



## LAWYERS CONCERNED FOR LAWYERS

Confidential Support for Legal Professionals

### Landmark study in the *Journal of Addiction Medicine*, February 2016

#### "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys."

A joint project of the ABA Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation, this is the first time that a study of this type has been conducted on a national basis. While the substance use numbers are just slightly higher than those reported in previous localized studies, the mental health statistics are considerably greater.

#### **Among the findings:**

- 20.6% of respondents met criteria for alcohol use disorder.
- Men reported higher rates of depression and women reported higher rates of anxiety and stress.
- Overall, the rate of depression was 28% and anxiety was 19%.
- 11.5% reported suicidal thoughts at some time during their careers.
- The rates of mental health and substance issues were significantly higher in respondents 30 years old and younger or who had worked in the profession for 10 or fewer years. This is contrary to earlier studies where the levels increased with longevity in the profession and age.
- Distress occurs in every type of job. Newer attorneys in law firms reported the highest overall rate.
- Barriers to seeking for help included "not wanting others to find out they needed help" and "concerns regarding privacy or confidentiality".

LCL services are absolutely confidential. Contact [LCL](#) for more information on the study, for a presentation at your organization or for any other assistance.





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# The Path to Lawyer Well-Being: Practical Strategies for Positive Change

*National Task Force on Lawyer Well-Being, August 2017. Adopted, ABA House of Delegates, February 2018.*

### General Recommendations:

- Acknowledge the Problems and Take Responsibility.
- Use This Report as a Launch Pad for a Profession-Wide Action Plan.
- Leaders Should Demonstrate a Personal Commitment to Well-Being.
- Facilitate, Destigmatize, and Encourage Help-Seeking Behaviors.
- Build Relationships with Lawyer Well-Being Experts, including Lawyer Assistance Programs.
- Foster Collegiality and Respectful Engagement throughout the Profession.
  - Promote Diversity & Inclusion.
  - Create Meaningful Mentoring and Sponsorship Programs.
- Enhance Lawyers' Sense of Control.
- Provide High-Quality Educational Programs and Materials About Lawyer Well-Being.
- Guide and Support the Transition of Older Lawyers.
- De-emphasize Alcohol at Social Events.
- Support Recovery from Mental Health and Substance Use Disorders.
- Begin a Dialogue About Suicide Prevention.

## Resources

Lawyers Concerned for Lawyers offers CLE and other educational programs, coaching, consulting, and direct assistance regarding any issue that causes stress or distress: [www.mnlcl.org](http://www.mnlcl.org)

[The Path to Lawyer Well-Being: Practical Recommendations for Positive Change](#)

Well-Being Toolkit: <http://ambar.org/wellbeingtoolkit>

ABA Presidential Well-Being Working Group including the Well-Being Employer Pledge:  
<https://ambar.org/lawyerwellbeing>



# Well-Being Toolkit Nutshell: 80 Tips For Lawyer Thriving

Many legal employers are ready to become positive change agents on the path to lawyer well-being but are unsure where to start. To help, the American Bar Association's Presidential Working Group to Advance Well-Being in the Legal Profession has launched the [Well-Being Toolkit for Lawyers and Legal Employers](#). This nutshell summarizes 80 of the Toolkit's key items to help get you started on a lawyer well-being initiative.

**3 Reasons  
To Care About  
Well-Being**

1. It's the right thing to do
2. It impacts competence
3. It's good for business



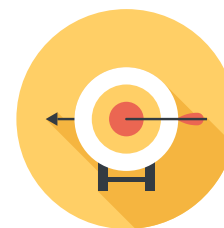
## 13 Healthy Workplace Factors

1. Culture of Trust
2. Mental Health Support
3. Effective Leadership
4. Civility & Respect
5. Good Person-Job Fit
6. Growth & Development
7. Recognition & Reward
8. Involvement & Influence
9. Workload Management
10. Employee Engagement
11. Work-Life Balance Support
12. Psychological Safety
13. Physical Safety



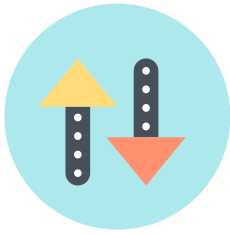
## 6 Dimensions Of Lawyer Well-Being

1. **Occupational:** Satisfaction, Growth, Financial Stability
2. **Emotional:** Manage Emotions & Protect Mental Health
3. **Physical:** Healthy Lifestyle, Help-Seeking When Needed
4. **Intellectual:** Learn, Pursue Challenge, Keep Developing
5. **Spiritual:** Meaning & Purpose
6. **Social:** Connection, Belonging, Contributing



