



The **BURNED OUT** Lawyer

Recognition and Prevention
Strategies in the Post- COVID World

Presented by :

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Education and Outreach Coordinator

Lawyers Concerned for Lawyers of PA



What Is a LAP ?

The State Bar's Lawyer Assistance Program (LAP) helps attorneys (active, inactive, or disbarred), State Bar applicants, and law students who are struggling with stress, anxiety, depression, substance use issues, or personal and career concerns.

We strive to support legal professionals in achieving their optimum level of practice while enhancing public protection and helping to maintain the integrity of the profession.

The program provides both voluntary confidential services and monitored services as needed.

About Confidentiality

We know that it is often difficult to reach out for help during the hard times, especially if it's about a private matter. Rest assured, we promise confidentiality—we release no information about your participation in the program without your knowledge or consent. Participation is confidential as mandated by Business and Professions Code section 6234.

Per Business & Professions Code section 6234, any information obtained by the LAP is confidential and cannot be disclosed as part of a civil proceeding, a *disciplinary proceeding*, or a public records request.

California Lawyer Assistance Program

- The State Bar's Lawyer Assistance Program (LAP) helps attorneys (active, inactive, or disbarred), State Bar applicants, and law students who are struggling with stress, anxiety, depression, substance use issues, or personal and career concerns.
- We strive to support legal professionals in achieving their optimum level of practice while enhancing public protection and helping to maintain the integrity of the profession.
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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/



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*.
- **74%** feel their *work environment* contributes negatively to their well being.
- **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:

- 36% use all of their vacation time.
- *44% report isolation issues*
- 35% do not feel safe discussing their mental health at work.
- 36% feel the billable hour has a *major* effect on stress level.
- **62%** know a colleague who is *depressed*.
- **50%** know a colleague with an alcohol problem.



Mental Health By The Numbers

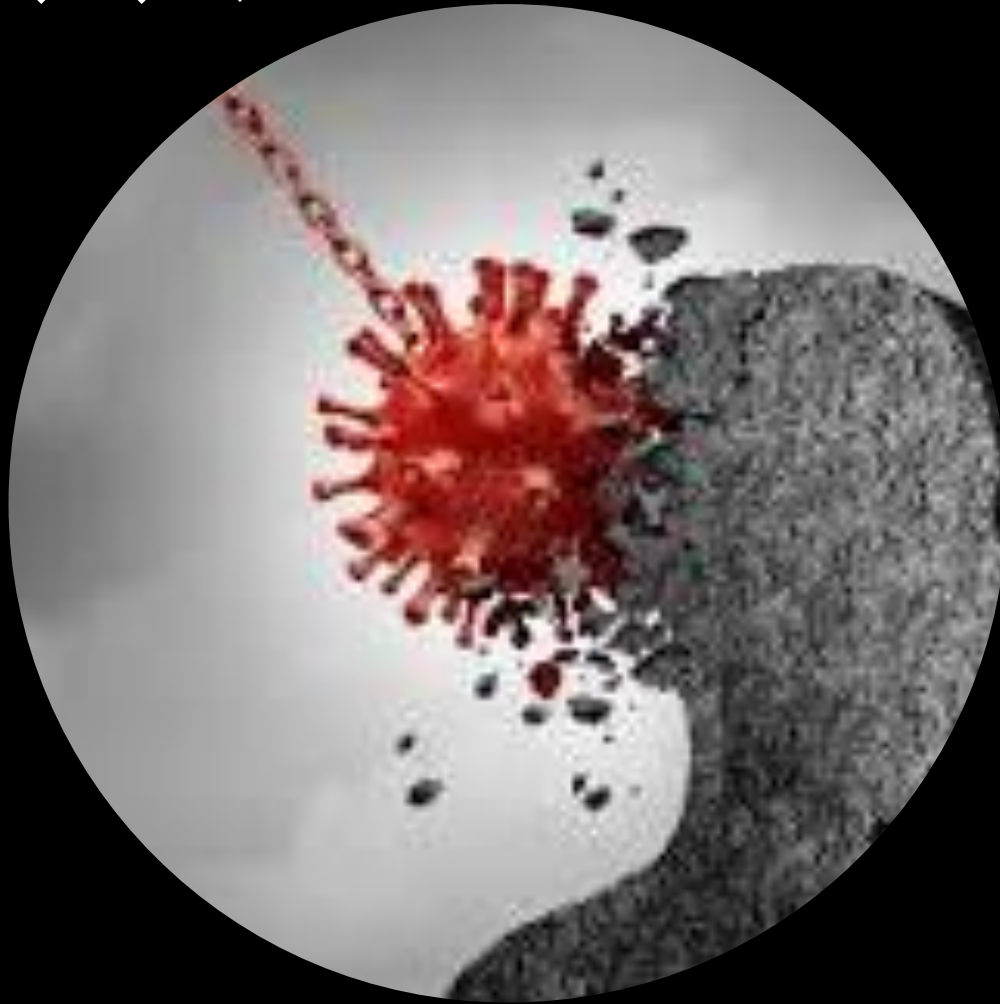
A recent survey conducted by ALM Intelligence and Law,Com revealed:

