



Lawyers and Judges in Distress-

An Occupational Hazard ?

Presented by:

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

Lawyers Concerned for Lawyers of PA



What Is LCL/JCJ ?

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.

- Free information and literature
- Free evaluation by a healthcare professional
- Free assistance with interventions
- Peer support
- Lawyer/Judge/Law Student-only support group meetings
- LCL staff support
- **FULLY OPERATIONAL during COVID-19**

Our services are **free, confidential, non-judgmental and non-obligatory**

Lawyers Concerned for Lawyers of Pennsylvania

CONFIDENTIAL Helpline

1-888-999-1941

24 hrs./day, 7 days/week,

365 days/year

www.lclpa.org

JUDGES CONCERNED FOR JUDGES

PENNSYLVANIA

CONFIDENTIAL Helpline

1-888-999-9706

24 hrs./day, 7 days/week, 365 days/year

www.jcjpa.org

Our services are free, confidential, non-judgmental and non-obligatory.

We help STAFF & FAMILY MEMBERS!

- ✓ Free information and literature
- ✓ Free evaluation by a healthcare professional
- ✓ Free assistance with interventions
- ✓ Peer support
- ✓ 13 Lawyer/Judge/Law Student-only support group meetings (11 via zoom)
- ✓ Meditation meeting via zoom (Monday night)
- ✓ LCL staff support

We Protect Your Identity and Information

LCL/JCJ does **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 our services.

MODEL RULES OF PROFESSIONAL CONDUCT

Rule 8.3: Reporting Professional Misconduct

(a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.

(b) A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.

(c) This Rule does not require disclosure of information otherwise protected by Rule 1.6 or information gained by a lawyer or judge while participating in an approved lawyer's assistance program.

GUIDANCE FROM THE COURT

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

Comment 7 “... 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)

PA Code of Judicial Conduct

- **RULE 2.14. Disability and Impairment**

A judge having a reasonable belief that the performance of a lawyer or another judge is impaired by drugs or alcohol, or by a mental, emotional, or physical condition, shall take ***appropriate action***, which may include a confidential referral to a lawyer or judicial assistance program.

- COMMENT: [1] *“Appropriate action” means action intended and reasonably likely to help the judge or lawyer in question address the problem and prevent harm to the justice system. Depending upon the circumstances, appropriate action may include but is not limited to speaking directly to the impaired person, notifying an individual with supervisory responsibility over the impaired person, or making a referral to an assistance program.* [2] Taking or initiating corrective action by way of referral to an assistance program may satisfy a judge’s responsibility under this Rule. Assistance programs have many approaches for offering help to impaired judges and lawyers, such as intervention, counseling, or referral to appropriate health care professionals. Depending upon the gravity of the conduct that has come to the judge’s attention, however, the judge may be required to take other action, such as reporting the impaired judge or lawyer to the appropriate authority, agency, or body

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*.
- **44% report issues with 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:

- 36% use all of their vacation time.
- 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.





