



# The State Bar of California

## Wellness Strategies for the Legal Community

### The Lawyer Assistance Program

Lita Abella, Sr. Program Analyst

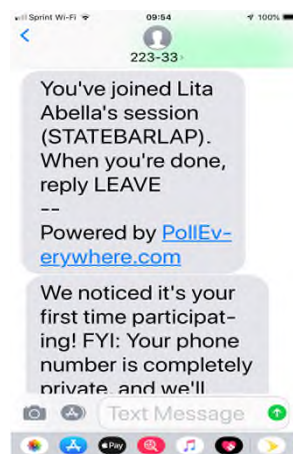
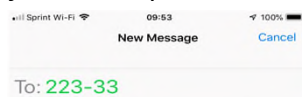
Denton Presentation  
January 9, 2020



The State Bar of California

### How to join the interactive presentation:

- Text the word **Statebarlap** (all one word) to 22333
- Once joined, you will get an auto-response confirming you joined the presentation



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### Objectives to Understand:

- Understand how prevalent substance use and mental health issues are among attorneys.
- Discuss how substance use and mental health issues impair an attorney's ability to perform legal services competently.
- Discuss wellness strategies for legal professionals, the Lawyer Assistance Program, and other resources.

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### How long have you been practicing?



0-5 years  
6-10 years  
11-15 years  
16-20 years  
over 20 years



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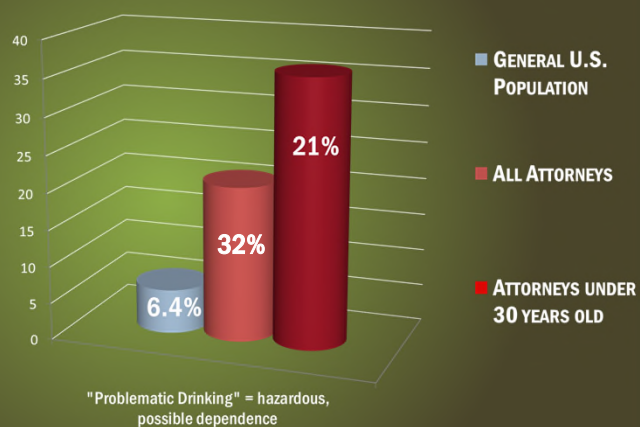


## National Task Force on Lawyer Well-Being

- First national study on attorney substance use and mental health concerns
- Almost 13,000 licensed attorneys and judges participated
- Published in 2016



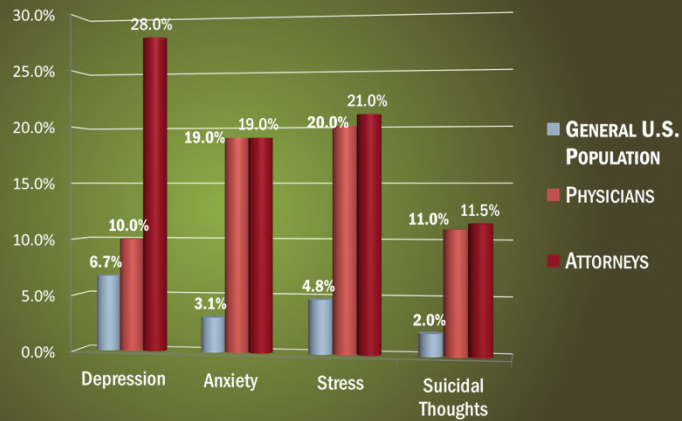
### LAWYER ALCOHOL USE







## LAWYER MENTAL HEALTH



**Do you know of someone who has/had a substance use and/or mental health issue?**



Yes

No



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## 2016 Survey of Law Student Well-Being

15 law schools, 3300 law students

17%-depression

14%-severe anxiety



23%- mild to moderate anxiety

6%-suicidal thoughts in the past year

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## 2016 Survey of Law Student Well-Being

- 43%-binge drinking at least once in the prior 2 weeks
- 22%-binge drinking 2 or more times in the prior 2 weeks

### WHAT IS BINGE DRINKING?

A pattern of drinking that brings blood alcohol concentration levels to 0.08 grams per deciliter.