- 65% feel they could NOT take an extended leave from employment to tend to mental health issues.
- 78% felt an extended leave would hurt career trajectory.
- 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/anxiety of death moving forward

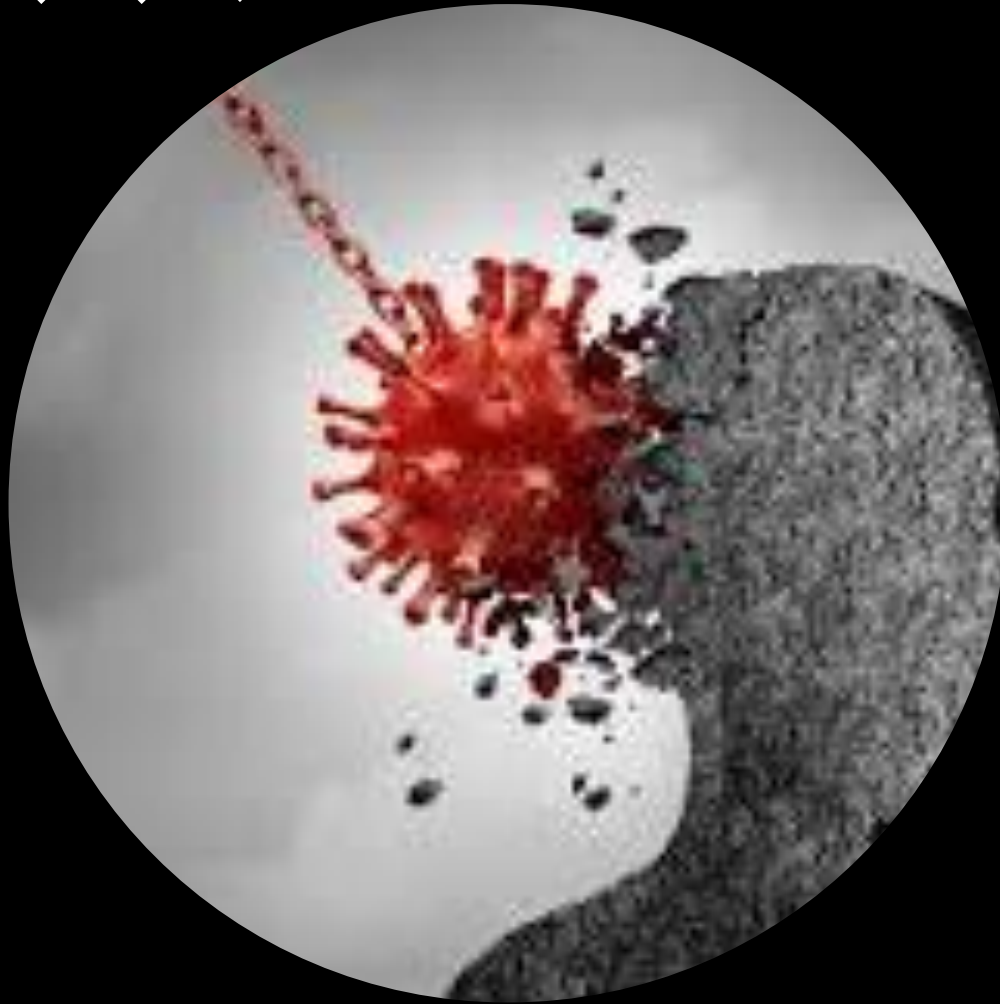
Zoom fatigue

Financial impact





Pandemic impact....



