

THE MENTALLY FIT LAWYER

HOW YOU CAN NAVIGATE STRESS IN THE
LEGAL PROFESSION

PRESENTED BY

FRAN KENTON, M.A., PPS, CFT, CHWC

HON. VICTOR B. KENTON, RET.

HON. WILLIAM MCCURINE, JR., RET.

MODERATOR: ROSEMARIE DROHAN



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WHAT IS STRESS?

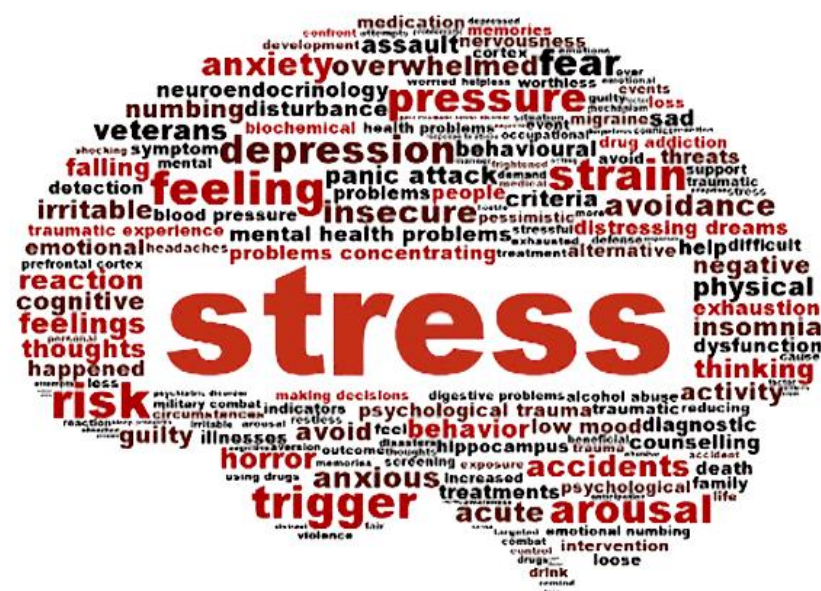
ACUTE STRESS

EPIODIC ACUTE STRESS

CHRONIC STRESS

1. *What is the purpose of this study?*
 2. *What are the research objectives?*
 3. *What are the research questions?*
 4. *What are the hypotheses?*
 5. *What are the variables?*
 6. *What are the independent and dependent variables?*
 7. *What are the control variables?*
 8. *What are the confounding variables?*
 9. *What are the limitations of the study?*
 10. *What are the strengths of the study?*
 11. *What are the contributions of the study?*
 12. *What are the implications of the study?*
 13. *What are the future research directions?*
 14. *What are the conclusions of the study?*
 15. *What are the recommendations of the study?*

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HOW DO YOU KNOW WHEN YOU ARE STRESSED?

WHAT DOES STRESS LOOK LIKE?

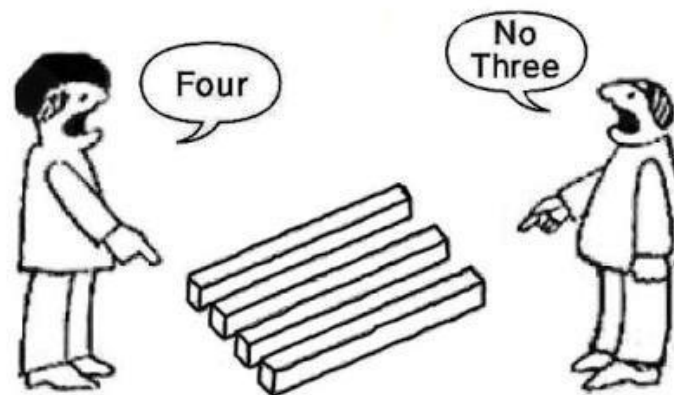
- ▶ SLEEP DISRUPTION
- ▶ FATIGUE
- ▶ DEPRESSED MOOD
- ▶ DECREASED INTEREST IN PREVIOUSLY ENJOYABLE ACTIVITIES
- ▶ CHANGES IN BODY WEIGHT
- ▶ FEELINGS OF WORTHLESSNESS, GUILT, OR RECURRENT THOUGHTS OF DEATH
- ▶ FEELING EASILY IRRITATED, MOODY, OR SHORT-TEMPERED
- ▶ HAVING DIFFICULTY STAYING FOCUSED, LACKING CONCENTRATION, AND EASILY DISTRACTED
- ▶ PROCRASTINATION, MISSING DEADLINES, OR CONVERSELY, FEELING AS THOUGH EVERYTHING MUST BE DONE NOW
- ▶ DEVELOPING UNHEALTHY EATING HABITS
- ▶ INCREASING ALCOHOL CONSUMPTION
- ▶ ABUSING PRESCRIPTION MEDICATION OR ILLEGAL DRUGS
- ▶ TURNING TOWARDS ADDICTIVE RELAXANTS
- ▶ ATYPICAL SYMPTOMS (OFTEN FOUND IN WOMEN) SUCH AS MOODINESS, HYPERACTIVITY, WEIGHT GAIN, INCREASED SLEEP AND HEIGHTENED SENSITIVITY TO REJECTION BY OTHERS

WHY ARE LAWYERS PRONE TO STRESS?



EXTERNAL STRESSORS

- ▶ ADVERSARIAL CAREER
- ▶ HIGH ACHIEVERS
- ▶ CHALLENGING CLIENTS
- ▶ BILLABLE HOURS EXPECTATIONS
- ▶ LONG HOURS
- ▶ LIVING AWAY WHEN IN TRIAL OR FOR WEEKS ON END
- ▶ PRESSURE OF CLIENTS' FATE
- ▶ FAMILY ISSUES/PARTNER'S EXPECTATIONS
- ▶ BUSY SCHEDULE
- ▶ INJURY
- ▶ UNFORESEEN CIRCUMSTANCES
- ▶ A WORLD OF RIGID DEADLINES
- ▶ A CORNUCOPIA OF UNCERTAINTIES
- ▶ DISPUTES OVER FACTS AND REALITY





INTERNAL STRESSORS

- ▶ INABILITY TO ACCEPT UNCERTAINTY
- ▶ DEEP NEED TO BE PERFECT
- ▶ PESSIMISTIC ATTITUDE / THINKING
- ▶ RIGID THINKING / LACK OF FLEXIBILITY
- ▶ ALL-OR-NOTHING ATTITUDE
- ▶ REPUTATION
- ▶ PRESSURE TO BE THE BREADWINNER
- ▶ UNHEALTHY STANDARDS FOR SELF

