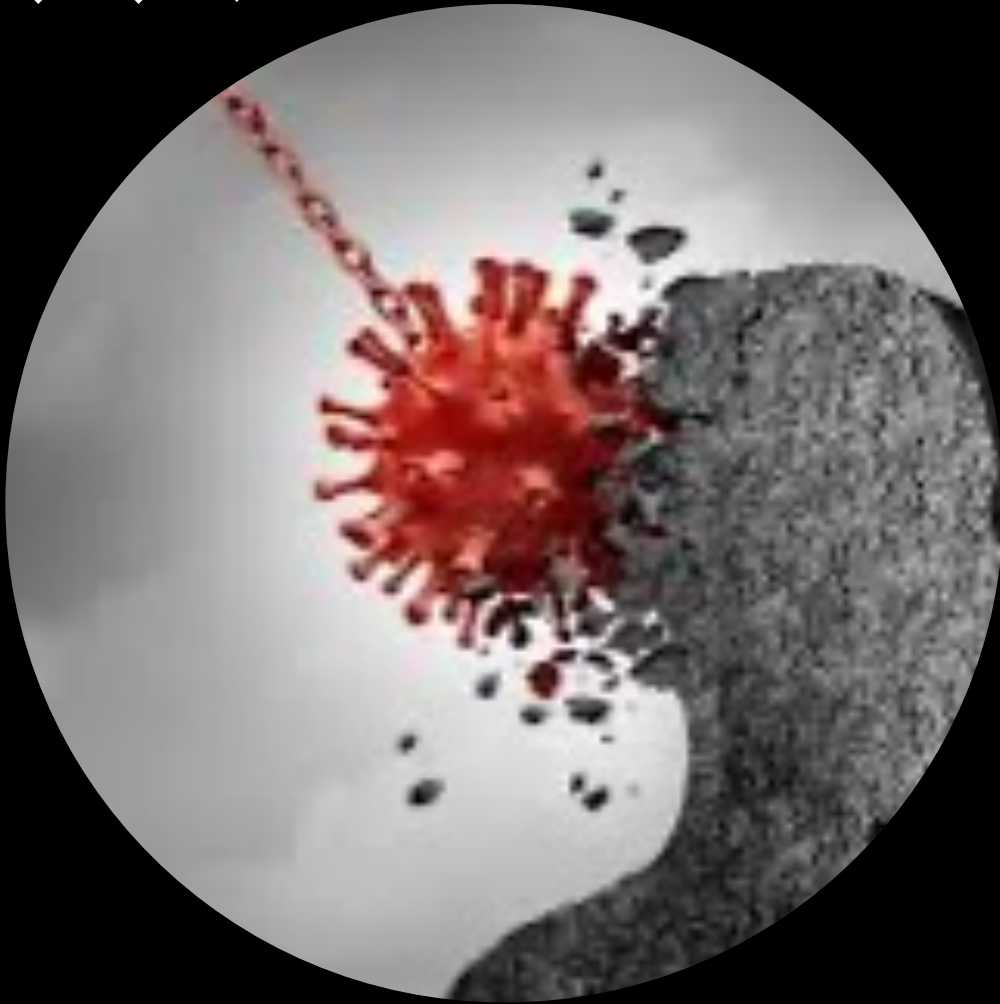
Pandemic impact....

Isolation/
lack of social/work connection

Fear of staff to return to the office

Zoom fatigue

Financial impact/
Domestic issues/child concerns



What Causes Depression ?



Depression has many possible causes, including faulty mood regulation by the brain, genetic vulnerability, stressful life events, medications, and medical problems. It's believed that several of these forces interact to bring on depression.

“AM I DEPRESSED ?”

Flat, apathetic, sad,
and/or irritable mood
most days

Decreased pleasure
and/or loss of interest

Feelings of
worthlessness,
excessive/inappropriate
guilt

Feelings of helplessness,
hopelessness

Recurrent thoughts of
death or suicide

Increased use of
substances to cope (i.e.,
alcohol,

marijuana, opiates,
stimulants,
etc.) Insomnia or
hypersomnia

**Social or occupational
distress/isolation**



Social Isolation

Social isolation is the combination of solitude and loneliness, experienced by an individual for an extended period. Both the emotional and physical state feed off of one another and can create an inability to reengage with society in a meaningful way.

WHAT IS STRESS ?