Fear of staff to return to the office

Domestic issues/child concerns

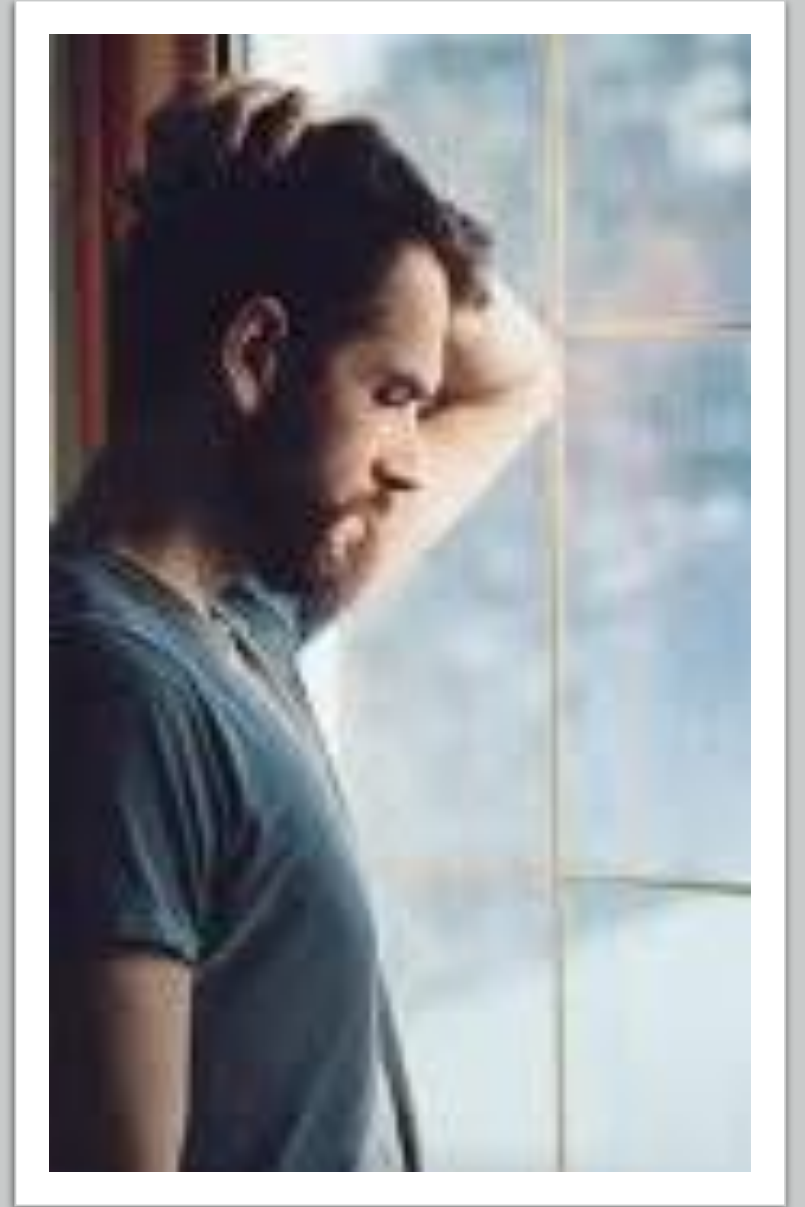
Difficulty transitioning "back"

Impact will be absorbed for YEARS



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.





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>

WHAT IS STRESS ?

Psychological stress is composed of the following sequence of elements:

STIMULUS

THOUGHT

EMOTION

BEHAVIOR

WHAT IS STRESS ?

The central nervous system perceives a dangerous situation (*stimulus*) and then immediately begins to make appraisals which are **unconscious and internal**.

Once we become aware of our *thoughts*, we make **conscious** judgments in other sensory forms (visual, auditory) which are **external**.

As the central nervous system recognizes the dangerous situation we immediately experience “**sympathetic**” bodily responses – increase heart rate, sweating, faster breathing.

The internal and external appraisals combine to produce an **emotion** (fear in this case)

The emotion pushes the body to react (**behave**) externally



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 !!

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.



WHAT IS BURNOUT ?

- Constant anxiety
- Feeling overwhelmed
- Changes in personality
- Irritability
- Pessimism
- Obsessive thoughts
- Feelings of inadequacy and dread

WHAT IS BURNOUT ?

- Sleep disturbances
- Difficulty concentrating
- Fatigue
- Disengagement
- Depression
- Sense of helplessness
- Lost or diminished motivation
- Heart palpitations.