NEGATIVE COPING STRATEGIES

- ▶ WHAT ARE THE TOP 3 NEGATIVE COPING STRATEGIES YOU THINK LAWYERS MOST ABUSE?
 - ▶ PLEASE RANK IN ORDER 1, 2, 3



NEGATIVE COPING STRATEGIES

► POLL RESULTS





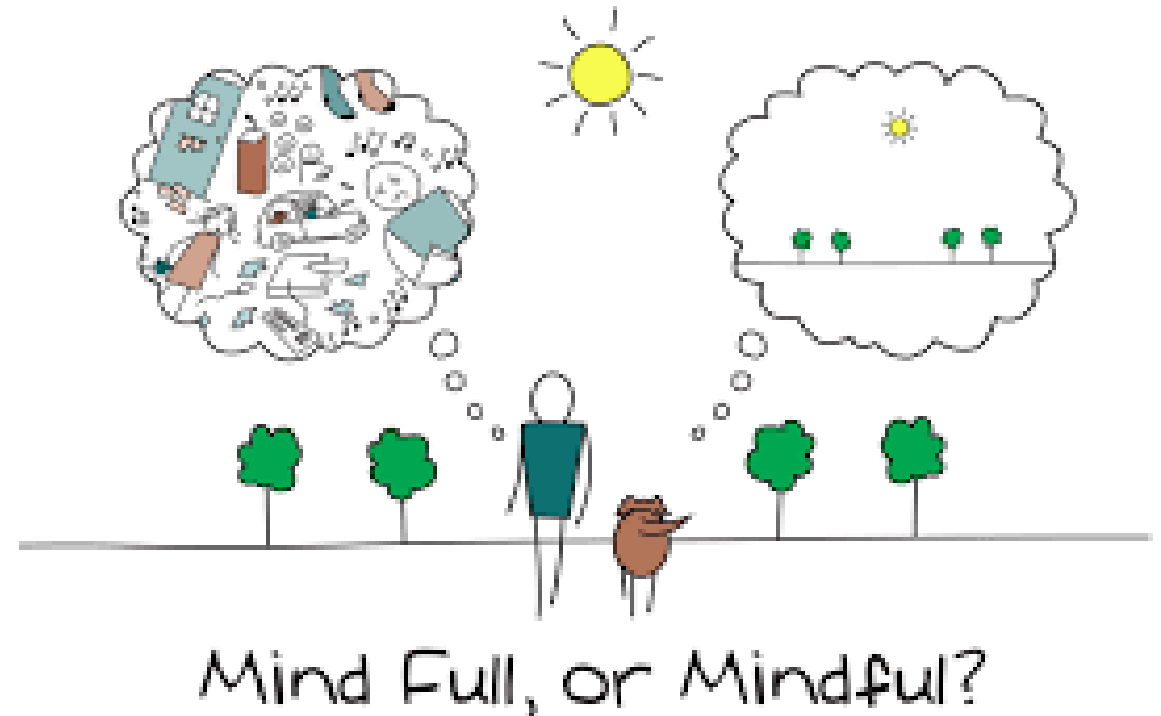
WHAT IS
MENTAL FITNESS

AND

HOW DO WE
DEVELOP
MENTAL
FITNESS?

MINDFULNESS

- ▶ WHAT IS IT?
 - ▶ INTENTION TO CULTIVATE AWARENESS (AND RETURN TO IT AGAIN AND AGAIN)
 - ▶ ATTENTION TO WHAT IS OCCURRING IN THE PRESENT MOMENT (SIMPLY OBSERVING THOUGHTS, FEELINGS, AND SENSATIONS AS THEY ARISE)
 - ▶ ATTITUDE THAT IS NON-JUDGMENTAL, CURIOUS, AND KIND



STRESS MANAGEMENT



Be aware of your stressors

Bring awareness to your emotional and physical reactions



Push the Pause button between the stressor and how you respond



Breathe

Change your focus
Talk to someone
Take a break



Respond with Intention

Try slow, deep breathing exercises. They will bring your heart rate and respiration back to normal.

CREATING ENDURING & SUSTAINABLE MENTAL FITNESS

Get
adequate
sleep

Exercise
frequently

Social support
with family
and friends

Take
vacations

Get help

Create goals

POSITIVE COPING STRATEGIES

- ▶ WHAT ARE SOME POSITIVE COPING STRATEGIES THAT WORK FOR YOU?
 - ▶ PLEASE SELECT 3



POSITIVE COPING STRATEGIES

► POLL RESULTS



MEDIATION: COOPERATIVE PROBLEM SOLVING

- ▶ MEDIATION REMOVES UNCERTAINTY
- ▶ MEDIATION ENABLES EMPATHY
- ▶ A PROPOSED APPROACH TO DISPUTE RESOLUTION, LITIGATION, AND MEDIATION
- ▶ SHARE THE BURDEN
- ▶ RELYING ON THE MEDIATOR
- ▶ BE OPEN AND VULNERABLE TO GET RESULTS



Results Beyond DisputeSM

RESOURCES

- ▶ LAWYERS ASSISTANCE PROGRAMS (LAP)
 - ▶ PROVIDES CONFIDENTIAL SERVICES AND SUPPORT TO JUDGES, LAWYERS, AND LAW STUDENTS WHO ARE FACING SUBSTANCE USE DISORDERS OR MENTAL HEALTH ISSUES | [877-LAP-4HELP](tel:877-LAP-4HELP)/[877-527-4435](tel:877-527-4435)



THANK YOU
FOR JOINING!



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Fran Kenton, M.A., PPS, CFT, CHWC

Fran began her professional career as a middle school teacher and counselor in the Lawndale, California School District, where she developed an affinity and skills for working with at-risk youth, leading self-esteem groups and gang interventions. Fran continued her teaching and counseling career in the Las Virgenes Unified School District, focusing on the at-risk and special needs populations in both traditional and alternative educational settings.

Fran created the Transition Curriculum for LVUSD, and through its implementation in the District's Transition Partnership Project with the California Department of Rehabilitation she successfully guided special needs high school students through their post high school transitions. She has been a presenter to educational professionals on the topic of transition, and her Transition Curriculum has been promoted by the Ventura County SELPA, Ventura, CA.

Fran earned her Health and Wellness Coaching Certification through the Wellcoaches School of Coaching, and her Fitness Certification with a specialization in nutrition and yoga through the International Sports Science Association (ISSA). She provides life coaching services to private clients and has been retained by The Robert and Susan Koslowski L.I.F.T. Foundation, a non-profit organization which provides scholarships and mentoring to underprivileged college scholars.

Fran is the curriculum author and co-founder of a nonprofit organization whose overriding goal is to help teens and young adults develop self-reliance and self-confidence, making it possible for them to better handle the challenges of daily modern life.

Fran co-presented on stress management and mindfulness to the California Society of Certified Public Accountants – Steering Committee of the Forensic Services Sections to help professionals manage life and professional stressors in more productive ways.

Fran's current focus is to bring her vision to young people through her dynamic and interactive social emotional learning (SEL) program, **AUTONOME**, which reflects her years of experience, her passion and her desire to help young people manage life today while planning for the future.



HON. VICTOR B. KENTON, RET.

Hon. Victor B. Kenton (Ret.) was appointed a Federal Magistrate Judge for the Central District of California in 2001, where he retired July 2015. As a Magistrate Judge, he presided over numerous trials and mediated over 500 cases, in areas including intellectual property, ERISA, ADA, IDEA and FAPE (education), civil rights, employment, wage and hour disputes, pharmaceuticals, complex business disputes, class actions, and commercial litigation. Prior to his judicial service, Judge Kenton was an attorney in both private and public practice, where he tried over 150 civil and criminal bench and jury trials to conclusion.

Judge Kenton has a passion for helping parties resolve disputes and has a reputation for his ability to engender trust from both attorneys and parties. He prides himself in being thoroughly prepared in advance of the mediation to ensure the parties get the most out of their session. If a case does not settle, Judge Kenton is known for remaining engaged and for his continuous follow-up efforts. One attorney on a complex business dispute commented, "Judge Kenton's insights, tenacity, and ability to think 'outside the box' are not only most formidable, but the reason our matter resolved. We could not have reached a resolution without him."