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

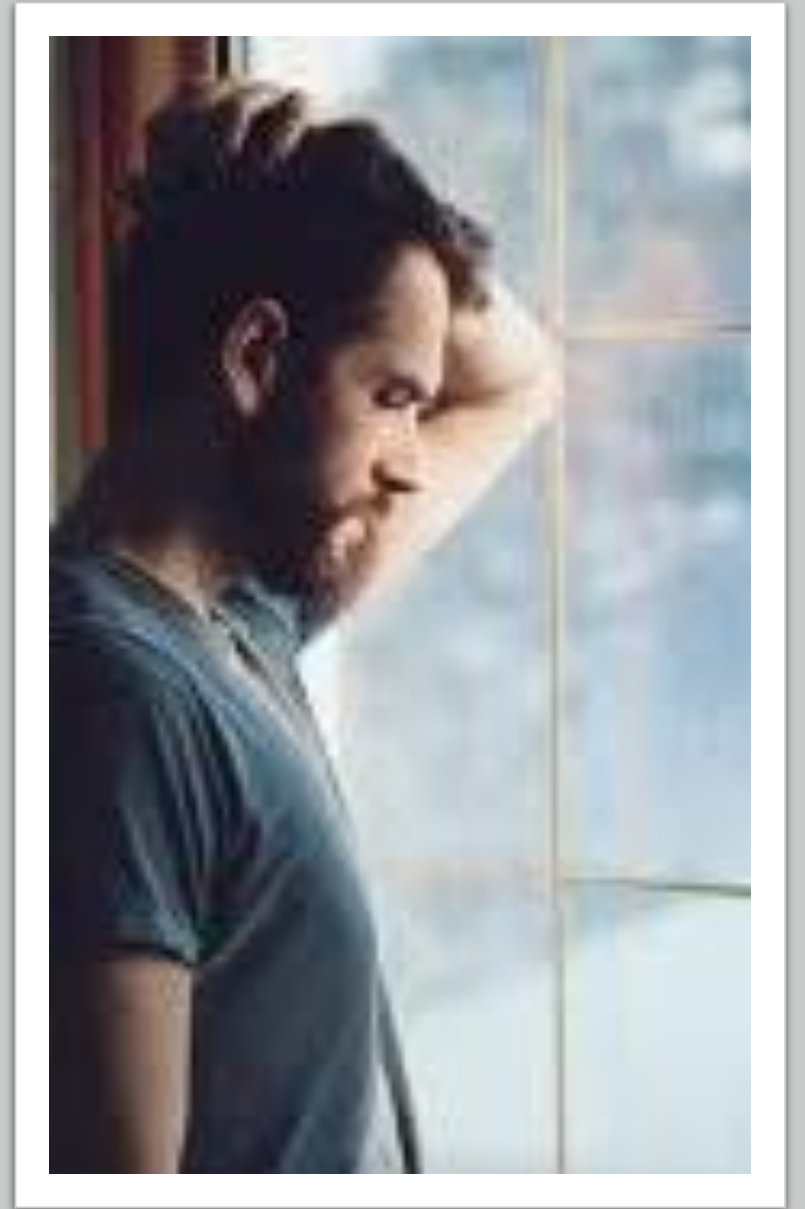
Solitude vs. Loneliness

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.



Are You Technolonly ?





While smartphones and other devices provide great benefits to lawyers, including during the isolation caused by the pandemic, those benefits also come at a great cost to our mental health

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 !!

Distress Assessment Quiz

Do any of the following attributes apply to you? Check the ones that apply:

- Do you sleep less than 7-8 hours per night?
- Is your sleep restless or do you wake up a lot?
- Is it difficult to get out of bed in the morning?
- Do you exercise less than 5 hours a week (including walks)?
- Do you eat a lot of fast foods or junk foods?
- Do you skip breakfast or lunch?
- Do you drink more than 2-3 cups of coffee a day?

Distress Assessment Quiz

Do any of the following attributes apply to you? Check the ones that apply:

- Do you drink more than 2-3 alcoholic beverages a day?
- Do you take sedatives or sleep aids with/without a drink to relax or sleep?
- Are you more impatient and irritable than you would like to be?
- Do you feel that you are not in control of your life?
- Are you feeling worn out at the end of most days?
- Do you wish for more time to spend with family or yourself?
- Are you worried about your marriage, children or parents?

Distress Assessment Quiz

Do any of the following attributes apply to you? Check the ones that apply:

- Are you struggling to make (financial) ends meet?
- Do you work a lot of nights, weekends or holidays?
- Do you skip vacations?
- Do you feel that you don't have anybody to confide in?
- Are you feeling stressed over how many "yes" answers you just gave?

The more marks, the greater the likelihood that you are in distress. Change is possible !!!

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.



Why are Lawyers Stressing 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 stressing them out !



SHARED FRUSTRATION!



- There is no way to prepare your family for their loss of privacy as a result of me being a judge...
- It is really hard/exhausting to always have a facade that 'everything is ok.'
- No one talks about the loneliness/isolation a judge feels.
- How can we politely tell citizens we cannot discuss cases with them when we run into them at the store?
- It is impossible to go out to eat in PEACE. No one signs up for THAT.

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 ?



Four wooden blocks are arranged on a light-colored wooden surface. The first three blocks are upright and show the numbers 2, 0, and 2. The fourth block is tilted, showing the number 4 on its top face and the number 5 on its front face. The background is a dark, out-of-focus gradient.

20245

Strategies
(that work)



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 2025 !!

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 !

