

Lawyer Well-Being: Interrupting Stigma While Surviving & Thriving in Challenging Times

Lawyers Concerned for Lawyers

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1

Our Roadmap

- What's in it for me?
- What's "normal?"
- When should we be concerned?
- What can we do about it?
- What's stigma got to do with it?
- Who can help?



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The Whole Profession Feels the Impact.

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A continuous process in which lawyers strive for thriving in each dimension of their lives:

Cultivating personal satisfaction, growth, and enrichment in work. Financial stability.

CULTURE

Engaging in continuous learning and the pursuit of creative or intellectually challenging activities that foster ongoing development. Monitoring cognitive well-being.

Developing a sense of meaningfulness and purpose in all aspects of life.

Recognizing the importance of emotions. Developing the ability to identify and manage our own emotions to support mental health, achieve goals, and inform decision-making. Seeking help for mental health when needed.

Developing a sense of connection, belonging, and a well-developed support network while also contributing to our groups and communities.

Striving for regular physical activity, proper diet and nutrition, sufficient sleep, and rejuvenation. Minimizing the use of addictive substances. Seeking help for physical health when needed.

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Where does this come from?

The National Task Force On Lawyer Well-Being

Featuring 44 recommendations to
7 groups of stakeholders

*"...seeking to create a **MOVEMENT** towards improving
the health and well-being of the legal profession."*

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5

TASK FORCE GENESIS

- *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*
 - P.R. Krill, R. Johnson, & L. Albert, 10 J. Addiction Med. 46 (2016)
- *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*
 - J.M. Organ, D. Jaffe, K. Bender, 66 J. Legal Educ. 116 (2016)

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Three Reasons to Act Now

- 1) Organizational success—in law firms, corporations, and government entities.
- 2) Well-being influences ethics and professionalism.
 - Rule 1.1 – competence
 - Rule 1.3 – diligence
 - Rule 5.1 – supervisory responsibilities
- 3) Humanitarian reasons—untreated mental health and substance use disorders ruin lives and careers.

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What's "Normal?"

- Range of Emotions
- Working and Home
 - Limited capacity and less productivity
 - I'm on Zoom all day. I'm lonely & tired.
 - Back to school
- Working not at Home
- Grief

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Expecting the Expected

- Emotions will vacillate
- Perfection? I'm doing the best I can
- Consider the well-being components
 - What triggers you?
 - Where are you strongest?



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Stress and Fear

- Fear is part of survival
- Loss of control
 - Irregular and unpredictable
 - Potential scope
 - Potential duration
- Stigma is fear-based
- Recognize that fear can help us cope

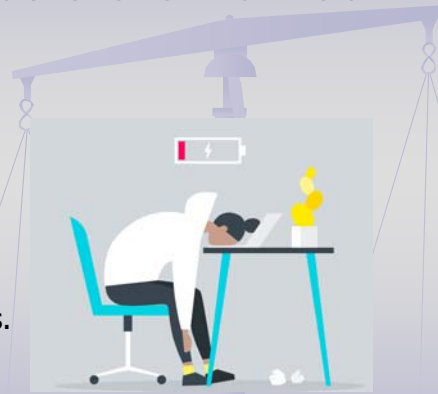
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Current Events May Exacerbate & Accelerate Burnout

Burnout is defined as the physical and emotional exhaustion that people can experience when they **feel powerless or overwhelmed** at work or in their personal lives.



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Cause for Concern

- Panic attacks
- Rumination and preoccupation
- Misplaced focus and avoidance
- Fears become irrational
- Impatience
- Anger, frustration, and acting out
- Traumatic impact

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12

Trauma

Trauma is the unique individual experience of an event, series of events, or set of circumstances:

- The individual's ability to integrate their emotional experience is overwhelmed; and
- The experience is physically or emotionally harmful or threatening and has lasting effects on the individual's functioning and physical, social, emotional, or spiritual well-being
- Direct, secondary and vicarious

That the pandemic is traumatic for everyone is a given. How each person experiences it will vary according to many factors unique to themselves.

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13

Are we getting the help we need to cope?

Are we asking for the help we
need to cope? Why not? Do we
know what to ask for?