**FOR WOMEN:**



four drinks  
in two hours

**FOR MEN:**



five drinks  
in two hours

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**Do you know of someone who has died due  
to a substance use and/or mental health  
issue?**

Yes

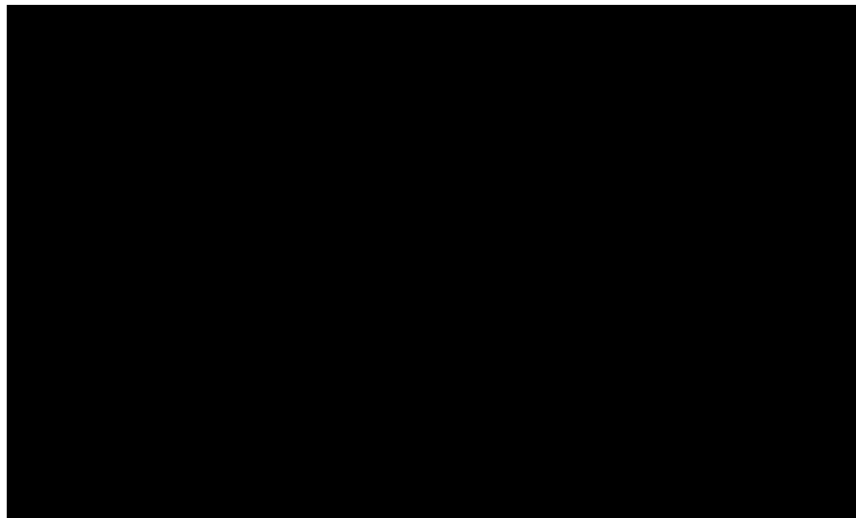
No

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Attorney & Executive Director of Pennsylvania LAP, Laurie  
Besden, Published 5/3/19, 4:10 minutes



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## Why do substance use & mental health issues affect lawyers more than other professions?

- Starts in law school:
  - Intense competition
  - Like-minded perfectionists
  - Long hours of study, creates stress



References: Drug and Alcohol Abuse in the Legal Profession, July 17, 2017, Indra Cidambi, MD

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## Why do substance use & mental health issues affect lawyers more than other professions?

- Continues in the workplace:
  - Required to work long hours
  - Required to generate business
  - Required to keep up with unmanageable case load
  - Required to handle client's problems
  - Defend positions contrary to their belief systems
    - Ruptures relationships
    - Creates conflict



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## Substance Use Disorders

A disease of the brain that is:

- Chronic
- Progressive
- Potentially (and often) fatal



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## Substance Use



### THE OPIOID EPIDEMIC BY THE NUMBERS



### 11 Negative Side Effects of Using Marijuana

1. Addiction
2. Memory Loss
3. Social Anxiety Disorders
4. Paranoia
5. Heart Damage
6. Lung Problems
7. Low Testosterone
8. Appetite Irregularities
9. Risk of Greater Potency
10. Decrease in Motor Responses
11. Poor Decisions



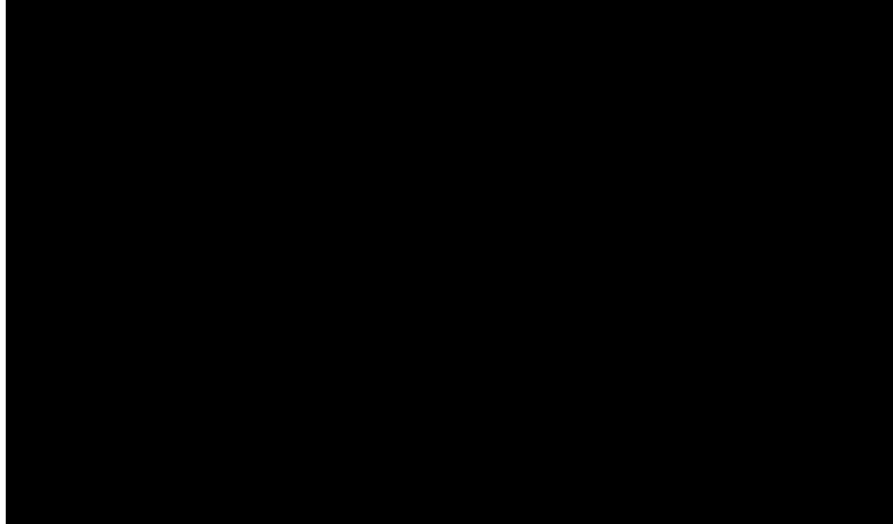
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## DUI Lawyer Sentenced for Drunk Driving

Published May 23, 2013, 2:17 minutes



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## Addiction



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## What is Addiction?

