



AttPro Ally

Making the case for wellness

**PRIORITIZING MENTAL HEALTH
IN THE LEGAL PROFESSION**

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LAWYER MENTAL HEALTH AND WELLNESS: CHANGING THE CONVERSATION



By: Sam Rosenthal

For many in the legal profession, the term “lawyer mental health” may seem contradictory. The demanding hours and stressful work environments at many law firms often have detrimental effects on legal professionals, who struggle to balance severe stress and self-care. Mental health issues among lawyers are notoriously prevalent, as are substance abuse and addiction.

Why lawyer mental health and wellness matters

The legal industry is, to put it bluntly, unwell. The stats speak for themselves:

A 2020 study¹ featuring participants such as the California Lawyers Association and the D.C. Bar found that “roughly half of practicing attorneys are experiencing symptoms of depression and anxiety, with approximately 30% of those falling in the mild range and nearly 20% falling in the moderate/severe range.”

And a recent article² by the ABA notes that “at least 25 percent of attorneys who face formal disciplinary charges from their state bar are identified as suffering from addiction or other mental illness,” and that substance abuse plays a role in “60 percent of all disciplinary cases ... 60 percent of all malpractice claims and 85 percent of all trust fund violation cases.” Even more concerning is that lawyers belong to a profession with one of the 10 highest suicide rates among all careers.³

To combat these troubling statistics, legal professionals need to adopt new practices to improve work-life balance, reduce stress, and increase their overall wellbeing.

Defining lawyer mental health and wellness

Because of potential misperceptions of the wellness industry, it's important to realize that legal wellness or lawyer mental health does not mean:

- Drinking kale smoothies
- Keeping a yoga mat under your desk
- Swearing off alcohol forever
- Re-reading your copy of *The Power of Now* until its pages start fraying

Of course, wellness CAN mean doing those things—and for many people, consuming superfoods, practicing yoga, cutting down on alcohol, and reading spiritual books is an excellent path towards wellness. But for others, the recipe for success looks far different.

In its purest form, wellness involves doing whatever you need to do to feel better and be healthier daily. There is no one-size-fits-all approach to achieving a general sense of wellbeing and overall health, and anyone who claims otherwise is selling you something. What matters is discovering the path that works for you. Instead of looking for a quick fix, go with a practical, multi-tool approach that helps you grow over time.

For our purposes, lawyer wellbeing incorporates anything that:

- Improves your work-life balance
- Helps you manage stress better
- Fosters a more positive mindset
- Promotes habits of consistent self-care

These barometers of wellness apply to almost anyone, but they're particularly important for legal professionals because of the alarming statistics presented above. Many lawyers work in environments that make wellness difficult to achieve. Taking care of yourself can be difficult when you are helping clients through potentially the most difficult times of their lives—not to mention working 60-80 hours per week while managing stress and complex personal lives.

By implementing helpful strategies for effective lawyer wellness, you can begin to navigate work and life in healthier ways.

Approaches to lawyer mental health and wellness

The goal with wellness is to identify a set of habits and practices that you can implement in your own life. Things that work for you. Your

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approach to wellness should be a holistic one. That is to say, wellness is not about making one giant change and suddenly transforming your life—it is about continually working to improve various aspects of your life so you can build a more sustainable lifestyle and career. And while no single wellness strategy works for all legal professionals, most worthwhile wellness strategies will incorporate the following elements:

Self-reflection

You can meditate, practice yoga, or sit down for a few minutes to take a break and collect your thoughts. Regardless of your preferred self-reflection method, checking in with yourself to see how you're thinking, feeling, and doing is an invaluable practice for positive lawyer mental health.

Self-reflection and mindfulness may not necessarily involve chanting "Om" in a circle with incense burning. The important thing is to create a routine habit of pausing during your day, taking a few deep breaths, and being aware of your inner state at that moment. It sounds simple, but taking a short pause every day can make quite an impact on your mental wellbeing over time.

Nutrition

Because legal professionals are so busy and may often have little time to cook meals at home, eating healthy can be a major challenge.

Although choosing what to eat is a deeply personal choice, it's worth taking stock of your eating habits and identifying proactive strategies for improvement.

Working with a nutritionist, subscribing to a meal delivery service, and learning to prepare meals can all be helpful strategies. Learning which foods and eating habits do not work for you—is also important.

Exercise and personal care for lawyer mental health

Any list of wellness practices for lawyers should include physical activity and rest—because every lawyer needs both.

As for what constitutes rest and exercise, try to find activities that you enjoy (or at least don't hate) doing. Choose sustainable activities you can do for weeks, months, and years without getting bored or giving up.

"Exercise," in this context, could be as simple as taking a 30-minute walk three-to-five times a week—or it could mean running a marathon.

"Rest" or "self-care" could mean visiting a massage therapist regularly, sleeping late one day each weekend, stretching for five minutes in between client calls, or taking more vacation time than you're used to.