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14

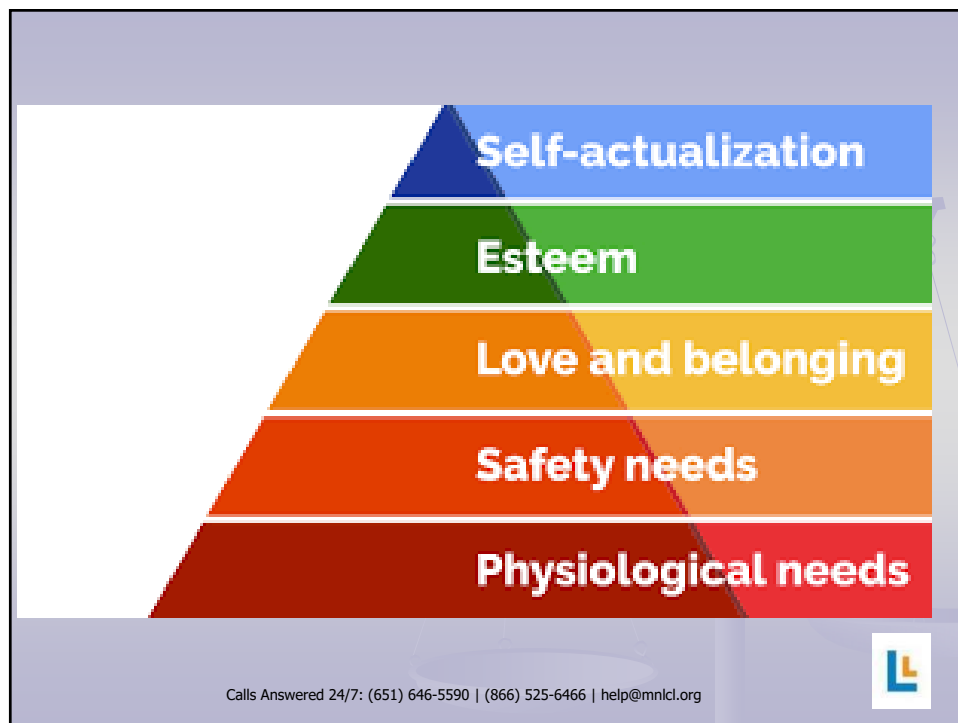
Maslow's Hierarchy of Needs

Where are we?

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General Recommendation: Facilitate, Destigmatize, and Encourage Help-Seeking Behaviors

- Take steps to minimize the stigma of mental health and substance use disorders.
- This stigma prevents lawyers from seeking help.
- Research shows that the most effective way to reduce stigma is through direct contact with someone who has personally experienced a relevant disorder.

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17

What Stigma Means

- ABA Hazelden Study found barriers to seeking help include
 - “not wanting others to find out they needed help”
 - “concerns regarding privacy or confidentiality”
- Stigma is the largest barrier to people receiving treatment
- It’s a Diversity and Inclusion Issue

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18

Addressing the Stigma

- Stigma refers to a feeling of disgrace or fear
- Experienced with mental health issue *or just stress*
- The bearer has feelings of shame and isolation
- "I'll do it myself!"
- Education can help with public stigma; personal stigma is tougher – especially for us
- What do you think of?

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Stigma

- How we visualize people
- How we talk about mental illnesses
- How we think about mental illnesses
- How we treat people with mental illnesses

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20

Stigma

- Isolation - No get-well cards
- Shame
- Negative attitudes
- Stereotypes
- Prejudice
- Misunderstanding
- Discrimination
- Indignity
- Hopelessness

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21

Challenges

- Anxiety
- Depression
- Substance Use

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22

Lawyer Study – Mental Health

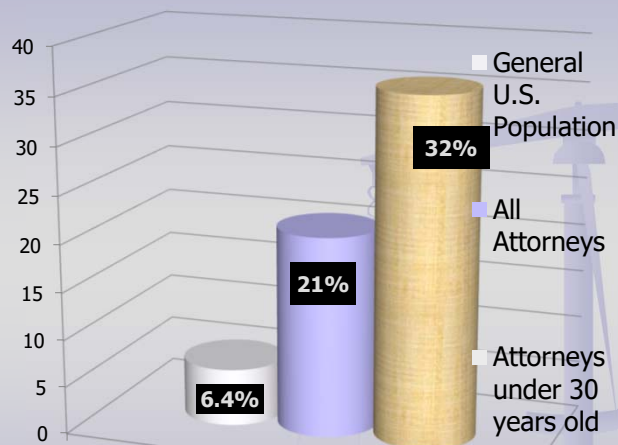
- 28% depression
- 19% severe anxiety
- 11.5% suicidal thoughts during career

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23

ABA Lawyer Study



"Problematic Drinking" = hazardous, possible dependence

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Anxiety

- Persistent anxiety threatens coping
- Overwhelmed
- Inability to complete regular tasks
- Preoccupation

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Depression

- Changes in normally pleasurable activities
- Inability to concentrate
- Inertia and paralysis
- Mood and temperament