LEGAL CAREER & PRIOR EXPERIENCE

- Federal Magistrate Judge, Central District of California (2001 - 2015)
- Law Office of Victor B. Kenton, practicing Civil and Criminal Litigation, Business, Employment, Personal Injury, Commercial and Real Property (1982 -1996)
- Law Office of Arthur J. Crowley, practicing Business and Family Law (1974 -1978)
- Federal Public Defender, Los Angeles, Supervising Trial and Habeas Attorney: (1978-1982 and 1996-2001)

EDUCATION & PROFESSIONAL AFFILIATIONS

- Pepperdine Law School, Strauss Institute, Mediation "Boot Camp" (July 2015)
- University of California, Los Angeles, JD (1974)
- University of Connecticut, BA with Honors (1969)
- Author/thought leader: "Ten Tips for Settling Your Case Before a Federal Magistrate Judge." (Daily Journal, 2015)
- Speaker: LACBA and California Society of Certified Public Accountants Forensic Services Sections Steering
- Committee (CalCPA) (June 2015)
- Adjunct professor: Pepperdine Law School (2009-2010)
- Educator: Trial Skills at the National Institute of Trial Advocacy (NITA) (2007-2009)
- Panel member: CLE programs for electronic discovery, ERISA, wage and hour cases, the amendments to the Federal Rules of Civil Procedure, and settlement techniques
- Board member: Los Angeles Chapter of the Association of Business Trial Lawyers (ABTL) (2007-2010)
- Board member: Paul Michel Intellectual Property Inn of Court (2013)

ADR EXPERIENCE & SPECIALTIES

Business/Commercial, Intellectual Property, Employment, Civil Rights, ERISA, Class Action, Professional Malpractice, Real Property, Personal Injury and ADA.

HOBBIES & INTERESTS

In his spare time, he enjoys traveling, swimming, hiking, scuba diving and underwater photography.

ACHIEVEMENTS & AWARDS

- Speaker, "Stress in the Legal Profession," MCLE (November 2018)
- Moderator, "Gender Discrimination and Harassment in the Legal Profession: The Role of the Court in Addressing and Enforcing Civility and Non-Discrimination," Federal Bar Association, Los Angeles Chapter (2018)
- Panelist, "Arbitrating in 2016: New Cases, Rules, Challenges & Opportunities," (January 2016)
- Speaker, "Perspectives on Effective Mediation," Judicate West (March 2016)
- Speaker, "Ethical Considerations in Mediation: Locating the Path to Help You Maneuver the Minefield," Judicate West - California State Bar Approved MCLE Provider (October 2016)
- Panelist, "Best Defense is the Best Offense," CA Lawyer, Patent Disputes Forum (October 2016)

LOCATIONS

All of California





HON. WILLIAM MCCURINE, JR., RET.

Judge McCurine was appointed a Federal Magistrate Judge for The Southern District of California in 2004. After more than 10 years of service, he retired from the bench where he handled all types of civil matters, including, but not limited to, class actions (involving wage & hour issues, insurance matters, allegations of fraud and unfair business practices), complex commercial matters, catastrophic injuries, medical malpractice and patent, copyright and trademark issues. Prior to the bench he was a civil trial attorney and represented both plaintiffs and defendants for over 30 years. In both his civil practice and as a jurist he has mediated over 1600 cases. Judge McCurine is known to be a quick study, great listener and truly cares about people and of the belief that mediation can resolve any type of civil dispute; therefore, he works endlessly to get results. One attorney commented that "Judge McCurine 's background of representing both sides as a civil trial attorney makes him uniquely situated to serve as a mediator; he can easily see both sides of a case." Another attorney said, "He has a special ability to connect with everyone in the room and can highlight the favorable and, more importantly, the damaging aspects of a case with delicacy."

LEGAL CAREER & PRIOR EXPERIENCE

- United States Magistrate Judge, Southern District of California (2004-2014)
- Trial Lawyer and Partner, Solomon, Ward, Aguirre & Seidenwurm, General Civil Litigation (2000-2004)
- Trial Lawyer and Partner, Gray, Cary, Ames & Frye, General Civil Litigation (1975-2000)

EDUCATION & PROFESSIONAL AFFILIATIONS

- J.D. Harvard Law School (1972-1975)
- Doctoral Candidate (Political Science) Harvard Graduate School of Arts and Sciences (1971-1972)
- B.A. (Philosophy, Politics, and Economics) Oxford University, Rhodes Scholarship (1969-1971)
- B.A. (Political Science) Dartmouth College (1965-1969)
- Vice-Chairperson, Law Week Committee, San Diego County Bar Association (1979)
- Vice-Chairperson, Judiciary Committee, San Diego County Bar Association (1980)
- San Diego Inn of Court Board of Directors (1980-1988), Vice-President (1983)
- San Diego County Bar Association Board of Directors (1981), Secretary (1982)
- San Diego Bar Foundation Board of Directors (1981-1983)
- Member, Earl B. Gilliam Bar Association of San Diego (1981-Present)
- Member, Federal Magistrate Review Panel (1985-1992)
- Member, San Diego CEB Panel on Recent Developments (1985-1993)
- Member, National Bar Association (1985-Present)
- District 9 Representative, State Bar of California Executive Committee (1988-1992)
- Member, Organizing Committee for 1991 Annual Convention for the American Red Cross (1990-1991)
- Member, The William B. Enright Inn of Court, American Inn of Court (1990-2004)
- Member, Mayor's Blue Ribbon Advisory Committee (2000-2001)
- Representative, Ninth Circuit Pro Bono Program (2000-2007)

ADR EXPERIENCE & SPECIALTIES

Patents, Trademarks & Copyrights, Complex Business/Commercial, Class Action (including Wage & Hour), Catastrophic Personal Injury, Product Liability, Insurance Coverage & Bad Faith, Professional Malpractice.

ACHIEVEMENTS & AWARDS

- Judge McCurine has been the recipient of many honors including the Earl B. Gilliam Bar Association Thurgood Marshall Award (1991) as well as being listed in the "The Best Trial Lawyers in America, 1999-2000" by the independent research firm of Woodward/White, Inc. (1999-2000) and named as one of the best trial lawyers in San Diego in San Diego Magazine (2001)

HOBBIES & INTERESTS

In his spare time, Judge McCurine enjoys the theater and cinema, biblical studies and lecturing, loves a wide variety of music and is a confirmed readaholic.

LOCATIONS

All of California



Results Beyond Dispute™



ROSEMARIE DROHAN

Executive Vice President of Business Development
rosemarie@judicatewest.com

Rosemarie Drohan is based out of the company's West Los Angeles and Downtown Los Angeles offices and is a member of the executive committee. Rosemarie began her dispute resolution career in New York in 1991 with Judicate Inc., moved to California in 1992, and was an instrumental member of the team in 1993 when Judicate West became a separate entity from the parent company. In addition to her executive team responsibilities, her duties include case management and consulting, in-house training at law firms, insurance companies and the JW staff and neutrals. Rosemarie also maintains an active role in the company's marketing, advertising and public relations.

She earned an associate's degree in paralegal studies and a bachelor's degree in business management. She participates on panels for various bar groups, is a frequent speaker at ADR industry events and conferences, and contributes to industry publications.