- Complex condition
- Brain disease
- Compulsive substance use
- Despite harmful consequence
- Intense focus on using substance(s)
- Takes over their life
- Use even when it will cause problems
- However:
  - People can recover
  - Lead normal, productive lives

Reference: American Psychiatric Association

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**Other than alcohol or drugs, what type of  
addictions can you think of?**



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## Types of Addictions:

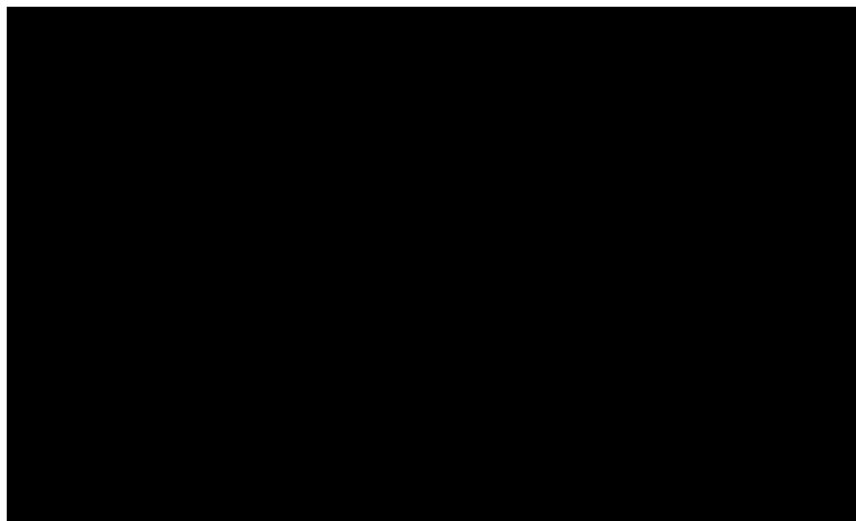
- Alcohol
- Drugs
- Gambling
- Internet
- Sex
- Eating Disorders
- Shoplifting
- Compulsive Shopping
- Cell Phone
- Video Game
- And many others



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Former Drug Court Judge is Disbarred for Stealing Cocaine from the Evidence Locker, Published 2-22-18, 1:19 minutes



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## Depression



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## Signs of Depression

- Physical

- Poor appetite or overeating
- Low energy/fatigue
- Sleep disturbances

- Psychological

- Feeling hopeless
- Low self-esteem
- Self-critical thoughts
- Feeling that no one values you
- Feeling no purpose to existence
- Recurring thoughts of death

- Emotional

- Feeling sad, empty, alone or hopeless
- Excessive crying
- Excessive worrying
- Overreacting to situations

- Social

- Decreased interest in activities you enjoy
- Decreased trust in others
- Easily irritated
- Wanting to spend time alone
- Difficulty relating to people

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## CA Deputy PD Accused of Ax Attack on His Family Partly Blames Financial Worries

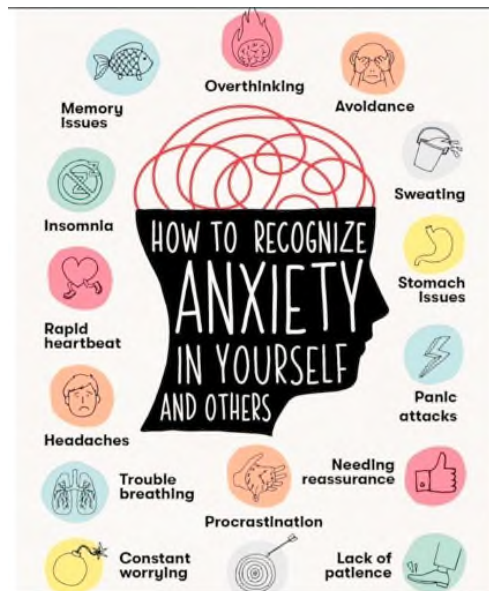
By Debra Cassens Weiss, ABA Journal, 6/25/19

- Allegedly attacked his family with an ax
- 55 y/o wife had about 10K in CC debt
- Wife in critical condition, suffered massive head wounds
- 14 y/o & 10 y/o were treated for minor injuries
- Tried to stab himself in the abdomen, son disarmed him
- Charged w/ (3) cts of attempted murder & (3) cts of ADW
- Experienced significant depression after open heart surgery about 4 months prior to the attack
- Financial worries combined w/ mental health issues made him snap