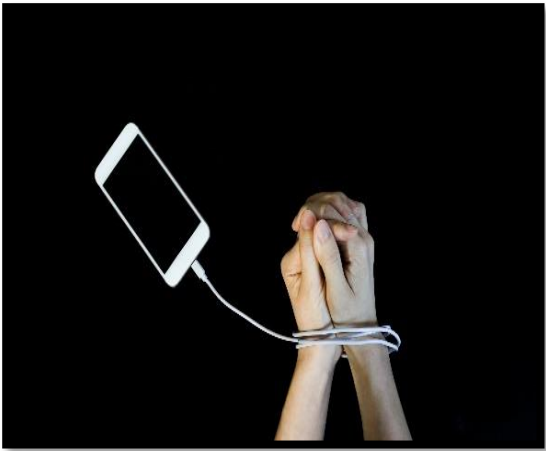


USE QUICK STRESS-BUSTERS

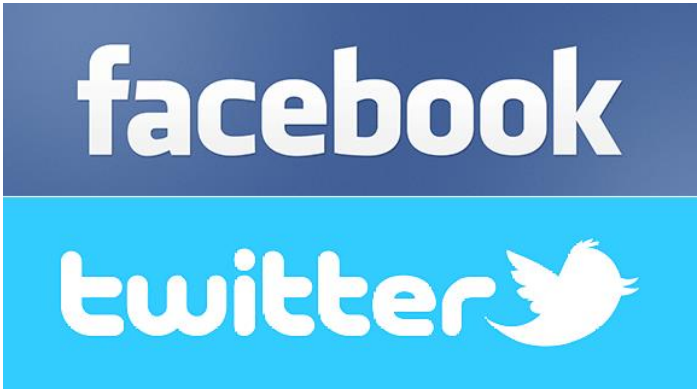
- Pause – lean back- give your eyes a rest for a couple minutes.
- Take three deep breaths and imagine your muscles relaxing from head to toe.
- Be mindful. Focus on the immediate present. Enjoy the moment.
- Stretch. Walk around your office or go outside.
- Maintain a sense of humor about yourself.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

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.

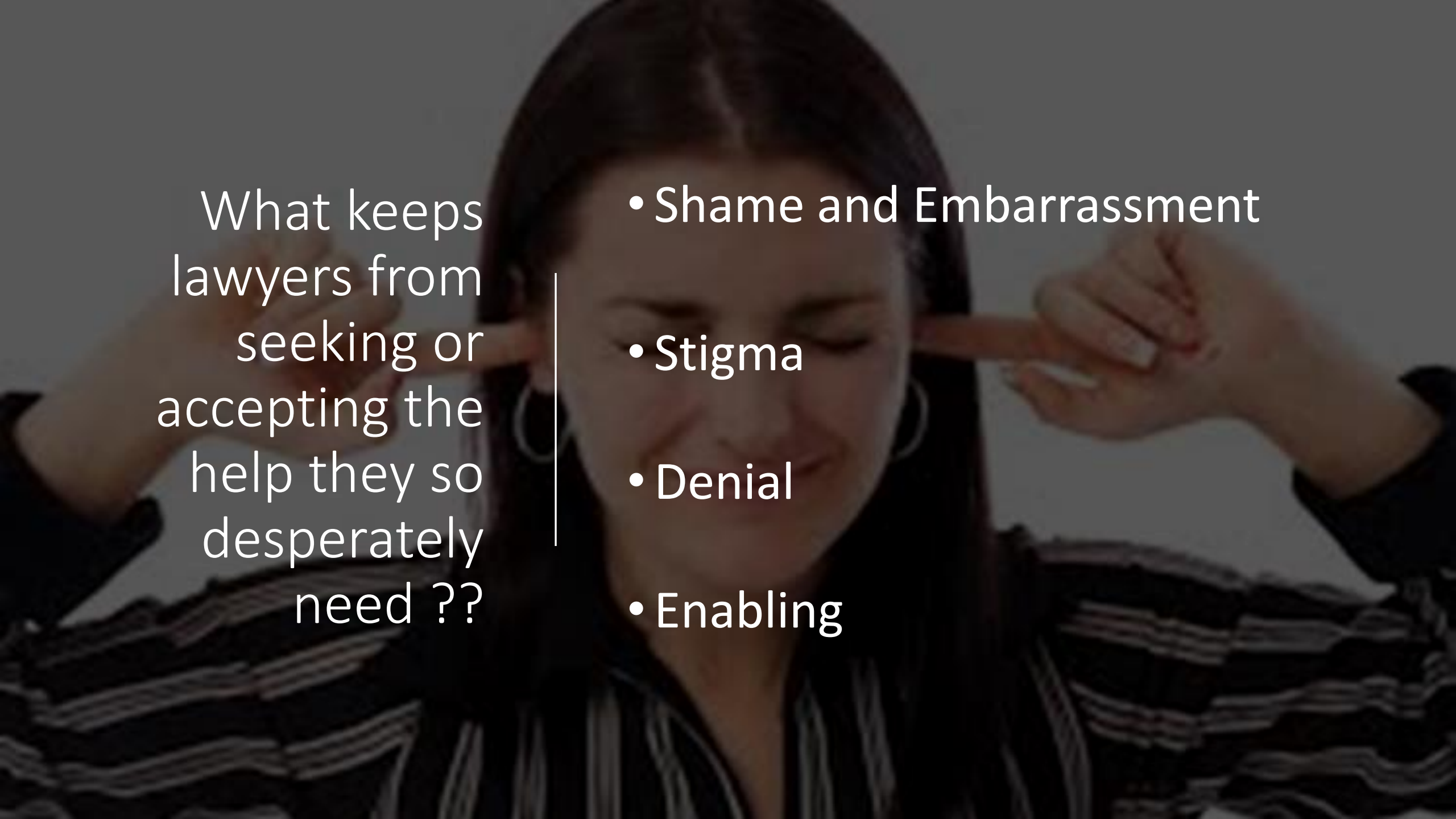
Why Are Legal Professionals at High Risk of Mental Health & Substance Use Disorders?