Rosemarie is a founding and currently active board member of the Judicate West Foundation, a non-profit organization dedicated to improving access to justice and legal services for the under privileged. She is also a board member of Public Counsel and the Beverly Hills Bar Association's Committee on Empowering Women. Spending time with her two boys is her number one priority away from the office, and she also enjoys running, yoga, and wine tasting.



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January 18, 2022

Stress

Share:



What is Stress?

Stress is a physical, mental and emotional response to life's changes and demands. It is experienced in levels – from low to high. Not all stress is harmful. In fact, moderate stress can be positive, challenging people to act in creative and resourceful ways. When stress is chronic, however, it can be damaging and lead to serious health problems such as depression and heart disease.

Everyone experiences stress. Any number of factors may contribute to stress, including personality, physical and emotional health, personal relationships, major life changes, and social and job issues. It's not always possible to avoid stress, but it is possible to change your response to stress.

Symptoms of Stress

Stress affects the body, as well as thoughts and emotions. Below are some common symptoms of stress.

- Headache
- Muscle tension or pain
- Chest pain
- Fatigue
- Change in sex drive
- Stomach upset
- Sleep problems

- Anxiety
- Restlessness
- Lack of motivation or focus
- Irritability or anger
- Sadness or depression

How to Manage Stress

Although it's not always possible to avoid stress, there are ways to help minimize stress and become more resilient. If you recognize signs of stress, the best way to manage and alleviate stress is to develop coping strategies. Some coping strategies include:

- Avoid controllable stressors
- Plan to manage major lifestyle changes
- Realize your limitations
- Prioritize
- Improve communication
- Share your feelings with someone trustworthy
- Cultivate a positive attitude
- Reward yourself
- Eat and sleep well
- Exercise
- Seek help

How Stress Affects Lawyers

Stress affects all people and all professions. Stress in the legal profession, however, is well-documented. Lawyers work in an adversarial system with demanding schedules and heavy workloads, which may contribute to increased stress levels.

Lawyer assistance programs (LAPS) are available to help lawyers manage stress effectively.

[Contact your state or local LAP.](#)

How to Help a Colleague Experiencing Stress

Chances are that you know a colleague experiencing high stress levels. If you recognize that stress is taking a toll on a colleague, encourage him/her to develop positive coping strategies. Contact a [LAP](#) for additional support and resources.



California Lawyers Association

Wellness Strategies for Mental Health Issues Among Attorneys and Legal Professionals

September 29, 2022

[CLA CLA eNews Health & Wellness](#)

Please share:

By Lita Abella, JD

Where We Are Now

Since March 2020, the only thing that has been certain is that we have been living in uncertain times. From the COVID-19 pandemic, protests, remote working, and home-schooling kids to participating in Zoom court and everything in between, we have had to pivot, learn new technology, adjust to new work environments, and adapt to new ways of creating boundaries between our personal and professional lives — just to name a few of the ways we have been impacted.

Creating boundaries has been one of the biggest issues for attorneys during the pandemic and transitioning to our “new normal.” While working from home, many attorneys and legal professionals had difficulty creating boundaries and ended up working almost double the hours they normally worked because they did not need to stop work and drive home. For some, the time that you can usually destress and think about something other than work is during the commute to and from work, but that no longer existed.

We know that many attorneys were already encumbered with their caseloads, unrealistic client demands, and numerous deadlines. The pandemic made it worse. Moreover, some attorneys dealt with trying to work from home with their significant other in the next room, their kids running around the house, and pets jumping into the view of the computer camera, thus making it hard to focus and concentrate. Dealing with all of these issues led to stress, anxiety, depression, and burnout along with other mental health concerns.

Older or Single Attorneys

On the other end of the spectrum, some older, more seasoned attorneys, who did not have children in the home and were empty nesters, dealt with isolation and loneliness. Single attorneys who lived alone also shared the same experiences. For this group, the workplace was somewhere they could communicate and socialize with others and engage in team-building and camaraderie. However, during the pandemic, physical distancing and the stay-at-home orders intensified feelings of loneliness, leading to mental health concerns such as depression and anxiety.

Female and younger attorneys experienced worse mental health problems, and younger attorneys were two to four times more likely to report moderate to high stress.

Newly Licensed Attorneys

Another group who experienced mental health issues were the newly licensed attorneys who had to work from home, never went into the office, and had no one to train or mentor them. These new attorneys were literally

learning how to practice law on their own. For many of these attorneys, this situation caused high levels of depression, stress, and anxiety.

According to the study, *Stress, drink, leave: An examination of gender-specific risk factors for mental health problems and attrition among licensed attorneys*, by Dr. Justin Anker and Patrick R Krill (May 12, 2021), depression, anxiety, and stress were higher in attorneys compared to the general population. Female and younger attorneys experienced worse mental health problems, and younger attorneys were two to four times more likely to report moderate to high stress. (In this study, younger attorneys are those under the age of 30.)

Working and Single Parents

Another segment of attorneys and legal professionals that suffered during the pandemic were working parents. In 2020 and 2021, working parents had to learn how to do their job remotely and take care of their kids while working from home. Moreover, many parents also had to home-school their children. Some working professionals also had to care for their aging parents, an additional stressor. Trying to balance all their responsibilities was overwhelming for many parents, especially those with young children. As you can imagine, dealing with these issues as a single parent was even tougher.

Working Mothers

According to the U.S. Labor Department, 865,000 females, four times the number of males, dropped out of the workforce in September 2020 as families faced patchy school reopening plans. See *Work-Life Imbalance: Pandemic Disruption Places New Stressors on Women Lawyers* by Cynthia L. Cooper (December 18, 2020). The U.S. Labor Department also reported in November 2021 that the number of “quits” among all genders, dubbed the Great Resignation, rose to a record 4.5 million. As of May 3, 2022, the [number of job openings was at a high of 11.5 million](#).

For working parents dealing with the pandemic, working remotely and merging work-life and home-life caused stress, anxiety, and depression, which led to an increase in drinking alcohol. According to the article, *Stress, drink, leave*, increase in “COVID drinking” was seven times higher in female attorneys versus three times higher in male attorneys. Moreover, 24% of female attorneys versus 17% of male attorneys considered leaving the legal profession due to mental health problems, burnout, or stress. The top reason female attorneys considered leaving was due to work overcommitment.

Moreover, 51% of Black attorneys and 49% of Asian and Hispanic attorneys felt their firms did not provide support for their personal well-being.

Attorneys of Color

A study on attorneys of color conducted by the *American Lawyer* magazine and reported in *Attorneys of Color Reveal Alarming Higher Instances of Mental Health Struggles* by Dylan Jackson (June 8, 2021), revealed that roughly 31% of Black lawyers have contemplated suicide during their career, far and above the 19% of white respondents. About 35% of Black attorneys felt anxiety based on their race, compared to 12% of Asian attorneys and 5% of Hispanic attorneys. In addition, 51% of Black attorneys and 49% of Asian and Hispanic attorneys felt their firms did not provide support for their personal well-being.

Of the 3,400 law firm respondents, 67% reported they suffered from anxiety, 35% suffered from depression, 44% suffered from isolation, and 19% contemplated suicide.

Workplace Stressors for Attorneys

ALM Intelligence’s 2021 *Mental Health and Substance Abuse Survey*, part of Law.com’s Minds Over Matters project (May 10, 2022), revealed that 72% of respondents stated the top workplace stressor was “always being

on call and not being able to disconnect”, followed by 59% who cited billable hours, 57% said client demands, and 34% felt their clients “often” had unreasonable expectations.