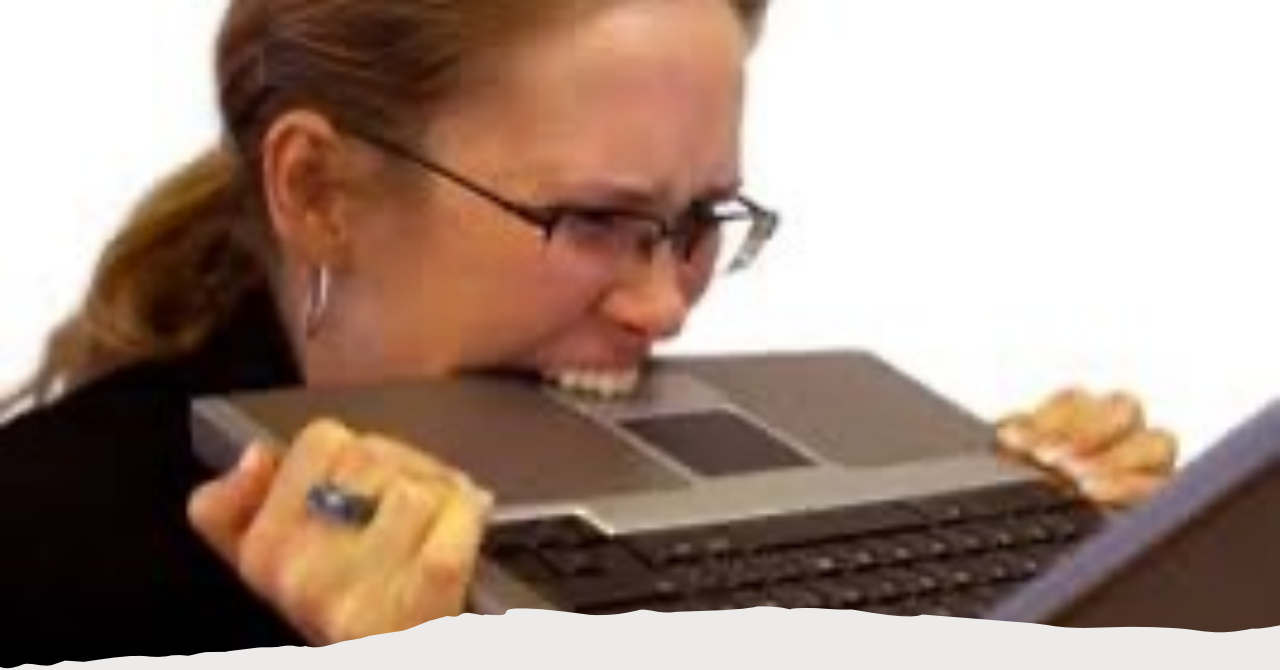
Psychological stress is composed of the following sequence of elements:

STIMULUS

THOUGHT

EMOTION

BEHAVIOR



The thoughts and emotions are internal and subjective – part of the way we habitually respond to things – and are *changeable*, otherwise everyone would react in the same manner to a situation.

If we cannot interrupt or change the stimulus which produces the stress, then we must interrupt or change our appraisal of it.

HOW STRESSED ARE YOU ?

- My work requires me to do too much in too little time.
- I don't have enough time to spend with my family and friends or to pursue recreational and social activities.
- Competition is making it difficult to make a living.
- The people at my law firm or department lack collegiality – e.g., are cold, unfriendly or rude.
- My firm or department is mismanaged – e.g., not enough good clerical help, compensation or procedures are unfair.

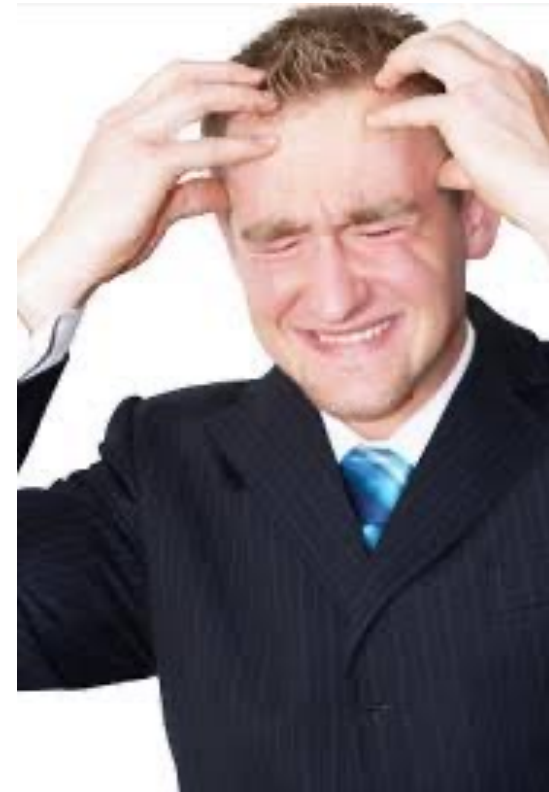
HOW STRESSED ARE YOU ?