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26

Identifying Substance Use Issues

Personal

- Appearance
- Isolation/Withdrawal
- Distorts Truth
- Financial Concerns
- Social behavior
- Smell of alcohol

Professional

- Attendance
- Productivity
- Procrastination
- Excuses
- Staff morale

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27

Substance Use

- Isolation as a trigger
- Recovery principles will help

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28

Recovery & The Pandemic

Substance Use Disorder

- Invisible potentially lethal illness
- Can have SUD with no external signs or symptoms
- Powerless
- Isolation / Loneliness / Inpatient Treatment or Detox

Coronavirus

- Microscopic potentially lethal virus
- Can have virus with no signs or symptoms
- Powerless / no natural defenses
- Isolation / Loneliness / Quarantine

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29

Applying Recovery Principles to the Pandemic

1. Today, this moment, is all we truly have. Live it. Don't dwell on the past or obsess about the future. Learn from the past, plan for the future, but *live in today*.
2. Be kind to yourself. Don't "should" yourself.
3. Get adequate sleep
4. Human connection is **essential**
5. Establish and maintain a routine or schedule
6. Eat foods that fuel your body in a healthy way
7. Practice gratitude
8. Serve others
9. Move your body. Movement is medicine.
10. Seek progress, not perfection

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Interrupting Bias

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Double Stigma

- Those subject to implicit or explicit bias, anticipated or actual, experience greater stress
- Stress predicts mental health issues
- Legal profession expectations of majority and other attorneys differ. No second chances.

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32

Making a Change

- Be openly supportive of those working to support well-being
- Do not support jokes or comments about colleagues being weak, etc.
- Develop a good understanding of the potential for unconscious bias and be alert
- Think of your language
- Notice and interrupt

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33

Changing Our Language

- Addict
- Substance Abuse
- Clean
- Dirty Screen
- Relapse
- Crazy
- Person with a Substance Use Disorder
- Substance Use
- Abstinent
- Testing Positive
- Recurrence
- Person with a Mental Illness

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34

What Do You Think?

- What impact do your decisions have on decision making?
- Think about your own comfort and discomfort when communicating.
- Be aware of the comfort/discomfort of others.
- Be open to feedback.

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35

Our Roadmap for Resilience

- Mindfulness
- Meaningfulness
- Connections
- Boundaries
- Perspective
- Gratitude
- Vulnerability

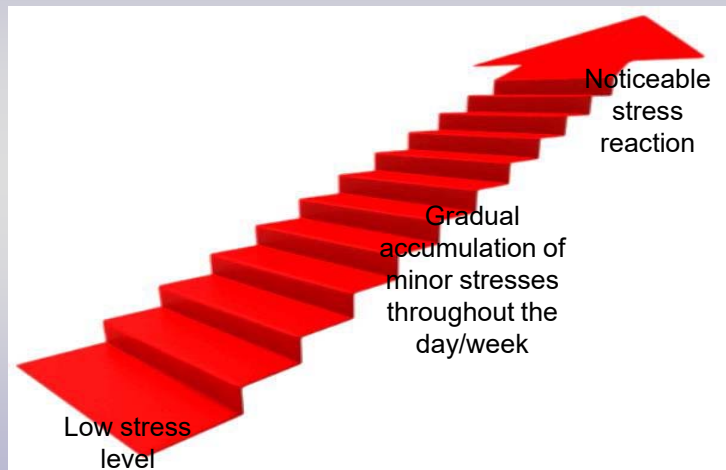


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36

Incremental Buildup of Stress

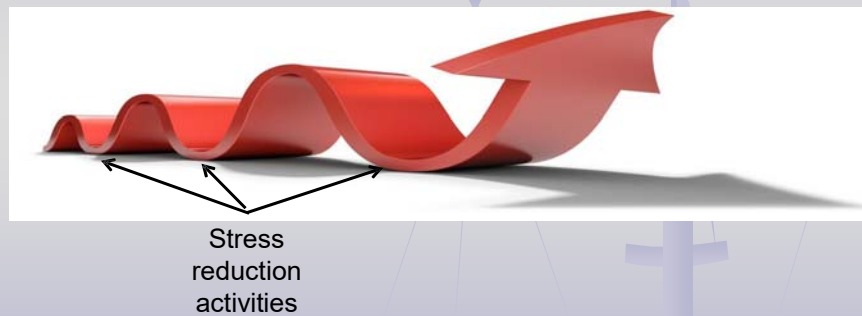


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Moderating Stress Buildup



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Resilience Benefits

- Immunity
- Lower mental illness risk
- Better physical health
- Greater optimism, fewer feelings of isolation
- Improved trust
- Reduced perceptions of pain and threat