Speaking of billable hours, an article in AboveTheLaw.com, *The 2022 Am Law 100: By the Numbers* (April 29, 2022), reported Goodwin Procter was the Am Law100 firm with the lawyer with the most billable hours of 3,827 for 2021! How can that be healthy or sustainable?

According to *Pandemic Anxiety Wanes, but Legal Industry Mental Health Struggles Persist* by Patrick Smith (May 10, 2022), of the 3,400 law firm respondents, 67% reported they suffered from anxiety, 35% suffered from depression, 44% suffered from isolation, and 19% contemplated suicide. Moreover, 44% felt mental health and substance use in the legal industry were at “crisis levels.” Interestingly, with respect to drug problems, only 2% admitted they had a drug problem, but 18% said they knew a colleague who did. With respect to alcohol problems, 9% admitted they had a problem, but about 44% knew of a colleague who did.

According to *Combatting Stress in the Legal Profession: the ‘New Normal’* by Helen Pameley (January 5, 2022), the relationship between stress and performance can be measured on a bell curve. When stress goes beyond the peak of the bell curve, we suffer from stress-hormone overload, and performance suffers. Sustaining an overload for a long time creates imbalances in our nervous system, leaving us more vulnerable to illness.

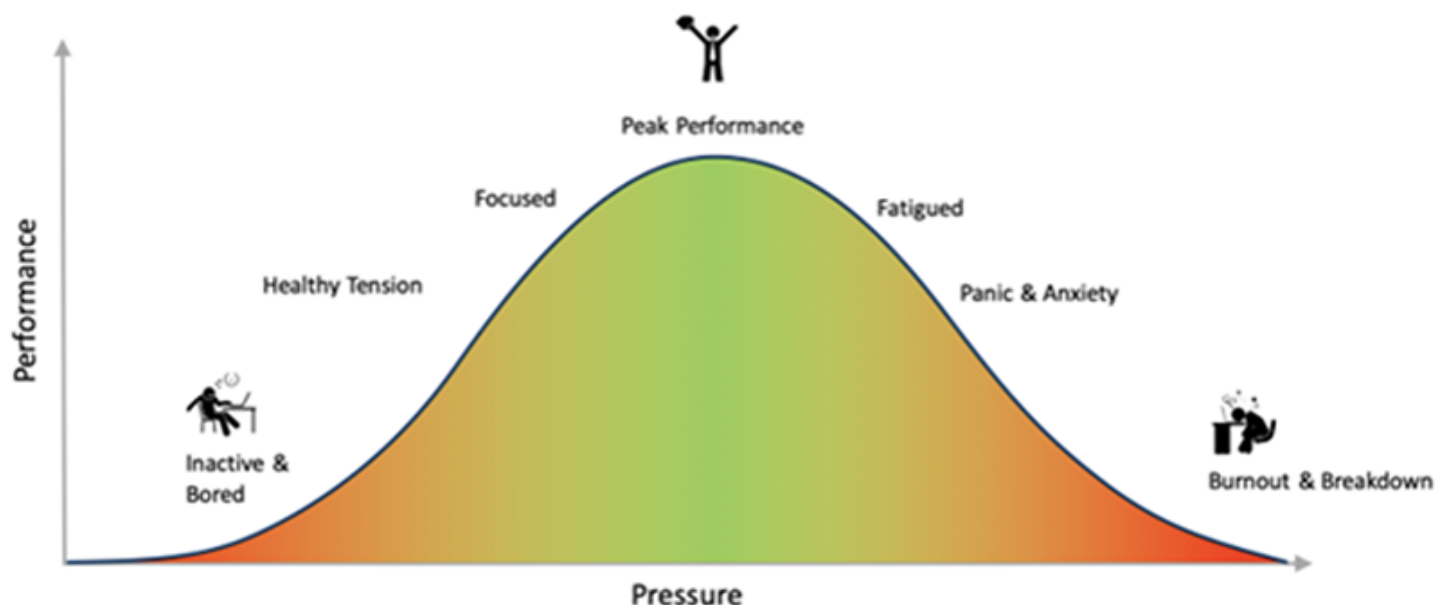


Image from *Combatting Stress in the Legal Profession: the ‘New Normal’*, Helen Pameley, January 5, 2022.

Identifying Triggers

It is important to discover any triggers you may have because identifying them is an important step in being able to manage them.

Our individual needs and strengths are balanced differently. There is no ‘one size fits all.’ Common indicators of stress include:

- Sleep disruption – struggling to drift off, waking up throughout the night, getting less than seven hours of sleep.
- Feeling easily irritated, moody, or short-tempered.
- Having difficulty staying focused, lacking concentration, or getting easily distracted.
- Pulling away from colleagues, friends, and family, or canceling plans.
- Feelings of detachment, becoming disengaged, or loss of interest.

- Procrastination, missing deadlines, or conversely, feeling as though everything must be done now.
- Developing unhealthy eating habits, constantly eating, mindlessly eating, or conversely, not eating, or avoiding food.
- Avoiding doing things we know are good for us, such as exercise and meditation.
- Increasing alcohol consumption.
- Turning toward addictive relaxants.
- Abusing prescription medications.
- Abusing illegal drugs.

How to Stay Healthy and in Balance

Realizing that the past two-and-a-half years have been extremely chaotic and we are still in uncertain times, we must remain flexible to the changes we're dealing with each day. Getting back into a routine has been very challenging for many working professionals. Nonetheless, aim for a well-balanced lifestyle and be prepared for the uncertainties that will continue to come our way.

Wellness Tools

Here are four basic tools to maintain a healthy, well-balanced, and fit lifestyle.

1. Sleep Well: Good quality sleep makes a big difference in how we feel mentally and physically.
2. Exercise: Being active is great for your physical health and fitness.
3. Eat Well: A balanced diet has a major impact on how we feel.
4. Meditate: Meditation provides a sense of calm, peace and balance that also benefits overall health.

#1) Sleep

We need at least seven hours of sleep each night to maintain a healthy lifestyle. One benefit of a good night's sleep is that it improves your health by fighting off viruses and infections. Sleep deprivation can impact your body's inflammation levels, which can increase your risk of cardiovascular disease and cancer. Sleep can help to reduce depression and anxiety. Sleep can improve your memory and learning as well as your performance and productivity. To get a good night's sleep, stick to a schedule, optimize your bedroom environment, and have a routine to help you fall asleep, such as taking a warm bath, reading a book, or listening to soothing music.

TIPS FOR BETTER SLEEP

DO'S

- Have a relaxing wind-down routine.
- Optimize the bedroom environment.
- Stick to a schedule.
- Take a relaxing bath.
- Take melatonin or other supplements, if needed.

DON'TS

- No electronics at least 30 minutes before bedtime.
- Eliminate or reduce long day naps.
- Don't eat late at night.
- Don't drink alcohol or caffeine before bedtime.
- Don't exercise right before bedtime.

#2) Exercise

The Centers for Disease Control and Prevention recommends that adults ages 18-64 get at least 150 minutes a week of moderate-intensity activity, such as brisk walking, plus at least two days a week of activities that strengthen muscles, such as weightlifting, that work all major muscle groups. For adults 65 and older, the recommendations are the same but include activities to improve balance. Tai Chi, which is a slow-movement meditation activity, can help with improving balance. The bottom line is that any activity, even 10 minutes a day, is better than no activity at all.