- My firm or department is too focused on profit.
- The physical environment is unpleasant.
- My work bores me.
- I'm not good at what I do.
- I'm not making a positive contribution to society/ lives of others.
- What I am doing doesn't deserve respect /get enough respect.
- I deal with too many unreasonable and difficult people.



HOW STRESSED ARE YOU ?

- I feel overly responsible for everything and everyone.
- I overanalyze things and am too cautious.
- I often feel depressed, defeated or hopeless.
- I often rely on alcohol or drugs to help me feel good.
- I think about quitting at least once a month.
- Occasionally, I think about suicide.



STRESS or DISTRESS ?

- Some stress is healthy. Positive stressors can energize and motivate lawyers to be productive and creative problem solvers.
- A totally stress free life is not only unrealistic, it can actually be a harmful form of denial.
- We need to eliminate distress. Distress is harmful both physically and psychologically.



STRESS or DISTRESS ?

- Gradual, incremental increases in responsibilities, duties, pressures and demands at home and work combined with long workdays and weeks is risky.
- We stay busy and “stuff” our feelings.
- Even relaxing can cause us to feel distress.
- We become unaware that we have lost balance in our lives.
- REMEMBER, DISTRESSED LAWYERS EVENTUALLY LOSE THEIR EFFICIENCY AND EFFECTIVENESS !!

TRAUMA



What is Trauma ?

“Individual trauma results from an event, series of events or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has long lasting adverse effects on the individual’s functioning and mental, physical, social, emotional and spiritual well-being.”

Substance Abuse and Mental Health Services Administration a.k.a. SAMHSA

Trauma need not involve actual physical harm to oneself:

- An event or series of events that overpowers one's ability to cope
- Witness to trauma
- Learning about a loved one's trauma
- Repeated exposure to actual traumatic events (COVID ?)
and/or traumatized individuals (vicarious trauma)



TYPES OF TRAUMA

VICARIOUS- aka Secondary Traumatic Distress (e.g. lawyers, first responders)

CHILDHOOD – Adverse Childhood Events (ACE) study

CULTURAL & MASS (e.g., 9/11, COVID -19)

COMMUNITY (e.g., school shootings, COVID -19)

HISTORICAL (e.g., Holocaust, slavery, COVID -19 ?)

INTERGENERATIONAL (e.g., epigenetics and behavioral)

INTERPERSONAL (e.g., sexual assault, domestic violence)

PSYCHOLOGICAL EFFECTS OF TRAUMA

Depression
28% of Lawyers

PTSD
6% of pop.

Anxiety
61% of lawyers by
report

SUD/AUD
21% of lawyers

ADHD
12.5% of lawyers

BURNOUT



WHAT IS BURNOUT ?

- **Fatigue**, no matter how much someone rests or sleeps. An **exhaustion that runs deeper than sleep deprivation.**
- **Cynicism** about life or a feeling that **nothing a person does really matters.** Burned out people are generally **disengaged**
- A sense of **inefficacy**. Burned out people feel like they are **exerting significant effort, but are not making any progress** or gaining any recognition.
- Burnout syndrome is **not a medically recognized condition**, thus there is no clear diagnosis or treatment.

EFFECTS OF BURNOUT

- Less efficient
- Waste more time
- Self destructive tendencies
- Doing the bare minimum becomes a challenge
- Work quantity and quality declines
- Negative attitude towards those around you
- The feeling no one cares
- Unrelieved, may harden into a fixed element of your outlook
- Left unattended, can contribute to challenges to ethical duties, particularly communication and diligence

Why are Lawyers Burning Out ?

While most people experience stress in their lives, lawyers and people in the legal profession face a unique conundrum : For many, the drive and dedication that make them successful as a lawyer is also what's causing stress and burning them out !





In other words.....

Our personalities and Our Profession Put at High Risk

REMEMBER – No One Gets Out Unscathed !

- It is "normal" to be affected by your work and traumatic events.
- Recognizing this is the most important coping skill that you can give to yourself.
- It is okay to feel outraged, horrified, shocked, saddened etc.
- BUT...if overwhelmed seek help, be aware of what is going on.