Depression vs. Burnout- Similarities

- Withdrawal/Fatigue/Insomnia
- Hopelessness/Disinterest
- Recurring thoughts of death can also occur with both, usually with the most severe cases of burnout. Burnout sufferers also feel self-doubt and failure.



Depression vs. Burnout- Differences

- Burnout is just induced by severe stress.
- Depression is a behavioral disorder affecting one's mood.
- Depressed person is extremely sad.
- Burned out person is exhausted to the point of inability to carry out activities of daily life.



STRESS vs. BURNOUT

- Stress is short-term, with an end in sight.
- Burnout is stress built up over time that creates a cycle of negative emotions and withdrawal.
- Stress may have positive short-term effects - think “fight or flight”.
- Burnout is only negative—it overwhelms you, drawing you deeper and deeper into exhaustion.

STRESS vs. BURNOUT

Stress

You put in too much effort

Emotions are strong

Causes hyperactivity

Less energy

Can lead to anxiety

Physical consequences

Higher chances of early death

Burnout

Little or no input

Emotions flatten out

Causes a helpless feeling

Less motivation and hope

Can lead to depression

Emotional consequences

Higher chances of hopelessness

EFFECTS OF BURNOUT

- Less efficient
- Waste more time
- 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 us
at High Risk



Compassion Fatigue

Compassion fatigue (CF) is **stress resulting from exposure to a traumatized individual**. CF has been described as the convergence of secondary traumatic stress (STS) and cumulative burnout (BO), a state of physical and mental exhaustion caused by a depleted ability to cope with one's everyday environment.





Common Warning Signs (You're Close)

1. You're exhausted
2. You feel detached
3. You can't focus or concentrate
4. You're self medicating
5. You lack work-life balance
6. Your relationships are strained
7. You feel "stuck"
8. You always feel stressed

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





impossible

Set *REALISTIC*
Goals for Yourself

Set Realistic Goals

Focus on things you CAN control

Lawyers already have control issues. As long as we're focusing on questions with unknowable answers and circumstances outside of our personal control, this strategy will get us nowhere other than **drained, anxious and overwhelmed !**





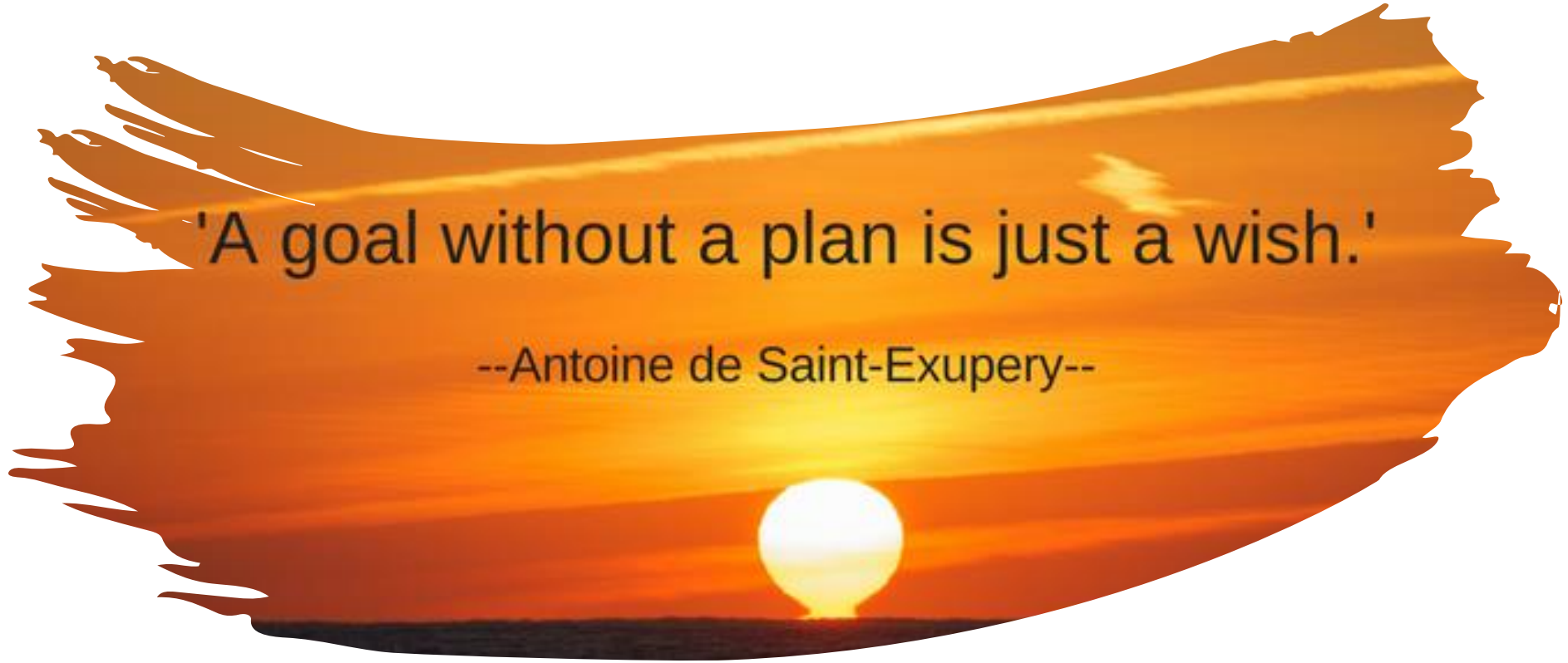
WOOP it up in 2023!!
(AND 2024 !!!)