As working professionals who sit at a desk most of the day, we all need to stretch at least every 30 minutes and get up and move about every hour to avoid pain to the neck, back, shoulders, hands, and wrists. A standing desk can help you alleviate some of the pain you may get from sitting, by changing to different positions throughout your workday.

Schedule exercise into your daily activities. Thirty minutes a day, five days a week, will meet the minimum requirements. With the hectic schedule you may already have, it can be challenging to add more to your plate, but the benefits of exercise outweigh the burdens. Some suggestions may be to get up one hour earlier so that you have some time to yourself to mentally plan your day, incorporate your daily exercise routine, and practice meditation and mindfulness (which will be discussed later).

Talk to your medical provider about any recent health issues or injuries before starting any exercise routine. If you are a beginner, start slowly and gradually work your way up to 150 minutes a week. By integrating exercise into your morning routine, you will feel more energized and ready for the challenges of the day, rather than worrying about how to squeeze it into your busy schedule later in the day or giving yourself an excuse not to do it!

BENEFITS OF EXERCISE

- **Endurance:** Endurance exercises such as cardiovascular exercises lower blood pressure, regulate weight, and strengthen the immune system.
 - **Strength Training:** Strength training such as weight lifting helps make the bones stronger, improves brain health, and keeps muscles strong.
 - **Flexibility:** Flexibility exercises such as stretching, yoga, and Pilates help improve blood flow, reduce fatigue, and improve overall well-being.
 - **Balance:** Balance movement helps to improve balance and prevent falls. Tai Chi is a moving meditation. Move slowly, gently, and precisely while breathing deeply.
 - **150 Minutes of Exercise a Week:** Try to include exercise in your daily activities. Any movement is better than none!
-

#3) Nutrition

There are so many different diets and recommendations that it is difficult to figure out which is the right one for you. The only way to know is to conduct your own research based on your individual body type, your health, the medications you take, the amount of daily exercise you get, your age, and other factors. No matter what type of diet is right for you, make sure that you're eating the recommended daily amount of fruits, vegetables, grains, protein, and dairy products and keep hydrated with water throughout the day. If you suffer from food allergies or have health issues, such as diabetes, you have to be even more mindful of your nutrition. Consider seeking professional advice on healthy eating from a nutritionist.

#4) Meditation and Mindfulness

Just like nutrition, another tool for your wellness toolkit is meditation and mindfulness. While there are numerous articles and references that describe these two as separate disciplines, for this article, I will use meditation and mindfulness interchangeably to keep it basic.

Attorneys and legal professionals are usually Type A workaholics who love challenges, are always busy, and are in a high-stress profession. Being constantly on the go, on edge, or in a high state of alertness can be detrimental if you never take a break to renew, refresh, and rejuvenate. This is where meditation and mindfulness can help. It is not focusing on the past or future but instead, putting yourself in a present state of mind and focused attention through breathing techniques.

If you have never practiced meditation or mindfulness, you can download apps on your smart phone that will guide you. Some apps include Headspace, Calm, Insight Timer, Unplug, among many others. You can start with just a couple of minutes and work your way up to 20, 30, or even 60 minutes a day – whatever you can fit into your schedule. Meditation can bring you a sense of calm, balance, and peace that can benefit your emotional well-being and overall health.

BENEFITS OF MEDITATION AND MINDFULNESS

1. Gain a new perspective on stressful situations
 2. Build skills to manage stress
 3. Increase self-awareness
 4. Focus on the present
 5. Reduce negative emotions
 6. Increase imagination and creativity
 7. Increase patience and tolerance
 8. Improve sleep quality
-

Fitness Trackers

To help keep track of all the tools in your wellness toolkit, there are fitness trackers such as Fitbit, Apple watch, Garmin, and many others. My Fitbit helps me track my daily exercise, food, water intake, weight, sleep, heart rate, oxygen saturation, and other functions that can help manage stress. It reminds me every hour to get up and move about. I also enter in weekly competitions with my Fitbit friends to see who has the most steps, which is another motivating factor for me to exercise. Most fitness trackers have similar features.

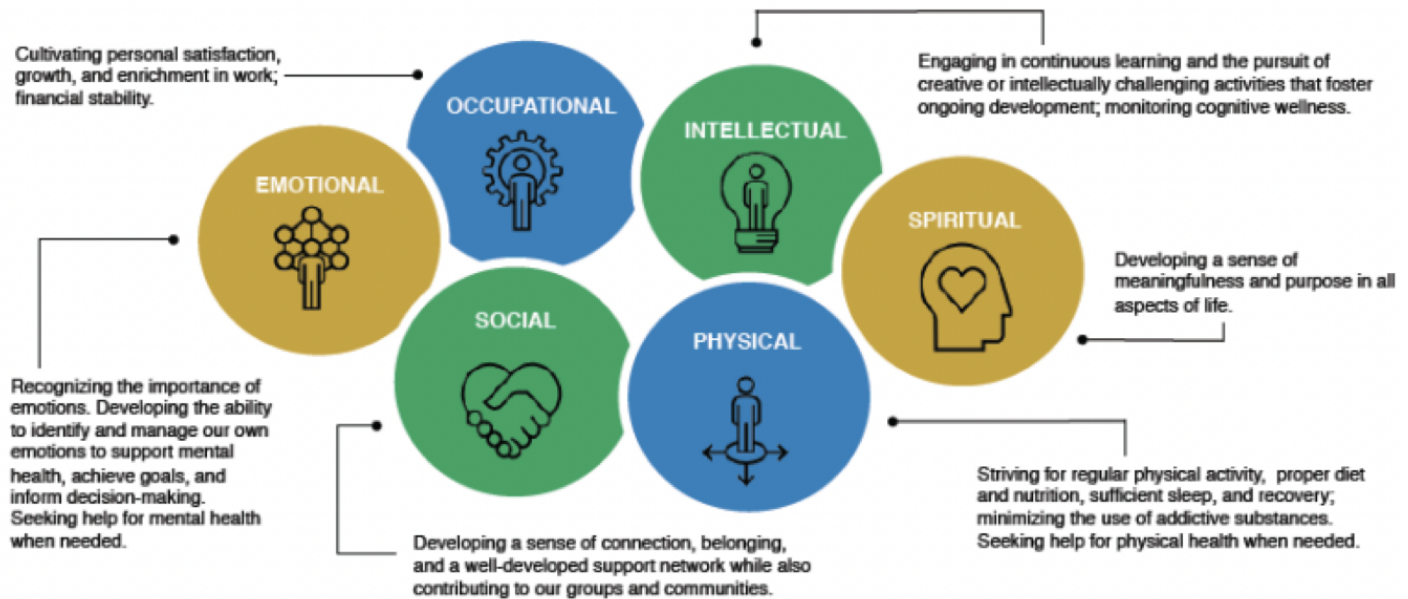
The Fitbit tracker explains how the body cycles through the different sleep stages and tracks the number of steps, miles, calories burned, zone minutes (fat-burning heart rate zone), and floors climbed throughout the day.