- 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, pained or distressed expression. The background is a plain, light color. The image is overlaid with a semi-transparent dark grey layer, and white text is placed on the left and right sides.

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

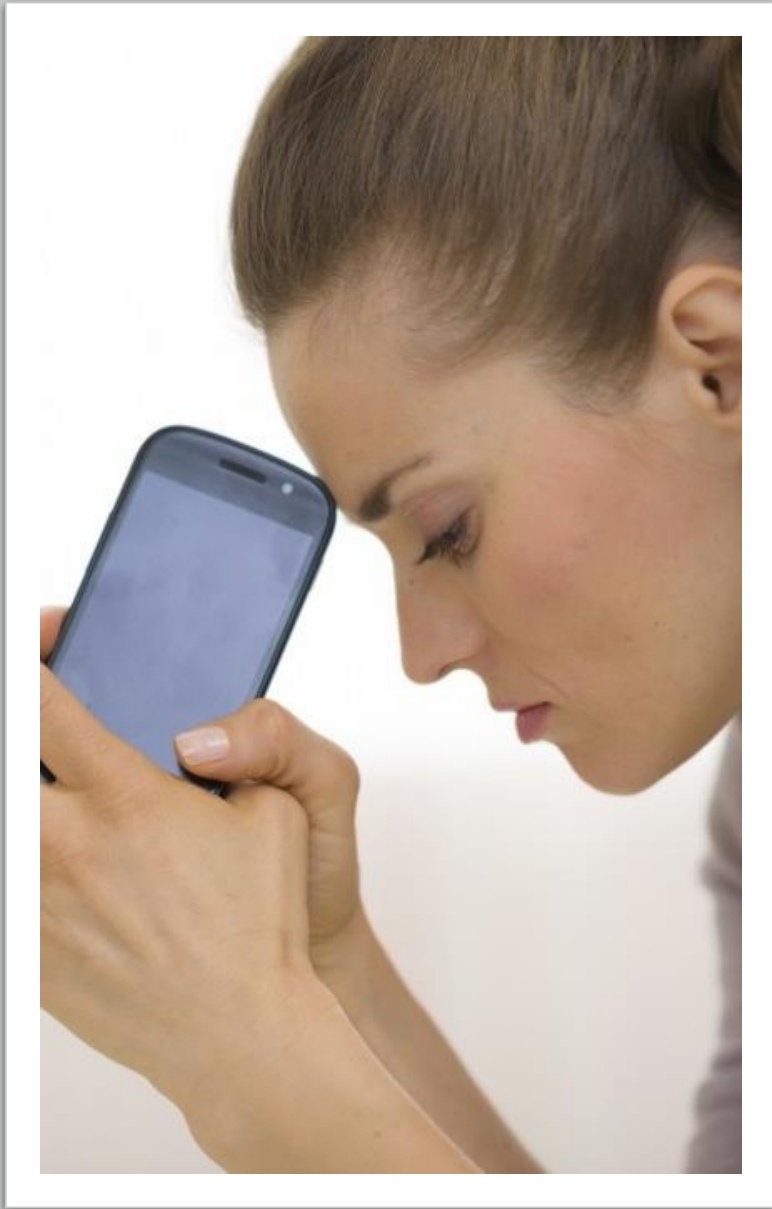
- Removes motivation to change
- Provides evidence that fuels denial
- Allows cons of treatment to outweigh pros
- PREVENTS treatment of a progressive disease
- Greater harm to career, family and well being
- Not good for YOU either !!