- **Wish** – identifying a wish or goal you want to achieve
- **Outcome** – mentally imagine one positive outcome and one
- **Obstacle** that stands in the way
- **Plan** for how you can get around that obstacle

Remember.....

'A goal without a plan is just a wish.'

--Antoine de Saint-Exupery--



“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 !

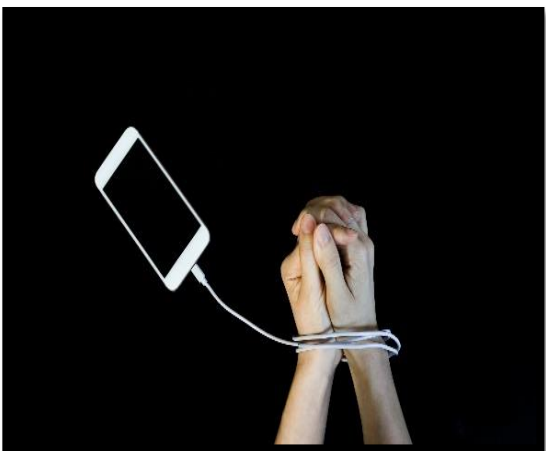


USE QUICK STRESS-BUSTERS

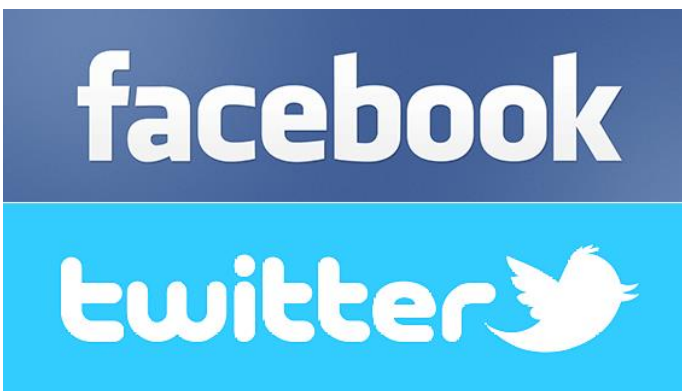
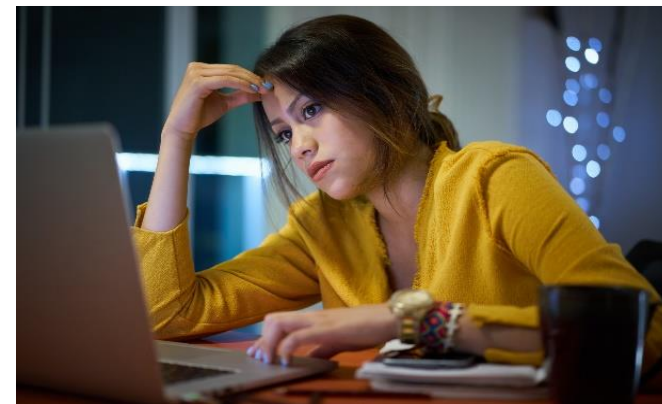
- Pause – lean back- give your eyes a rest for a couple minutes.
- Take three deep breaths and imagine your muscles relaxing from head to toe.
- Be mindful. Focus on the immediate present. Enjoy the moment.
- Stretch. Walk around your office or go outside.
- Maintain a sense of humor about yourself.
- 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.