Defining Lawyer Well-Being

According to *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* (The Report of the National Task Force of Lawyer Well-Being, August 14, 2017), lawyer well-being is part of a lawyer's ethical duty of competence. It includes a lawyer's ability to make healthy positive work-life choices. To provide a quality of life for a lawyer's family, friends, and clients, a lawyer must maintain a healthy, well-balanced lifestyle.

Defining Lawyer Well-Being

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



Resources for Attorneys and Legal Professionals

Lawyer Assistance Program

The Lawyer Assistance Program (LAP) is an excellent but underused resource that is open to California attorneys (active, inactive, and disbarred) as well as law students and bar applicants. The program provides short-term career counseling for participants who have difficulty finding meaningful work, are unsatisfied with their current employment, or who want to better utilize their law degree. The program also provides short-term counseling sessions with a therapist who specializes in stress, relationship challenges, burnout, or grief. Due to the pandemic, all sessions are conducted virtually.

Participants who need longer-term support can access through the LAP a free orientation and assessment by one of the LAP's clinical rehabilitation coordinators (CRCs), who will conduct a virtual intake and provide a treatment and recovery plan. The CRC will help the participant find a therapist who specializes in their specific issues and weekly group support sessions that the participant can attend virtually. The LAP has financial assistance for those who qualify.

The LAP is confidential as mandated by California Business and Professions Code section 6234 unless waived by the participant or mandated reporting by a healthcare professional.

The LAP provides free one-hour MCLE presentations on competency to law firms, bar associations, government agencies, organizations, etc. The LAP also provides free presentations to law students, bar applicants, law schools, and law student organizations on substance use and mental health issues as well as wellness strategies for legal professionals.

For more information on the LAP, you can [email](#), call 877- LAP-4-HELP (877-527-4357), or visit the [website](#).

Other Resources

[The ABA Commission on Lawyer Assistance Programs](#) (CoLAP) has articles, podcasts, and other valuable resources on substance use and mental health issues.

The [Other Bar](#) is a substance-use recovery program open to California attorneys, judges, law students, and bar applicants.

The [Lawyers Depression Project](#) is a peer support group that provides free resources to attorneys, law students, paralegals, and administrative professionals.

[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 (February 1, 2016), is the most recent nationwide study on substance use and mental health issues among attorneys and judges.

[A Wellness Guide for Senior Lawyers, Their Families, Friends, and Colleagues](#) provides information on health problems that come with age, such as dementia and Alzheimer's Disease. It also provides information for attorneys who are closing or selling a law practice.

[National Suicide Prevention Lifeline](#), national, toll-free, and available 24/7, 800-273-TALK (800-273-8255).

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

Conclusion

We have discussed some of the mental health problems that attorneys and legal professionals had to deal with during these challenging times. We have identified some of the triggers that can impact attorneys and legal professionals and the wellness strategies and resources to combat them. It takes a strong person to admit they need help and an even stronger person to ask for help.

Lita Abella is a senior program analyst in the Office of Professional Competence, Lawyer Assistance Program, at the State Bar of California. The views expressed herein are the author's alone, and not those of the State Bar of California.

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Lawyers' Mental Health Remains In Crisis, But Awareness Is Growing

Are you working for a firm that has a negative effect on your mental health?

By [KRISTINA MARLOW - LATERAL LINK](#)

June 17, 2022 at 11:18 AM

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It's hardly news to say that the collective mental health of the legal profession is under severe strain. The results of the recent ALM Intelligence 2022 Mental Health and Substance Abuse Survey confirm what has long been true: the situation remains grave.

On the other hand, there is some indication, both in the annual ALM survey data and elsewhere, that law firms are taking mental health concerns more seriously than in the past.

The 2022 ALM survey was administered to more than 3400 respondents working at law firms of all sizes. The survey pool was global, but 79% of respondents were based in the United States. Respondents were 52% female and 48% male, with less than 1% identifying as transgender or other gender. Eighty-five percent of respondents were White (non-Hispanic), 5% Hispanic or Latino, 4% Asian, 3% Black, and 3% Other/Multiracial.

Broadly experienced negative mental health impact

The proportion of respondents who agree that mental health problems and substance abuse are at a “crisis level” in the legal industry has grown each year since 2019, reaching 44% in the most recent survey. On the question of whether mental health problems and substance abuse are worse in the legal industry than in other industries, 55% of respondents said yes, 36% don’t know, and only 9% said no.

Thirty-five percent of respondents said they personally feel depressed, and two-thirds reported having anxiety. Three-quarters reported that the profession has had a negative effect on their mental health over time. Sixty-four percent reported that their personal relationships have suffered as a result of being a member of the legal profession. Nineteen percent answered yes to the question: “In your professional legal career, have you contemplated suicide?”

When asked to select factors that negatively impact their mental well-being, 72% of respondents selected “always on call/can’t disconnect,” 59% selected “billable hour pressures,” 57% pointed to “client demands,” and 55% selected “lack of sleep.”

Rising awareness of the problem

Even though the overall data are undeniably bleak, the survey does include some indications of progress. The proportion of respondents who agreed that their “workplace is a safe environment to raise concerns about mental health and

substance abuse” has risen from 40% in 2019 to 45% in 2022. Still far too low, but at least moving in the right direction. The survey also indicates that more firms are taking tangible action to provide more comprehensive mental health support: in 2022, 61% of attorney respondents reported that their firm offered an Employee Assistance Program including assistance for mental health or substance abuse, up from 54% in 2019.

In addition, the survey suggests that COVID-related mental health pressures are starting to improve. Sixty-one percent of respondents reported that the COVID pandemic had made their mental health worse, but this was down from 70% in 2021.

Mental health and return to office

Although some aspects of the survey might seem like “more of the same,” the section on Remote Work Environment is particularly timely, given that the profession remains in a tug of war over a return to the office. In a set of questions introduced for the first time in this survey, ALM asked respondents about the effect of “hybrid or remote work environments” on various elements of their professional and personal lives. The results are less than conclusive.

There was something approaching consensus on a few points. For example, 76% of respondents reported that remote work had decreased the quality of interpersonal relationships with colleagues and 62% said it had increased the quality of home-based personal relationships. 59% reported that remote work had increased their quality of life.

But the reported mental health effects were much less clear. Thirty-eight percent of respondents stated that remote work increased mental health, whereas 35% said it decreased mental health, and 27% reported no impact. On the question of whether hybrid or remote working environments increase or decrease the likelihood of professional burnout, 25% said increase, 33% said decrease, 25% answered “stay the same,” and 17% didn’t know.

Unfortunately, the published survey includes no breakdown of how these responses intersect with demographics, which is perhaps a missed opportunity.

For those who found that remote work flexibility relieved stress levels, the prospect of being forced to return to old ways of working inspires real anxiety. It will be interesting to observe over the coming months and years how the widespread desire of firm leadership to encourage (or enforce) return to office will interact with increased awareness of a responsibility to address mental health challenges.



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Litigation

CalBar Lawyer Assistance Program Sees Surge of Attorneys in Need

By David McAfee

Sept. 9, 2022, 1:45 AM

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- Intakes increase by 36% from 141 in 2020 to 192 in 2021
 - No data directly links intake spike to any specific factors
 - [In Focus: Lawyer Well-Being](#) (Bloomberg Law subscription)
-

New case intakes for the State Bar of California's Lawyer Assistance Program for attorneys struggling with substance abuse or mental health issues jumped 36% from 2020 to 2021.