## 8-Step Action Plan For Launching A Well-Being Program

1. Enlist Leaders
2. Start a Well-Being Committee
3. Define Well-Being
4. Do a Needs Assessment
5. Identify Priorities
6. Make & Execute an Action Plan
7. Create a Well-Being Policy
8. Measure, Evaluate, & Improve



## 15 Ideas for Well-Being Activities & Events

1. Use a Well-Being Scorecard to Assess Leader Effectiveness
2. Create a Well-Being Knowledge Hub
3. Start a Well-Being-Related Book or Video Club
4. Launch and Support a Leader Development Program
5. Invest in Professional Coaches
6. Measure Well-Being
7. Get Creative with CLEs, e.g., Spin Class CLE Events
8. Celebrate a Well-Being Week
9. Maintain a Calendar of Well-Being Events
10. Do Well-Being Goal-Setting
11. Embed Well-Being in Content & Format of Meetings
12. Incorporate Well-Being into Promotions & Other Transitions
13. Offer Treadmill/Standing Desks
14. Add Mental Health Apps to Insurance Plans
15. Audit policies/practices that may impact well-being.



## 18 Topic Ideas For Education & Development

1. Detecting Warning Signs of Mental Health & Alcohol Use Disorders
2. Facilitating & Destigmatizing Help-Seeking
3. Enhancing A Sense of Autonomy & Control
4. Elevating Focus on Client Care
5. Work Engagement & Burnout
6. Stress Mindset
7. Resilience & Optimism
8. Mindfulness
9. Rejuvenation
10. Leader Development
11. Conflict Management
12. Work-Life Conflict
13. Meaning & Purpose
14. Grit
15. Psychological Capital
16. Self-Determination Theory
17. Emotional Intelligence
18. Time Management/Alignment



## 17 Well-Being Activity Worksheets To Try

1. How to Be Happier? Make it a Priority
2. Six Sources of Well-Being
3. Grow Your Gratitude
4. Do Acts of Kindness
5. Psychological Capital
6. Reframe Stress & Adversity
7. Mindfulness To Improve Well-Being & Performance
8. The Emotionally Intelligent Path to Well-Being
9. Well-Being & Confidence
10. Use Your Strengths
11. Capitalizing on Introverted Strengths
12. Overcoming Public Speaking Anxiety
13. Mind Your Marriage
14. Managers, Don't Forget Your Own Well-Being
15. Positive Leadership
16. Physical Activity & Vibrancy
17. Positive Golf Activities

### Today's Well-Being To Do List:

- ✓ Review the Toolkit
- ✓ Do one thing to get started
- ✓ Pass the Toolkit on to others
- ✓ Send questions to [abrafford@aspire.legal](mailto:abrafford@aspire.legal)



## To be good lawyer, you have to be healthy

By: Robin M. Wolpert | October 23, 2018 | 0

The legal profession is the most hazardous of all professions to our health, research shows. What's more, our future generation of lawyers is most at risk, with younger lawyers suffering the highest rates of problem drinking and depression.

If you think you are just fine and don't have to worry about lawyer well-being, think again. Lawyer well-being isn't just about us individually. It's about the vitality and workability of our colleagues, our teams, and our organizations. Moreover, when one of us is struggling, it comes back to us individually. We may pick up the slack, cover for others, or become enablers. We may suffer challenges to our own mental health. All of this impacts lawyer competence and client service in every sector of the legal profession.

To be a good lawyer, you have to be a healthy lawyer. That's why the Lawyers Professional Responsibility Board and the Office of Lawyers Professional Responsibility are committed to strong, proactive leadership in changing the culture of our legal profession in a manner that promotes lawyers' health. We are grateful for the leadership of the Minnesota Supreme Court, Chief Justice Lorie Gildea, and the court's liaison to the Lawyers Board, Justice David Lillehaug.

This article is the first of a series focusing on the multi-faceted crisis of lawyer well-being. One goal of this series is to provide some basic information about the mental health and chemical dependency challenges facing our lawyers. A second goal is to spark discussion about how we can move from being spectators to agents in creating solutions and building cultural change in our profession.

Minnesota State Bar Association President Paul Godfrey reminds us that we are "one profession." It is only by acting together that we can take on this challenge. The problem is too big for any one person to solve. And, in my experience, the group of us is smarter than any one of us anyway.

### What is lawyer well-being?

Lawyer well-being is not just the absence of illness. And it's not feeling happy all the time. The National Task Force on Lawyer Well-Being defines lawyer well-being as a continuous process whereby lawyers seek to thrive across all life's dimensions—emotional health, occupational pursuits, creative or intellectual endeavors, sense of spirituality or greater purposes in life, physical health, and social connections with others.