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## Anxiety



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## Stress



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**What are your stressors?**





## Healthy v. Unhealthy Stress



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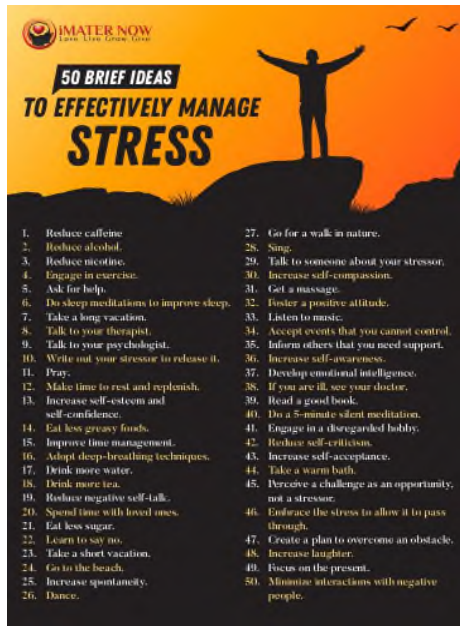
**How do you relieve your stress/anxiety?**



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## What can happen if not treated:

Failed to meet professional obligations by:

- Procrastinating
- Being overwhelmed
- Decreasing productivity
- Missing deadlines
- Having trouble concentrating or remembering things
- Neglecting cases
- Failing to answer phone, return calls, emails, open mail
- Making excuses to partners, clients, & court



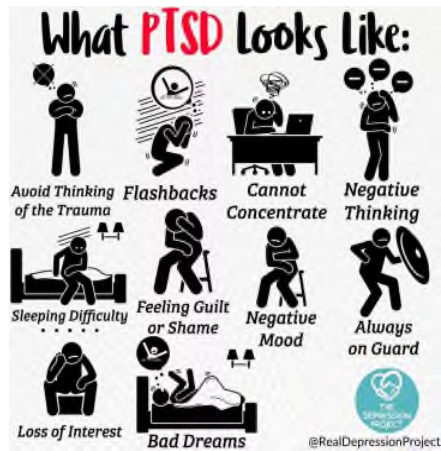
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## What can happen if not treated:

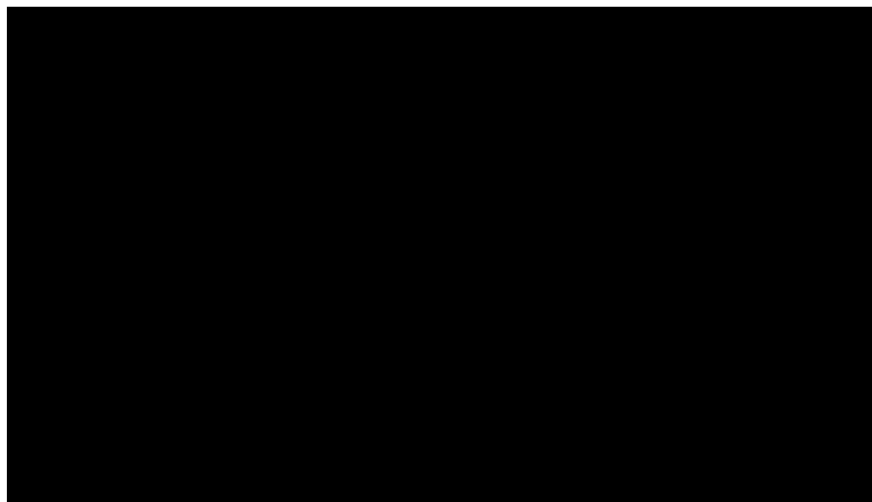
- Second-hand trauma/PTSD
- Required to solve client's problems



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LA Deputy City Attorney Kills Wife, Son, & Self  
Published 9/11/19, 2 minutes



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What could happen if attorneys do not get help?