Look for that sweet spot where your body feels good, you have energy each day, and you're breaking up the sedentary lifestyle of long office hours.

Invulnerability and stigma surrounding lawyer mental health

Unfortunately, there are some mental health challenges that cannot be solved with a successful wellness routine. Mental health issues that require professional medical intervention are unfortunately very prevalent among legal professionals.

One of the main reasons why mental illness and substance abuse persist at such high levels in the legal community is that legal professionals don't feel they can talk openly about these topics.

As Brian Cuban, author of *The Addicted Lawyer*, puts it: "The issue is not so much 'why lawyers get addicted'—lawyers are just as likely to experience the environmental issues that trigger addiction as anyone else. The question is 'why are lawyers so afraid of seeking help?'"

The answer is: for a lot of reasons. Among them are long-held beliefs that lawyers should just "suck it up," that reaching out for help shows weakness, that asking for help could be detrimental to one's career, and so on.

This is why it's vital to change the industry-wide conversation around lawyer mental health and wellness.

Allison Wolf and Terry DeMeo, two expert legal coaches, have wise advice for legal professionals struggling with their mental wellness. For lawyers who are "going through it," they recommend taking the following steps:

1. Talk to someone you trust about the difficult things you're experiencing, so you can feel that you're not facing mental health issues on your own. There are many lawyer mental health resources available for legal professionals who are dealing with mental illness, substance abuse, or addiction.
2. Learn to recognize, in the moment, when you're getting caught up in speculative, negative thoughts—and how to interrupt those thoughts and analyze them from an impartial standpoint.
3. Because studies show that people actually function better when they focus their attention on one action instead of multi-tasking, try to execute tasks one-at-a-time instead of trying to do multiple things at once.

In summary: Legal wellness is about individuals finding ways to create more overall wellbeing in their lives. However, on a broader scale, mental health and wellness is about the legal industry as a whole re-thinking and re-creating the way law schools, law firms, and legal associations approach attorney wellbeing.

On an industry-wide level, we can make a difference by encouraging open and honest conversations about wellness and mental health within the legal industry. Let's get to work.

*To read the full article, please see www.clio.com/blog/lawyer-mental-health.

¹ Groundbreaking Study Focuses on Attorney Mental Health and Well-Being - Los Angeles Times (latimes.com)

² If There Is One Bar a Lawyer Cannot Seem to Pass: Alcoholism in the Legal Profession By Patrick R. Krill (americanbar.org)

³ Top 10 Jobs with Highest Suicide Rates | Choices Psychotherapy

WHILE YOU WERE OUT:

ETHICAL CONSIDERATIONS FOR MAKING THE MOST OF YOUR TIME AWAY FROM THE OFFICE

By: Kate Gould

As a new lawyer about to take my first vacation, I remember assuring the managing partner that I would be available by phone and checking my email. Although he did not discourage my accessibility, he recalled what taking a vacation was like before being tethered to a Blackberry (these were pre-iPhone days). He said something to the effect of, “There was no laptop to take with you or email to check on your phone. We would just return to the office to a little pile of pink messages on our desk.”

Nowadays, our legal assistants don’t even take phone messages. Clients leave voicemails which instantaneously pop up on our phones. There really is no escaping the practice of law unless you make a conscious effort to temporarily “unplug” from your work. With a little planning this can – and should – be done. Of course, there are ethical considerations to taking time away from the office.

Why You Need (and Deserve!) a Break

Taking a well-deserved break from the practice of law can serve you and your clients well. The time away will allow you to decompress, avoid burnout, and return to the office refreshed. Quite frankly, a well-timed vacation can encourage future productivity and allow you to do a better job overall.

For attorneys, heavy caseloads, neverending client demands, and spending time away from family or friends can all lead to burnout. Burnout is quite literally that slow burn which simmers until it eventually affects the quality of your work. While it can manifest in different ways for different people, burnout generally affects the vigor with which you practice law. The energy and enthusiasm you typically exhibit may be replaced with a lack of interest, overall job dissatisfaction, and poor performance. The pandemic exacerbated these feelings for many lawyers and

caused them to examine their work-life balance (or lack thereof) leading, in part, to the Great Resignation. Perhaps those who chose to leave the profession may have stayed if the legal world was more cognizant of the need for an actual break.

While we cannot shirk our professional responsibilities while away from the office, we can and should periodically step away. Specifically, while we are charged with keeping our clients reasonably informed and to work diligently on their cases, we do have a duty to remain competent in our representation. By taking an extended vacation or even just a couple days off, we can avoid burnout and maintain the level of competence our clients have come to expect.