SET BOUNDARIES



Disconnect



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.



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.

Nine Steps for Beating Burnout

1. Do not isolate
2. Declutter!
3. Take a *real* vacation.
4. Connect to a greater life purpose.
5. Gratitude.
6. Understand perfectionism vs. excellence
7. Create new experiences and cultivate new skills.
8. Treat yourself like a good friend who needs a break.
9. **REMEMBER – DON'T OVERDO IT !! BE REALISTIC !!**



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

- Conflict driven and adversarial profession
- Emotional detachment
- Win-lose, often rigid thinking (black and white thinking)
- Perfectionism
- Excessive self-reliance

These traits are great for a successful career but not so great for mental health.

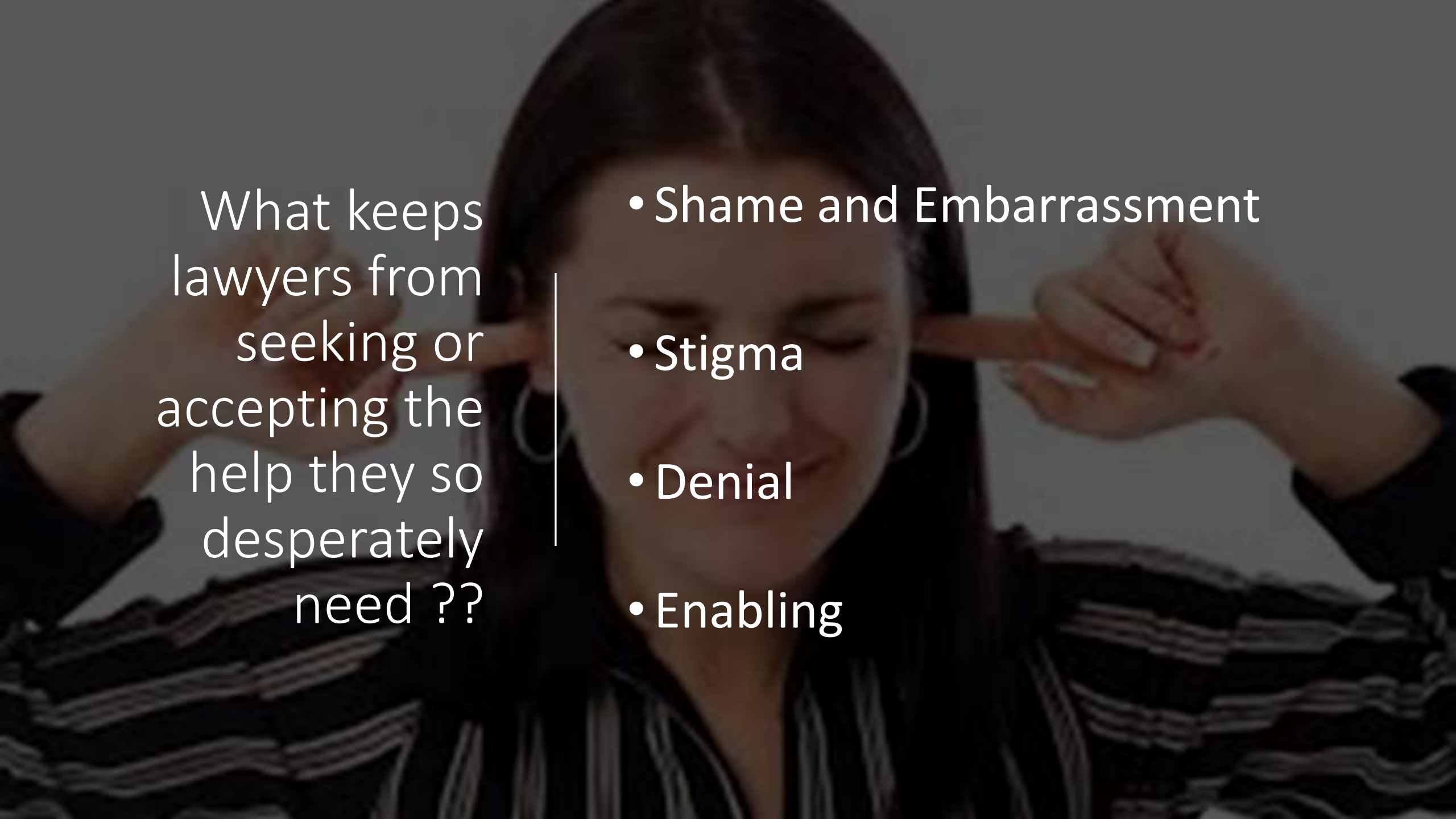
Why Are Legal Professionals at High Risk of Mental Health & Substance Use Disorders?

