



*Legal Professionals at Risk -
Detection, Prevention and
The Conspiracy of Silence*

Legal Professionals at Risk- Detection, Prevention and the Conspiracy of Silence

Presented by Brian S. Quinn, Esquire
Lawyers Concerned for Lawyers of PA, Inc.

Brian S. Quinn, Esquire is a licensed attorney in Pennsylvania who currently serves as the Education and Outreach Coordinator for Lawyers Concerned for Lawyers of Pennsylvania, Inc., a Lawyers Assistance Program established in 1988 for the purpose of helping lawyers, judges and law students recover from alcoholism, drug addiction and mental health disorders.

Mr. Quinn obtained his undergraduate degree in 1970, his law degree in 1973 and a certificate in Drug and Alcohol counselling in 2012, from Villanova University. Prior to his role with Lawyers Concerned for Lawyers, he was a private practitioner for over 40 years and has also worked in the field of Alcohol and Drug Counseling in suburban Philadelphia.

Mr. Quinn has written articles and made presentations on lawyer wellness to law firms, state and local bar associations, professional groups and CLE providers on both a national and international level.

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.

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

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/

Duty to Report Misconduct

8.3(a) A lawyer shall, without undue delay, inform the State Bar, or a tribunal* with jurisdiction to investigate or act upon such misconduct, when the lawyer knows* of credible evidence that another lawyer has committed a criminal act or has engaged in conduct involving dishonesty, fraud,* deceit, or reckless or intentional misrepresentation or misappropriation of funds or property that raises a substantial* question as to that lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.

Guidance From the Court

(d) This rule does not require or authorize disclosure of information gained by a lawyer while participating in a substance use or mental health program, or require disclosure of information protected by Business and Professions Code section 6068, subdivision (e) and rules 1.6 and 1.8.2; mediation confidentiality; the lawyerclient privilege; other applicable privileges; or by other rules or laws, including information that is confidential under Business and Professions Code section 6234.

About Confidentiality

CALIFORNIA

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.

THE PROBLEMS



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



Major Problems for Professionals:

Stress / Anxiety

Depression

Burnout / Secondary Trauma

Alcohol / Substance Use

Compassion Fatigue

Gambling and other process addictions



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*.
- **44% have been impacted by isolation**
- 74% feel their *work environment* contributes negatively to their well being.
- **19%** 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.
- 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.



Quarantine Impact on Mental Health

- In a study of 129 participants during quarantine, 28.9% had symptoms of PTSD and 31% had symptoms of depression.
- 24 studies documented that quarantined people developed symptoms of low mood, anxiety, and depressive disorders.
- 1/3 of Americans reported Coronavirus has had a serious impact on their mental well-being.
- 60% feel the virus has seriously hurt their daily lives



Aloneness

Solitude vs. Loneliness

Solitude

- The *physical* state of being alone
- Need not be a permanent experience
- Balance between solitude & togetherness
- Develop an “I’m not alone” mentality



Aloneness

Solitude vs. Loneliness

Loneliness

- The *emotional* state of being alone
- Response to perceived isolation
- Belief that no one understands our circumstances, thoughts or emotions
- More importantly, a belief that no one cares

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.



Social Isolation

Even perceived social isolation can be linked with adverse health conditions such as depression, poor sleep quality, and accelerated cognitive decline.

The issues only become more substantial when the isolation is *no longer just perceived, but immediate and ongoing.*



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 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.

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 ?

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



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

What Causes Perfectionism ?

Some believe perfectionism is driven by certain personality traits, such as fear, self –efficacy and childhood experiences.

Others believe it is our very culture that reinforces what is not a mental health condition as much as a *phenomenon created by societal expectations.*



Psychological Factors

- Generalized Anxiety Disorder
- Atelophobia – fear of imperfection
- Obsessive-Compulsive Disorder (OCD)
- Attention-Deficit/Hyperactivity Disorder



Adaptive Perfectionism

Perfectionism that is healthy and normal and relates to an intense effort that is put forth to achieve a certain goal. Adaptively perfectionistic individuals set high, but realistic standards, and don't resort to harsh self-criticism when these standards are not reached.



Maladaptive Perfectionism

- In contrast, *maladaptive* perfectionism can be characterized by perfectionism that gets in the way of leading a successful and happy life. A need to be in control of every aspect of one's life and environment.



Trauma-Centered Perfectionism

For individuals experiencing trauma-centered perfectionism, their only coping mechanism to manage feelings of self-doubt and shame that may stem from a belief of unworthiness or inadequacy is to strive for perfection.



The trauma centered perfectionist strives to conceal their perceived flaws and vulnerabilities, leaving them feeling inadequate *all the time* as they seek to quell their inner turmoil.