USE QUICK STRESS-BUSTERS

- Pause – lean back- give your eyes a rest for a couple minutes.
- Take three deep breaths and imagine your muscles relaxing from head to toe.
- Be mindful. Focus on the immediate present. Enjoy the moment.
- Stretch. Walk around your office or go outside.
- Maintain a sense of humor about yourself.
- Vary your routine. Don't get trapped in a rut.
- Prioritize at work and home and manage your time effectively.
- **ASK FOR HELP.** Talk it out with someone you trust.

MORE QUICK STRESS-BUSTERS

- Meditate and/or pray. CONSISTENT stress reduction occurs with only 10 minutes of daily meditation
- Unplug from social media when acutely stressed.
- Exercise.
- Eat a healthy diet.
- Cultivate a positive attitude.
- Sleep 8 hours/ night when possible.
- Avoid overuse of alcohol or prescription drugs. These short term “fixes” just mask the problem and can lead to negative health and social consequences.


Why Are Legal Professionals at High Risk of Mental Health & Substance Use Disorders?

- High expectations and accountability
- Lack of work-life balance
- High stress level
- High stress levels & work-weeks >50 hrs. are consistent predictors of SUD's and their severity.
- 67% of attorneys/judges work more than 40 hours/week.
- Inherent pessimism





Lawyers who do not appropriately address their personal issues can harm their clients, destroy their own careers, damage the reputation and viability of their law firms or companies, and sometimes even lose their lives.

A woman with long dark hair, wearing a black and white striped shirt and large hoop earrings, is covering her ears with her fingers. Her eyes are closed and she has a slight smile, suggesting a state of denial or avoidance. The background is a plain, light-colored wall.

What keeps lawyers from seeking or accepting the help they so desperately need ??

- Shame and Embarrassment – STIGMA
- Denial
- Cunning, insidious nature of diseases
- Enabling

Dealing with *Denial*

- The most potent barrier
- Psychological defense mechanism
- Rationalize and minimize behavior
- Honestly believe they are under control
- I'm not one of "them" mentality





THE CONSPIRACY OF SILENCE

- Lawyers are trained to deal with and solve problems. Thus, it is most difficult for the attorney to seek help since by doing so he feels he is admitting failure.
- Complicating this problem further is the tendency of the attorney's or judge's peers to indulge in a conspiracy of silence (enabling) and lighten the normal stresses of our profession.



ENABLING

- Removes motivation to change
- Provides evidence that fuels denial
- Allows cons of treatment to outweigh pros
- PREVENTS treatment of a progressive disease
- Greater harm to career, family and well being
- Not good for YOU either !!

What can YOU do ??



Although it is difficult, remember that your end goal is to help motivate the impaired lawyer or judge to seek professional help they so desperately need.

To Call LAP...or Not to Call

- I'm ok. I can work this out for myself.
- I'm not like a "real" alcoholic anyway.
- I want help but I don't want anyone to know.
- Will I be reported to Discipline?
- I already tried to get help and it didn't work.
- I don't have the money to pay for treatment.
- What will people say about me if I ask for help?
- It's no use – nobody will understand – I give up!



To Call LAP...or Not to Call

- Is this really any of my business?
- I want to help but I don't want to get involved.
- Will I harm his/her or the firm's reputation?
- Must I report him or her to Discipline?
- I already tried to help and it didn't work.
- Let's wait and see. Maybe it will get better.
- I really don't have time for someone else's problems.



What Is a LAP ?

Our mission:

The mission of the State Bar of California Lawyer Assistance Program is to support law students, State Bar applicants, inactive, active, and former/disbarred attorneys in their rehabilitation and competent practice of law, enhance public protection, and maintain the integrity of the legal profession.

We Protect Your Identity and Information

LAP's do **not** report or disclose any identifying information to any Court, the Office of Chief Trial Counsel, the Office of Admissions or any other agency of the Court; nor do we report or disclose any identifying information to State or local Bar Associations or any judicial or law related organization. We do not report any identifying information to anyone without your prior consent.

You may remain anonymous and still receive LAP services.