- 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, and sometimes even lose their lives.

A woman with long dark hair, wearing a black and white striped shirt, is covering her ears with both hands. Her eyes are closed, and she has a slight smile, suggesting a state of denial or avoidance. The background is a plain, light color.

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

- Shame and Embarrassment
- Stigma
- Denial
- 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 ??

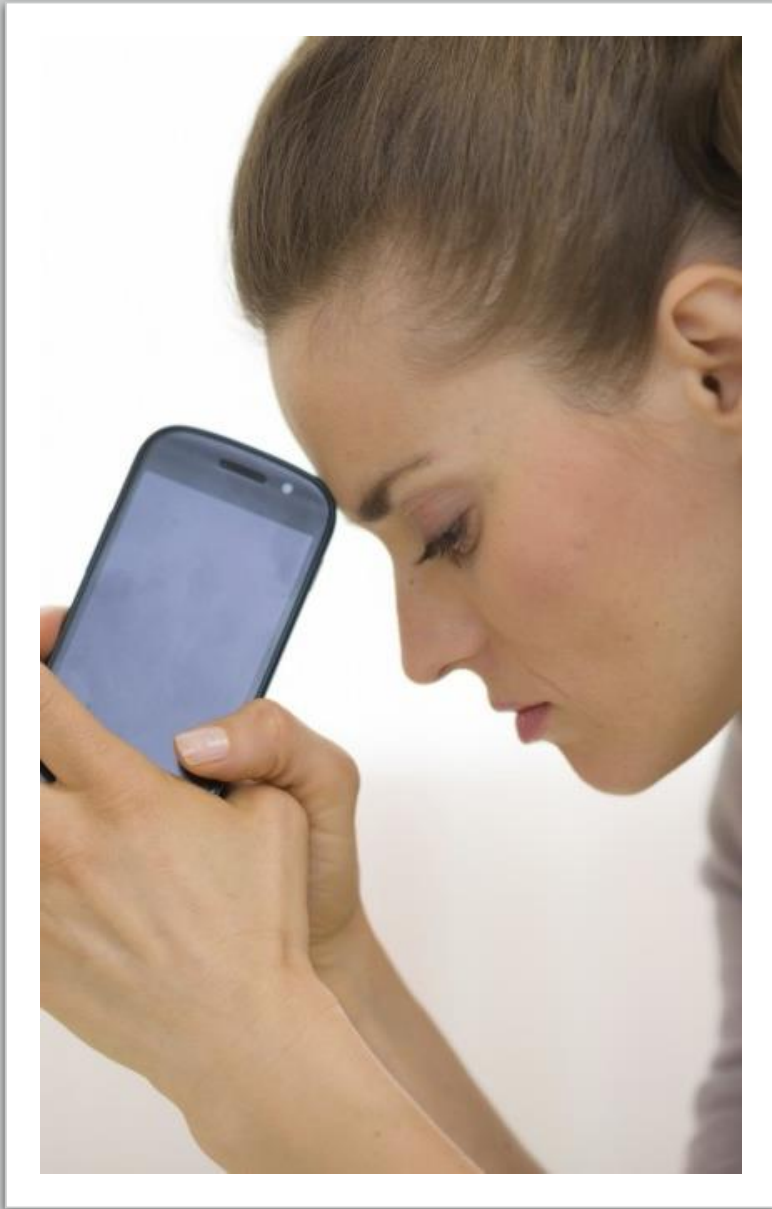


Although it is difficult, remember that your end goal is to help motivate the impaired lawyer or judge to seek professional help they so desperately need.

What Is A LAP ?

Our mission:

To provide a caring peer assistance program to save the lives and restore the health and professional competence of lawyers, members of their families, judges and law students who are at risk as a result of alcohol and drug use, gambling, depression or other serious mental illness. We carry out this mission through a combination of confidential helpline services, volunteer support and education.