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





*“Balance is the key.
Balance is everything.”*



impossible

Set *REALISTIC*
Goals for Yourself

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

- Stephen Covey



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

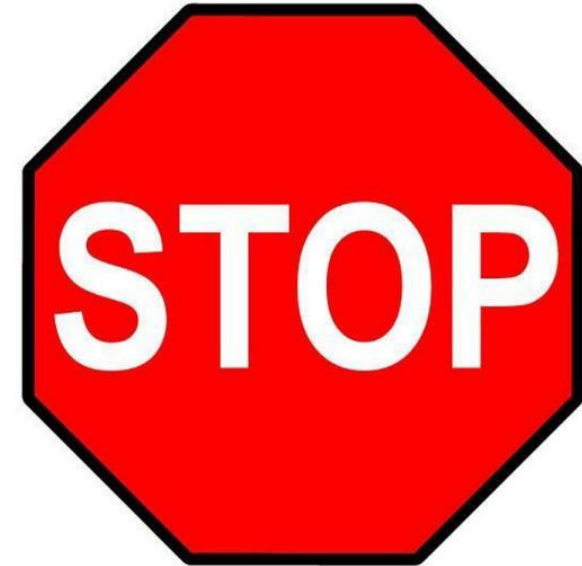


Boundaries: Disconnect

- 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.



Learn to Schedule Self-Care Time.

- 4% of your life is 1 hour per day, make that the minimum for self-care.
- Use your calendar and other technology to remind you to unplug.
- **PUT YOUR OWN OXYGEN MASK ON FIRST !!**

Gratitude

- Improves sleep
- We become more centered on others/humility
- Reduces depression
- Memorialize for reflection
- Gratitude journal
- Positive state of mind
- Directly correlated with Happiness and Peace
- Builds resiliency
- Boost productivity



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

- Always on call to solve other's problems
- Conflict driven and adversarial profession
- Emotional detachment
- Win-lose, black-white, often rigid thinking
- Perfectionism
- Excessive self-reliance



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

- High expectations and accountability
- Lack of work-life balance
- High stress levels & work-weeks >50 hrs. are consistent predictors of SUD's and their severity.
- Inherent pessimism



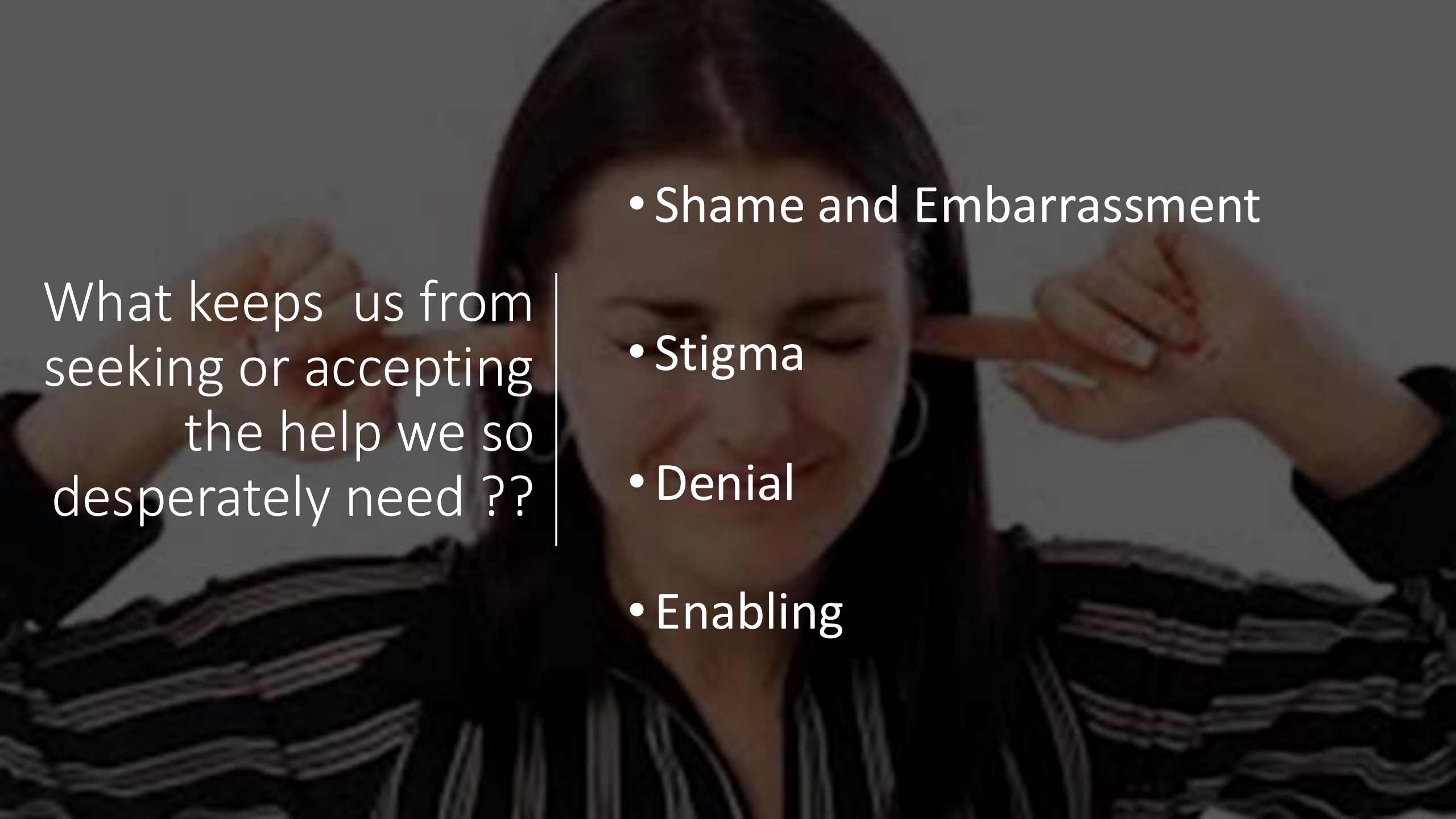
In other words.....