Model Rules of Professional Conduct

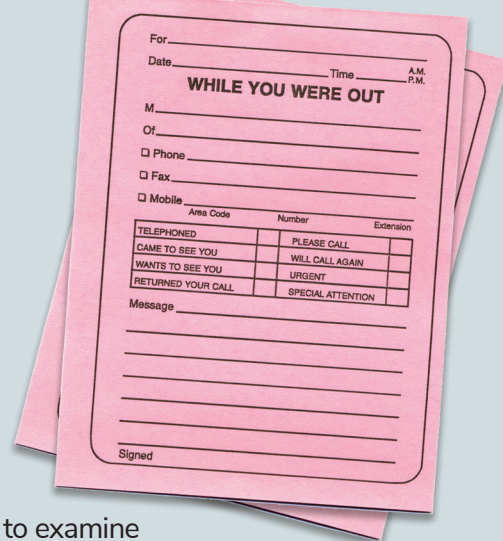
A few Model Rules of Professional Conduct come into play as you prepare to take a vacation or short absence from the office.

First, Rule 1.1 of the Model Rules requires competence.

Whether away on vacation or recovering from surgery, lawyers remain accountable to their clients to provide competent representation during any absence. Unfortunately, despite adequate planning, some emergencies cannot be anticipated. So, while “unplugging,” it may be necessary to maintain some level of contact with your office to ensure this duty is fulfilled.

Second, Rule 1.3 of the Model Rules states that “[a] lawyer shall act with reasonable diligence and promptness in representing a client.” Just like the requirement to be competent, a lawyer’s duty to remain diligent in their representation is not somehow suspended during vacation or a short-

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Kate is a Risk Management Consultant at Attorney Protective. When she isn't offering AttPro insureds risk management guidance, you might find her planning her next vacation out West.

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term absence from the office. You cannot simply check out and ignore deadlines during this time. In the litigation world in particular, calls or inquiries from the court should be promptly addressed by you or another attorney in your absence who is familiar with the case.

Finally, under Rule 1.4 of the Model Rules, lawyers are required to keep the lines of communication with their clients open at all times. They must keep their client reasonably informed about the status of their case and comply with reasonable requests for information. Under Rule 1.4, lawyers are further responsible to explain a matter to the extent reasonably necessary to allow the client to make informed decisions about the representation.

Are you sensing a theme? Much to the chagrin of some clients, you aren't "on call" at all times to answer their burning legal questions. The standard is reasonableness. And while we all strive to promptly respond to our clients and offer them timely legal advice, it doesn't mean you need to get that underwater phonecase for your snorkeling trip. That being said, by providing a timeline for when your clients can expect to hear from you or someone in your office, you can satisfy this reasonableness standard.

By setting boundaries and tempering client expectations for a vacation or temporary absence from the office, you can enjoy your time away while fulfilling your professional responsibilities.

Best Practices When Out of the Office

Although completely unplugging may not be possible, there are some pre-vacation strategies you can implement, so you can return to the office feeling renewed and refreshed.

Notify clients. By letting your clients know you will be away, you will likely avoid an interruption on your trip. Chances are, your client will appreciate the fact you gave them advance notice and respect that boundary. You can always suggest they contact your assistant who can help determine whether something is an emergency or

if you can address the matter when you return.

Coordinate with your legal staff and fellow attorneys.

Ask that your legal assistant be in the office when you are away. By having someone familiar with your cases in the office, you and your clients will have greater peace of mind that nothing will slip through the cracks while you are gone. You can also ask that your assistant run any questions by an attorney in the office by coordinating with that attorney before you leave.

Calendar some breathing room. Be sure to timely mark out your vacation time on your calendar so nothing is scheduled on your anticipated days out of the office. It is also helpful to set aside a day prior to your trip to go through your file list and make sure you haven't missed any upcoming deadlines. Also, it may be hard to relax on vacation knowing there is a hearing or client meeting scheduled on the day you return to the office. So upon your return, think about reserving a day to catch up on email and voicemails.

Set your away messages. Record a voicemail message advising of the dates you will be out of the office and who can be contacted for immediate assistance. Likewise, setting an automatic email reply with the same information and instructions is an easy way to set expectations as to when your clients will hear from you upon return from vacation.

Short term coverage. As a solo practitioner, you may have a reciprocal arrangement with a colleague to cover each other's practices when you are out of town. Be sure to brief them on anything you anticipate might come up and let them know under what circumstances to reach you when you are gone.

As with most things, striking the balance between going "off the grid" and being available depends on the lawyer and their practice. Some lawyers may be completely comfortable allowing their associates to handle their files in their absence. Others may struggle to not answer every email received while sitting on the beach. That being said, it is possible to take time to relax and recharge while adhering to your ethical obligations "while you [are] out."

THE SOBERING TRUTH ABOUT Addiction in the Legal Profession

MARCH 29, 2023 | 1:00pm ET

The never ending deadlines and client demands, along with the overall pressure associated with the profession, can unfortunately lead to addiction and substance abuse for many lawyers. Thankfully, there are many resources for those that may be struggling. Erica Grigg, Attorney with the Texas Lawyers' Assistance Program, and Eric Wood, MA, LCAC, Clinical Case Manager with the Indiana Judges and Lawyers Assistance Program, thoughtfully examine substance abuse and how to assist lawyers on the path to sobriety and wellness in this 60-minute webinar.



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