CONSULT YOUR STATE'S RULES OF PROF. CONDUCT

Call the
Lawyers
Assistance
Program
in YOUR State

Directory of Lawyers Assistance Programs by State

- https://www.americanbar.org/groups/lawyer_assistance/resources/lap_programs_by_state.html

California State Bar Lawyers Assistance Program

- <https://www.calbar.ca.gov/Portals/0/documents/ConsumerInformation/Lawyer-Assistance-Program-Pamphlet.pdf>

TOLL FREE:

877-LAP-4-HELP 877-527-4435 213-765-1190

LAP@calbar.ca.gov www.calbar.ca.gov/LAP

California State Bar Lawyers Assistance Program

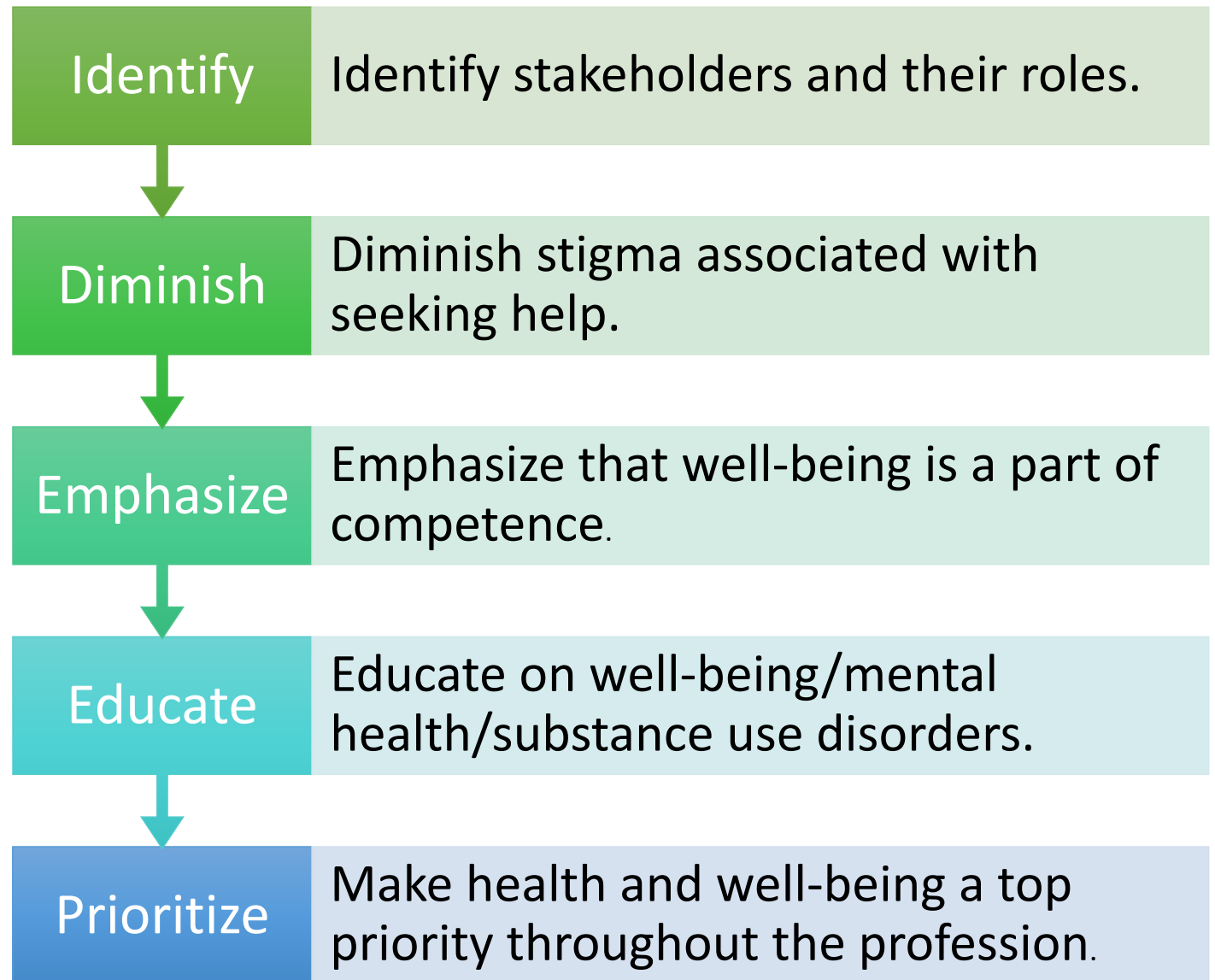
LOCATIONS:

- 180 Howard Street San Francisco, CA 94105
- 865 South Figueroa Street Los Angeles, CA 90017

RESOURCES:

- <https://calawyers.org/health-and-wellness/>
- <https://otherbar.org/> Confidential Peer Support
- https://www.americanbar.org/groups/lawyer_assistance/resources/covid-19--mental-health-resources/