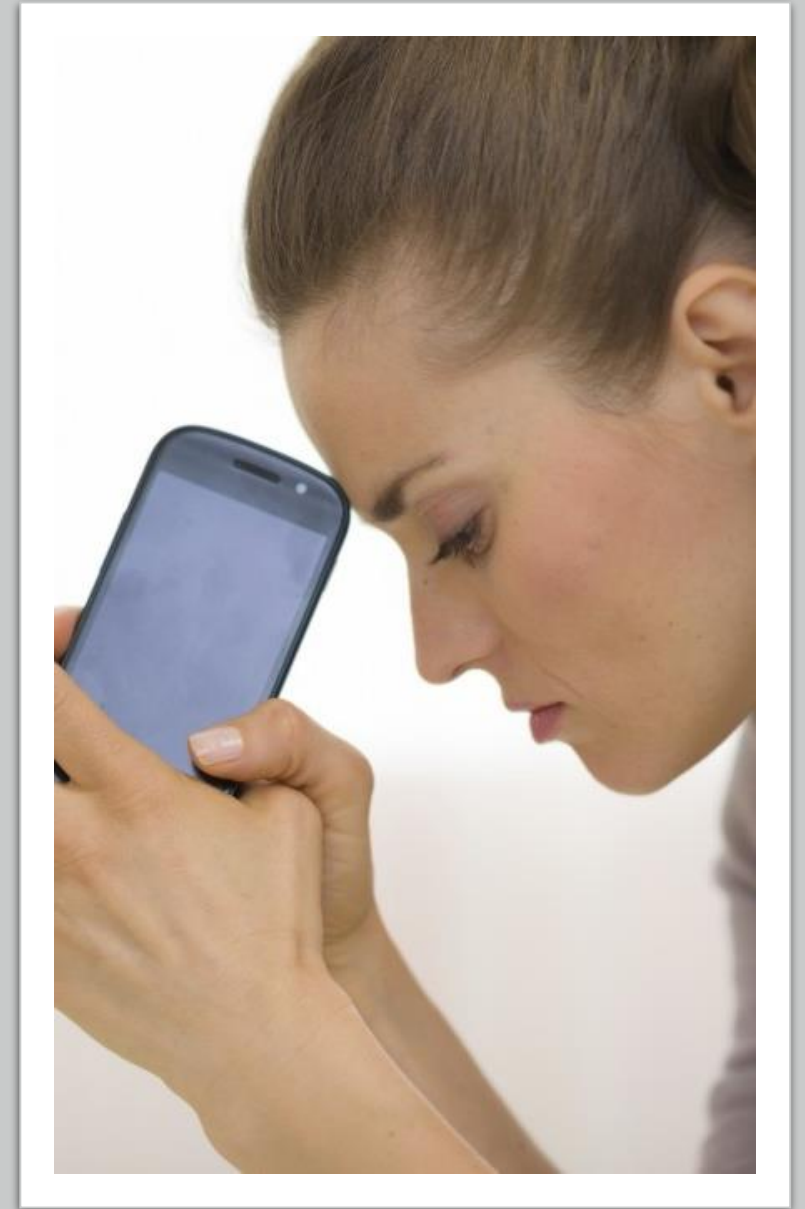


To Call LAP...or Not to Call

- 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.



We Protect Your Identity and Information

LAP's do **not*** report or disclose any identifying information to any Court, Judicial Conduct Board, Disciplinary Board, Board of Law Examiners 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**

GUIDANCE FROM THE COURT

MOST* Rules of Professional Conduct address that concern by providing an exception to the duty to report. See ABA Model Rule 8.3(c): “The Rule does not require disclosure of information otherwise protected by Rule or information gained by a lawyer or judge while participating in an approved lawyers assistance program.”

Providing for an exception ... encourages lawyers and judges to seek treatment through such a program. Conversely, without such an exception, lawyers and judges may hesitate to seek assistance from these programs, which may then result in additional harm to their professional careers and additional injury to the welfare of clients and to the public.” (emphasis added)

*Check the Rules of Professional Conduct for your state

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

1. Identify stakeholders and their roles.
2. Diminish stigma associated with seeking help.
3. Emphasize that well-being is a part of competence.
4. Educate on well-being/mental health/substance use disorders.
5. Make health and well-being a top priority throughout the profession.
6. Develop a “you are not alone” culture.



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.

2023



The Burned Out
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Strategies In
The Post-COVID
World

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 **confidentially** at the following:

Brian S. Quinn, Esq., Education and Outreach Coordinator

LAWYERS CONCERNED FOR LAWYERS of PA, INC.

(717) 460-3385

brian@lclpa.org

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

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