Detained (arrest, prosecute, convict)



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When attorneys struggle, the profession as a whole suffers:

- Negative employee performance
- Low morale
- Malpractice lawsuits
- Disciplinary investigations
- Poor client service/customer satisfaction
- Negative employer image
- High turnover
- High healthcare costs

The Humanitarian, Business, and Ethical Cases for Addressing the Problem

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## ABA Tool Kit Recommends an 8-Step Action Plan

1. Enlist leaders
2. Launch a Well-Being Committee
3. Define Well-Being
4. Conduct a Needs Assessment
5. Identify Priorities
6. Create & Execute an Action Plan
7. Create a Well-Being Policy
8. Continually Measure, Evaluate, & Improve

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## Wellness Strategies



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## Wellness Strategies

What to do to stay healthy:

- Sufficient sleep
- Exercise
- Proper diet
- Minimizing the use of addictive substances
- Seeking help for physical health when needed

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## How many hours sleep do you get during the work week?



4 or less hours each night

5 hours each night

6 hours each night

7 hours each night

8 or more hours each night



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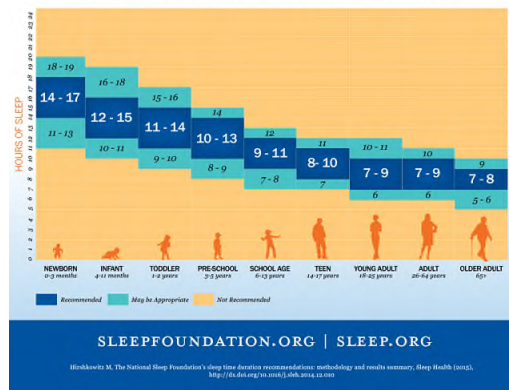




## How much sleep do you need?

NATIONAL SLEEP FOUNDATION

### SLEEP DURATION RECOMMENDATIONS



As you can see from the data presented by the National Sleep Foundation, **both young adults and adults need 7-9 hours of sleep per night**. School age children need 9-11 hours, and teens require 8-10.

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## 5 Things to do for a better night sleep



[kp.org/choosebetter](http://kp.org/choosebetter)

KAISER PERMANENTE

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## Exercise

- Study from *The Lancet Psychiatry*, Aug. 2018
- Sample 1.2 million Americans, 18 and older
- People who exercised had **40% better mental health**
  - Even when they controlled by BMI, physical health, and sociodemographic factors like age and race
- Activity didn't matter, just exercise alone
- 30-60 minutes/day
- 3 to 5 times/week



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## Healthy Eating



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## Mindfulness-Based Stress Reduction

- Program to help people relieve stress, anxiety, depression, and pain.
- Using meditation
  - Focus the mind on particular object, thought, or activity
  - To train attention & awareness
  - Achieve mentally clear, emotionally calm & stable state of mind
- Using breathing techniques



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## Resources



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## Lawyer Assistance Program

- Support law students, bar applicants, and attorneys
- In their rehabilitation and competent practice of law
- Enhance public protection
- Maintain the integrity of the legal profession
- Assists participants in dealing with
  - Mental health issues
  - Substance use issues



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## Business and Professions Code section 6234

- The LAP is confidential
- Confidentiality is absolute unless waived by the participant
- Information cannot be disclosed as part of a civil proceeding, a disciplinary proceeding, or a public records request
- Unless referred by the Committee of Bar Examiners or State Bar Court
- Or mandated reporting by health care professional

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## What LAP can do for you:

### Free Short-Term Counseling

- 2 free one-on-one counseling sessions w/ career counselor for participants who:
  - Have difficulty finding meaningful work
  - Find their current employment unsatisfying
  - Who want to better utilize their law degree
- 2 free one-on-one sessions w/local therapist
  - Specializes in stress, burnout, relationship challenges, & grief

### Free Orientation & Assessment

- Confidential assessment w/ licensed clinician
- 3 group support sessions
- Treatment/Recovery Planning

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## What LAP can do for you:

### Support LAP

- Support of licensed clinician
- Weekly group meetings with other participants
- No reporting, no evidence of your participation
- Fees: group participation, individual therapy, drug testing if needed

### Monitoring LAP

- Support of licensed clinician
- Satisfy monitoring or verification requirement related to admission or discipline
- Long term structure
- Evidence of participation documented
- Weekly group meetings with other participants
- Fees: group participation, individual therapy, drug testing if needed

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**If you knew a co-worker that had substance use/mental health issues, would you provide information about available resources to him/her?**

Yes

No

Undecided

Start the presentation to see live content. Still no live content? Install the app or get help at [PollEv.com/app](https://PollEv.com/app)



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## Stigma

### Mental health in the workplace: creating a stigma-free culture

#### See the whole person

A person's mental health condition does not define who they are.