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39

Mindfulness

- Small
 - Everyday attention
- Medium
 - Walks, meditation, yoga
- Large
 - World view

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Mindfulness and Bias

- Mindfulness and compassion practices
 - Raise awareness in the moment
 - Assist in regulating emotional responses and specifically reducing anxiety,
 - increase empathy and perspective-taking
 - Increase our capacity to think clearly and act with purpose
- All contribute to reducing bias

Professor Rhonda Magee, *The Inner Work of Racial Justice*

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41

Meaningfulness

- Work is meaningful when we believe
 - It matters
 - Is valuable
 - Contributes to personal growth/greater good
 - Is a good fit with our values
- Primary motivational force
- Largest contributor to engagement (opposite of burnout)

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Connections

- We are hard-wired to need relationships; belonging
- Critical to your brain's feeling of happiness
- Physical touch releases oxytocin



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Boundaries

- Clients
- Colleagues
- Personal
- Safe, reasonable, permissible
- Intellectual, emotional, physical, spiritual

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Setting Boundaries

- Limits for each relationship category
- Ask for what you need; sometimes provide an option
- Walk away
- If you're angry and resentful, what did YOU allow?

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45

Perspective

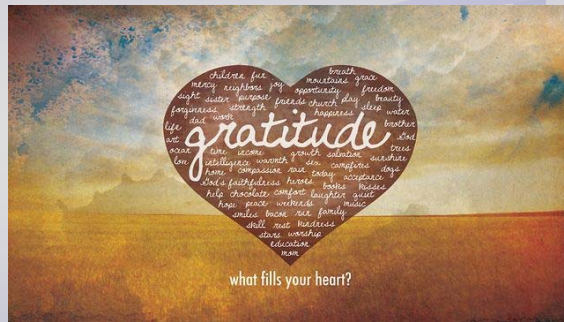
- What's the worst that could happen?
- What must I do?
- What's the best that could happen?
- What can I do?
- What can I control?

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46

Gratitude



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47

GRATITUDE PRACTICES

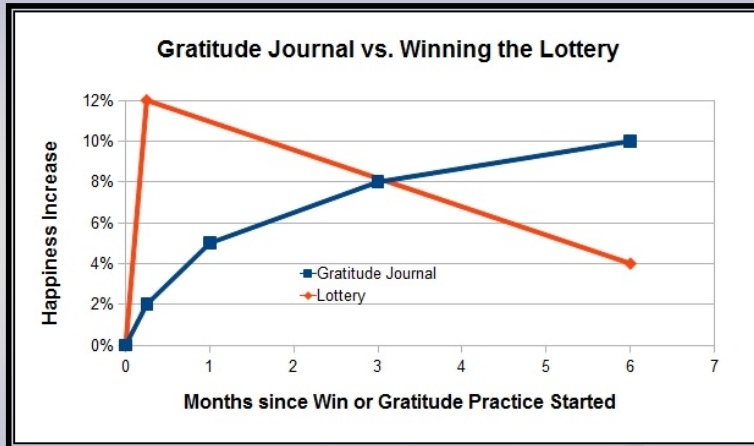
- Start your day with a thought of gratitude
- Share positive experiences
- Think of gratitude as something you can contribute
- Consider a journal
- End your day with a thought or expression of gratitude

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Thanksgiving isn't just a day in November



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SHOW VULNERABILITY (COURAGE)

Ask for Help
What happens when you do?

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50

Lawyers Concerned for Lawyers

- Who we help –
 - Lawyers, Judges, Law students, and Families; Staff on a case-by-case basis
- What we help with –
 - Substance use and mental health, cognitive, stress, burnout
- Communications are **confidential**
- Services or Referrals –
 - Licensed professionals
 - Group support
- Peer support
- Education and public awareness



51

Well-Being Resources

- www.mnlcl.org - COVID-19 resources and links to all ABA well-being content
- The Path to Lawyer Well-being – www.americanbar.org/colap
- Lawyer Well-being Week Resources
- <https://lawyerwellbeing.net/lawyer-well-being-week/>



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LCL COVID-19 Resources

Resources available online at mnlcl.org, including:

- COVID-19 and Well-Being – a general resource
- LCL On-Line and Remote Support and Recovery Resources – 12 step and other direct support options
- LCL Resources and Connections – LCL hosted support and check-in groups
- Home is Where the Health Is – diversions when working remotely.

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53

Partnership with The Sand Creek Group

- Up to 4 free counseling sessions
- Resource website
 - www.sandcreekeap.com
 - Click on "My Life Expert Login"
 - When registering use the Company Code "lawyers"
- Contact Sand Creek directly at
612-430-3383 or toll-free: **1-888-243-5744**

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54

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&



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56