Our personalities and Our Profession Put at High Risk



Professionals who do not appropriately address their personal issues can harm their clients, destroy their own careers, damage the reputation and viability of their organizations, and sometimes even lose their lives.





What keeps us from
seeking or accepting
the help we 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

- Professionals 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 our 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 !!



THE CONSPIRACY OF SILENCE ENABLING

Are YOU an enabler ??

1. **RATIONALIZE** your colleague's behavior by blaming other situations ?
2. **CLEANUP** your colleague's messes ?
3. **IGNORE** new bad behaviors ?
4. **HIDE** your thoughts or feelings to avoid angering a colleague ?
5. **LIE & MAKE EXCUSES** for behavior to colleague's clients or coworkers ?

THE CONSPIRACY OF SILENCE ENABLING

Are YOU an enabler ??

6. **RESENT** your colleague because they don't seem to care ?
7. **HELP** your colleague by loaning money ?
8. **RESCUE** your colleague when impairment gets them into trouble ?
9. **BACKDOWN** from ultimatums that you know you can't meet ?
10. **GIVE A MILLION "LAST CHANCES"** to colleague for change ?

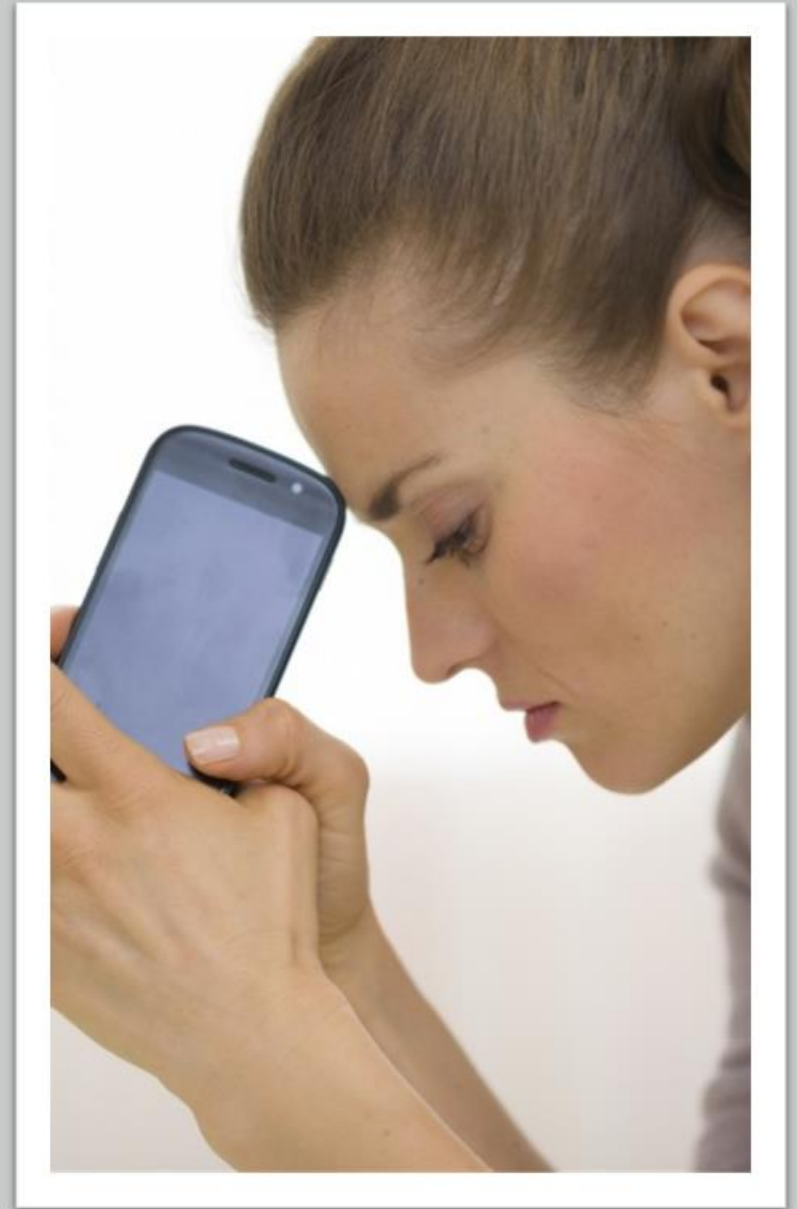


To Call LAP...or Not to Call

- 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.



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

Never give up Hope.
Help is available.

YOU ARE NOT ALONE.



***Professionals at Risk –
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Thank you all for attending today's 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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