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.

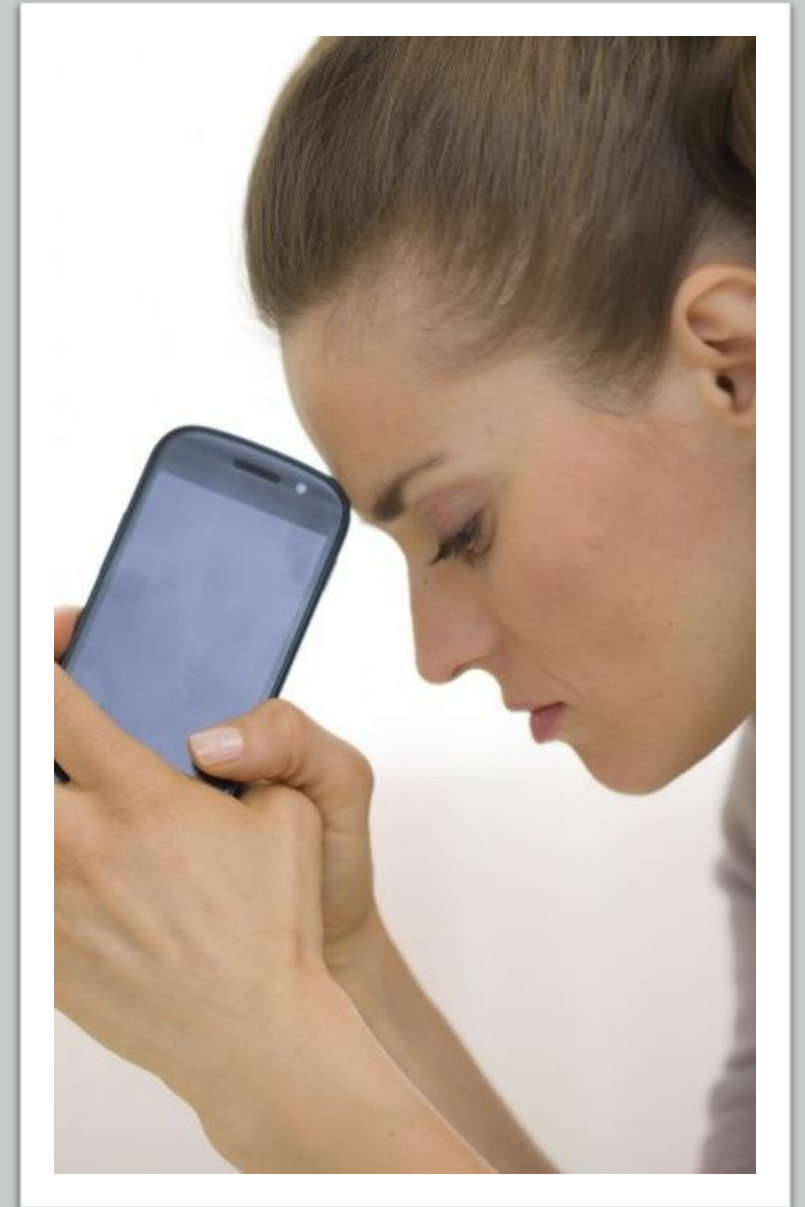


To Call LAP...or Not to Call

- 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.



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.

The
Distressed
Lawyer:
An
Occupational
Hazard?

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

Model Rules of Professional Conduct

Rule 1.1: Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Rule 1.3: Diligence

A lawyer shall act with reasonable diligence and promptness in representing a client.

Rule 1.4: Communications

(a) A lawyer shall:

- (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules;
- (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
- (3) keep the client reasonably informed about the status of the matter;
- (4) promptly comply with reasonable requests for information; and
- (5) 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.

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

Model Rules of Professional Conduct

Rule 1.6: Confidentiality of Information

- (a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).
- (b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:
 - (1) to prevent reasonably certain death or substantial bodily harm;
 - (2) to prevent the client from committing a crime or fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer's services;
 - (3) to prevent, mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the lawyer's services;
 - (4) to secure legal advice about the lawyer's compliance with these Rules;
 - (5) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client;
 - (6) to comply with other law or a court order; or
 - (7) to detect and resolve conflicts of interest arising from the lawyer's change of employment or from changes in the composition or ownership of a firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client.
- (c) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

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