#### Offer support

Don't be afraid to reach out if you think someone is struggling.



#### Challenge misconceptions

Speak up if you hear a co-worker spread stereotypes and myths about mental illness.

#### Mind your words

Use respectful language and avoid labels like "crazy" or "unstable."

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Lawyer Mental Health Matters, ABA, Published Oct. 10, 2019,  
2:22 minutes



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**What are other ways we can reduce the  
stigma?**



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**You Are Not Alone**

We're In This Together:  
Well-Being Is A Team Sport



The State Bar of California

### **Contact LAP**

(877) LAP-4-HELP or (877) 527-4435  
(213) 765-1190

Email: [LAP@calbar.ca.gov](mailto:LAP@calbar.ca.gov)  
[www.calbar.ca.gov/LAP](http://www.calbar.ca.gov/LAP)

Main LAP location-  
865 S. Figueroa St., Los Angeles, CA 90017  
(not in State Bar building, next door in TCW building)

180 Howard St., San Francisco, CA 94105  
(other tenants in building)

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## Other Resources

ABA Commission on Lawyer Assistance Programs (CoLAP), articles, podcasts  
<https://abacolap.wordpress.com/author/abacolap/>

The Other Bar-Recovery for California Lawyers  
<https://otherbar.org/>

Hotline-(800) 222-0767

Employee Assistance Programs (EAP) with your employer

Private Insurance

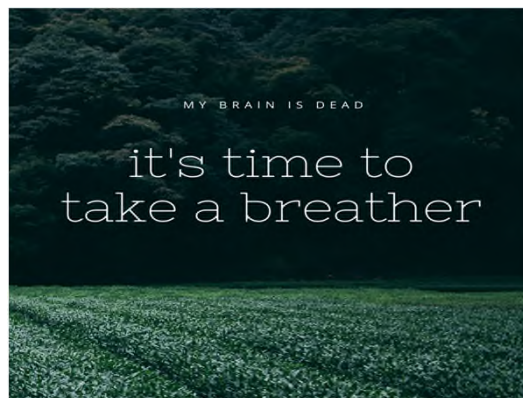
Your law firm/law school/organization

See handout

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## Relaxation



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## Anonymous Feedback on the Lawyer Assistance Program



When survey is active, respond at [PollEv.com/statebarlap](https://PollEv.com/statebarlap)

0 surveys done

0 surveys underway

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The State Bar of California

Thank you.

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# The State Bar of California

## Lawyer Assistance Program

**CONTACT US:** (877) LAP-4-HELP [(877) 527-4435] [LAP@calbar.ca.gov](mailto:LAP@calbar.ca.gov)  
[www.calbar.ca.gov/LAP](http://www.calbar.ca.gov/LAP)

### **Assessment Tools:**

For LAP's Anxiety Assessment, Depression Assessment and 20 Questions of Alcohol and Drugs, See "Resources" at: [www.calbar.ca.gov/LAP](http://www.calbar.ca.gov/LAP)

### **Other Resources:**

ABA Commission on Lawyer Assistance Programs (CoLAP)  
[https://www.americanbar.org/groups/lawyer\\_assistance/](https://www.americanbar.org/groups/lawyer_assistance/)

The Other Bar (Recovery program for California law students, attorneys, and judges)  
(800) 222-0767; <https://otherbar.org/>

[National Suicide Prevention Lifeline](#) (National, Toll-Free, 24/7)  
1-800-273-TALK (8255)

[Crisis Text Line](#) Need help? Text START to 741-741

US Dept. of Health & Human Services, Substance Abuse & Mental Health Services Administration  
<https://findtreatment.samhsa.gov/>

### **Articles:**

Wellness Guide for Senior Lawyers, Their Families, Friends, and Colleagues  
<http://www.calbar.ca.gov/Attorneys/Conduct-Discipline/Ethics/Senior-Lawyers-Resources/Publications/Wellness-Guide>

*The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys* by Patrick R. Krill, JD, LLM, Ryan Johnson, MA, and Linda Albert, MSSW

Well-Being Tool Kit for Lawyers and Legal Employers, created by Anne M. Brafford for Use by the American Bar Association

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 by Jerome M. Organ, David B. Jaffe, and Katherine M. Bender