Five Core Steps for a Sustainable Culture in the Legal Profession:



Brian's Big Five



- Express Gratitude for what you have
- Create 1 hour a day to think and relax
- Do one thing you love to do every day
- Set clear and realistic goals
- Let go of Fear



**Remember, every month, every day,
every *moment* is the opportunity
to live a new cycle— we don't have to
wait until a new year to start a cycle!
Being a healthy lawyer is *part* of being
a good lawyer.**

2022



Thank you all for attending today's Continuing Legal Education program. If you have any questions that were not answered or would like to contact me for any reason, please call or email me at the following:

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LAWYERS CONCERNED FOR LAWYERS of PA, INC.

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APPENDIX and Additional Resources

Here are some suggestions for you as well as some great resources that are available and are kept constantly updated.

PLEASE TAKE THE TIME TO LOOK AT THEM !!

They work – They really DO !!

So.....what are we going to do ?





impossible

Set *REALISTIC*
Goals for Yourself

“The key is not to prioritize what's on your schedule, **but to schedule your priorities.**”

- Stephen Covey



Prioritize your day

- Step back and look at your “to-do” list.
- How many are critical and MUST be done that day.
- What are you working to achieve ?
- Create a plan that will work toward your objective.
- THEN schedule your priorities
- DON'T have 10 things on your list – focus on 3 or 4 !





SET BOUNDARIES

Boundaries: Disconnect

- Turn off notifications.
- Do not charge your phone beside bed.
- Do not keep phone with you during meals, exercise, or social activities.
- Read a book or magazine rather than your phone or tablet.
- Get away from your PC to do some work, take healthy breaks from the screen, and don't take the laptop with you on weekends or vacations.



Boundaries: Set Limits

- Check email x times per day at designated times (and let clients and colleagues know/expect that).
- Limit Social Media to 10 minutes per platform per day, Use a timer (Hunt et. al, 2018).
- Monitor your use (use monitoring apps, check Screen Time on iPhone, etc.).
- Use Do Not Disturb.



Meditation/Mindfulness

- Key to being truly present/not projecting
- Key to identifying our TRUE feelings
- Acknowledge feelings but don't attach (mountain/clouds)
- Breathing meditation
- Reduces "mental chatter"
- Helps eliminate the "what if's"
- Normal for us all to feel WAVES of emotion now





Incredible Resources to Combat Loneliness...

“[R]esearch suggests that loneliness has a comparable effect on health as smoking cigarettes daily and is worse than being obese or sedentary.”

<https://www.scientificamerican.com/article/to-combat-loneliness-promote-social-health1/>

- *Managing Loneliness: Ask and Act*

<https://static1.squarespace.com/static/5da1e1683b1ad128da8c7b34/t/5f9af351fbae4b3534007fd8/1603990353354/Reducing+Loneliness+Ask+and+Act+Worksheet+6+2020.pdf>

- *Well-Being Week In Law Activity Planning Guide*

<https://lawyerwellbeing.net/wp-content/uploads/2021/04/Loneliness+2021.pdf>

- *Olivia Ash, Attorney/Well-Being Coach/
Professor/Artist/Extraordinary Inspiring Soul*

<https://www.livbalanced.net/loneliness>

National Task Force on Lawyer Well-Being Recommendations

**"The Path to Lawyer Well-Being:
Practical Recommendations For Positive Change"**

<http://lawyerwellbeing.net/wp-content/uploads/2017/11/Lawyer-Wellbeing-Report.pdf>

How to Join the National Well-Being MOVEMENT

“WELL-BEING TOOLKIT FOR LAWYERS AND LEGAL EMPLOYERS”

Created By Anne M. Brafford For Use By The American Bar Association

https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/lis_colap_well-being_toolkit_for_lawyers_legal_employers.authcheckdam.pdf

“Well-Being Toolkit Nutshell: 80 Tips For Lawyer Thriving”

https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/lis_colap_Well-Being_Toolkit_Flier_Nutshell.authcheckdam.pdf

Additional Resources

“Need a helping hand? Here’s what a lawyers assistance program can do for you” http://www.abajournal.com/news/article/podcast_monthly_episode_97

“What Are Partners’ Duties When a Colleague is Impaired? Draft Opinion Calls for These Steps” http://www.abajournal.com/news/article/what_are_partners_duties_when_a_colleague_is_impaired_draft_opinion_calls_for_these_steps/?utm_source=maestro&utm_medium=email&utm_campaign=weekly_email