That spike from 141 cases in 2020 to 192 last year, was "the largest one year percentage increase in the LAP's history" said Lisa Chavez, director of the bar's Office of Research and Institutional Accountability. The LAP was created by the California Legislature in 2002.

The climb in new cases coincided with the second full-year of the coronavirus pandemic, according to California state bar defense counsel Susan L. Margolis of Margolis & Margolis LLP, a firm that specializes in defending attorneys in bar disciplinary proceedings.

"It's possible the ongoing stress that resulted from these conditions may have caused more mental health and substance abuse problems in the profession and caused more attorneys to seek assistance from LAP," Margolis said via email.

But the pandemic isn't the only factor, according to ethics lawyer David C. Carr. According to Carr, the LAP program has been historically underutilized.

Less Stigma

"It was thought that this was because impaired attorneys were afraid of participating because it was operated by the State Bar despite the LAP's strict confidentiality," Carr told Bloomberg Law. "Efforts were made to put some distance between the State Bar and LAP, literally moving it into a different building."

The assistance program has also done a lot of outreach emphasizing its confidentiality, Carr said. The increase in attorney participation is “good to hear,” he said.

“LAP has literally been a life-saver for some of my clients. Others have not been so fortunate. I have lost five clients to suicide in the last 20 years, all of them struggling with mental health or substance issues,” Carr told Bloomberg Law.

James I. Ham, whose practice also focuses on legal ethics and attorney regulation in California, said there has also been a more gradual trend within the LAP program.

“Over time there has been a general increase in awareness of mental health and substance abuse issues and less stigma attached to treatment,” Ham said via email. He added that this was “also possibly contributed to by the statistical fluke caused by the relatively small numbers involved.”

State Bar Position

The State Bar of California—a regulator whose membership is compulsory and that licenses and oversees more than 250,000 attorneys—says there is no data that directly measures the cause of the spike. Anecdotally, however, the program’s supervisor, Michelle Harmon, said it is “likely that the increased stressor” of the Covid-19 pandemic had something to do with the uptick in LAP intakes.

It’s also possible that increased workplace assistance in the form of mental health support would result in fewer applications for LAP, Harmon said

She further confirmed that the program is confidential.

“Currently, we find there is reluctance for some attorneys to voluntarily enroll in LAP because of a fear of backlash for admitting they need assistance,” Harmon said. “The benefits and assistance that attorneys receive can be life-altering, and until more firms and law offices offer assistance, we hope more attorneys enroll in LAP.”

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Home / Daily News / Conventional wisdom is wrong about lawyers'...

LAWYER WELLNESS

Conventional wisdom is wrong about lawyers' mental health, but comparative drinking rate is 'extraordinary,' study says

BY DEBRA CASSENS WEISS ([HTTPS://WWW.ABAJOURNAL.COM/AUTHORS/4/](https://www.abajournal.com/authors/4/))

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Lawyers consume alcohol “at extraordinary rates” compared to their educational peers, according to a study based on multiyear data. But lawyers don’t have significantly higher rates of mental illness than others, including doctors, veterinarians and dentists, the study found.

“Contrary to the conventional wisdom, lawyers are not particularly unhappy,” the study said. “Indeed, they suffer rates of mental illness much lower than the general population. Rates of problematic alcohol use among lawyers, however, are high, even when compared to the general population.”

Yair Listokin, a Yale Law School professor, and Raymond Noonan, a Yale law student, published those findings in an article available at SSRN (https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3667322).

The researchers used information from the National Health Interview Survey conducted by the U.S. Centers for Disease Control and Prevention. The survey is based on data from a randomly selected group of 35,000 households, producing annual data from about 90,000 people of all ages.

The study found that only 0.7% of the surveyed lawyers suffered from serious mental illness, compared to 4.9% of those without a college degree and 1.3% of those with only a bachelor's degree. And lawyers fare no worse than those with a master's degree, a PhD or a medical degree.

The study used a Kessler 6 screening scale that is based on a series of six questions about mental health. A K6 score equal to or above 13 indicates severe mental illness. The higher the K6 score, the more serious the mental illness. The maximum score is 24.

Lawyers' average K6 score of 1.98 is higher than the scores of other medical professionals (at 1.63), the study found. But it is significantly lower than that of the general population (at 2.60) and those without bachelor's degrees (at 2.95). The lawyer average is not significantly different than the K6 scores of those with bachelor's or master's degrees or PhDs.

When the incidence of moderate and severe mental illness is combined, the percentage is 6% for lawyers; 16% for those with no college degree; 8% for those with only a bachelor's degree; 7% for those with a master's degree or PhD; and 5% for medical doctors, veterinarians and dentists.

The findings on alcohol consumption are more problematic.

Eleven percent of lawyers in the study reported excess alcohol consumption, which was defined as having five or more drinks on 12 or more days in a year. That's higher than the percentage of excess drinking reported by all the respondents (10%), by those with master's degrees or PhDs (6.7%) and those with a medical degree (5.4%).

"Compared to their educational peers, lawyers consume alcohol at extraordinary rates," the study said. "Lawyers exhibit excess alcohol consumption twice as frequently as others with advanced professional degrees. Moreover, alcohol abuse in the legal profession has been getting worse—increasing dramatically over the last 15 years."

Today's rates of problematic drinking among lawyers are more than 50% above the rates reported in the mid-2000s, the study found.

The study also noted that problematic drinking is especially prevalent among lawyers younger than age 40.

The study found that more than three times as many young lawyers drink alcohol at problematic rates compared to their older peers. Age alone does not explain the differences because differences in drinking rates by young and older nonlawyers are about a third as large as between young and old lawyers.

The study also found differences in problem drinking between lawyers at private law firms and lawyers working for government or in-house. The law firm lawyers had problematic drinking rates that were 50% greater than the other lawyers.

Listokin and Noonan used data from the National Health Interview Survey from 2010 through 2017, which included information from 1,000 lawyers. The study defined a lawyer as a lawyer, judge or related worker with a doctoral or professional degree.

The conventional wisdom on mental health and alcohol use is partly based on a 2016 study (https://www.abajournal.com/news/article/younger_lawyers_are_most_at_risk_for_substance_abuse_and_mental_health_prob) of about 13,000 lawyers and judges jointly conducted by the ABA Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation.

The ABA study found that alcohol use disorders and mental health problems are happening in the legal profession at higher rates than in other professions and the general population. That study found that 28% of the responding lawyers experienced depression, 19% experienced anxiety and 23% experienced stress.

The ABA study also found that 20.6% of the lawyers reported problematic alcohol use.

The ABA mental health and alcohol figures are higher than in the study of the National Health Interview Survey's data. Listokin and Noonan note that the ABA study used volunteer respondents, who may not be representative of lawyers who are in a random survey.

Listokin and Noonan's study is called *Measuring Lawyer Well-Being Systematically: Evidence from the National Health Interview Survey*.

Hat tip to Reuters, which had coverage of the study here (<https://www.reuters.com/legal/legalindustry/maybe-lawyers-arent-uniquely-unhappy-after-all-study-says-2022-02-17/>).

- The Well-Being Toolkit for Lawyers and Legal Employers is at [ABAJournal.com/toolkit](https://www.abajournal.com/toolkit).
- A directory of Lawyer Assistance Programs by state is at [ABAJournal.com/lap](https://www.abajournal.com/lap).
- "What every attorney should know about alcohol and substance abuse" (ABA Journal, 2018)

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