The taskforce emphasizes that lawyer well-being is part of a lawyer's ethical duty of competence. "It includes lawyers' ability to make healthy, positive work/life choices to assure

not only a quality of life within their families and communities, but also to help them make responsible decisions for their clients. It includes maintaining their own long term well-being.”

### **A primer: The 2016 ABA Hazelden Study**

Just two years ago, our profession got a loud wake-up call. A blockbuster study of nearly 13,000 currently-practicing lawyers was published by the Hazelden Betty Ford Foundation and the ABA Commission on Lawyer Assistance Programs. The 2016 ABA Hazelden Study concluded that attorneys experience problematic drinking that is hazardous, harmful, and consistent with alcohol use disorders at a higher rate than other professional populations. Significant proportions of attorneys experience some level of depressive symptoms and elevated anxiety. Here are just a few of the staggering statistics:

- Between 21 and 36 percent of lawyers are problem drinkers.
- Lawyers 30 years of age or younger are significantly more likely to engage in hazardous drinking than older lawyers.
- 28 percent of lawyers struggle with depression.
- 19 percent of lawyers struggle with anxiety.
- 23 percent of lawyers struggle with stress.

A link to the study is available with this article at [minnlawyer.com](http://minnlawyer.com).

### **The 2016 Law Student Survey**

Six months later, the 2016 Survey of Law Student Well-Being was published, providing additional cause for alarm. After surveying 15 law schools and over 3,300 law students, the report found the following:

- One-quarter of the law student population is at risk for alcoholism.
- 43 percent reported binge drinking at least once in the past two weeks.
- 22 percent reported binge-drinking two or more times in the past two weeks.
- 17 percent experienced some level of depression.
- 14 percent experienced severe anxiety.
- 23 percent suffered mild or moderate anxiety.
- 6 percent reported suicidal thoughts in the past year.

A link to this study is available with this article at [minnlawyer.com](http://minnlawyer.com).

### **The 2017 National Task Force Report**

In response to these two studies and their implications for the health of our profession, the National Task Force on Lawyer Well-Being published its report and recommendations in August 2017. The Task Force’s key message is this: “To be a good lawyer, one has to be a healthy lawyer” and “the current state of lawyers’ health cannot support a profession dedicated to client service and dependent on the public trust.”

The Task Force Report is a call for action. It sets forth a blueprint for creating a movement to improve well-being in the legal profession. It contains specific recommendations and action items for all stakeholders in the legal profession—judges, lawyer regulators, legal employers, law schools, bar associations, lawyers professional liability carriers, and lawyer assistance programs.

A link to the Task Force Report is available with this article at [minnlawyer.com](http://minnlawyer.com).

### **The Toolkit**

This past summer, the ABA launched a well-being toolkit for lawyers and legal employers. The toolkit makes the business, professional and moral case for lawyer well-being and goes on to provide an 8-step action plan for legal employers:

1. Enlist leaders in the organization who will commit, support, and role model lawyer well-being and communicate the business case for well-being.



2. Launch a well-being committee to lead the initiative.
3. Define well-being.
4. Conduct a needs assessment to determine the gap between the desired and current state of lawyer well-being, including an audit of policies and practices that influence well-being
5. Identify priorities that are manageable and achievable
6. Create and execute an action plan
7. Create a well-being policy
8. Continually measure, evaluate, and improve.

A link to the toolkit is available with this article at [minnlawyer.com](http://minnlawyer.com).

### **The Pledge**

Recently, the ABA Working Group to Advance Well-Being in the Legal Profession published a “Well-Being Pledge” for legal employers. The ABA asks lawyers and organizations to pledge their support to creating a better future and adopt the following seven-point framework:

1. Provide enhanced and robust educational opportunities to lawyers and staff on topics related to well-being, substance use disorders, and mental health distress
2. Disrupt the status quo of drinking-based events
3. Develop visible partnerships with outside entities committed to reducing problematic substance use disorders and mental health distress in the profession
4. Provide confidential access to addiction and mental health experts and resources to all employees, including free, in-house self-assessment tools
5. Create a proactive written protocol and leave policy that covers the assessment and treatment of substance use and mental health problems, including a defined back-to-work policy following treatment
6. Actively and consistently promote and encourage help-seeking and self-care as core values of the organization
7. Highlight the adoption of this well-being framework to attract and retain the best lawyers and staff

A link to the pledge is available with this article at [minnlawyer.com](http://minnlawyer.com).

### **What’s happening in Minnesota**

At the Annual Convention of the Minnesota State Bar Association this past June, Chief Justice Gildea announced that the Minnesota Supreme Court is working on a profession-wide initiative involving all stakeholders in the profession to improve and promote lawyer well-being. The Court will be announcing the details of its comprehensive initiative later this fall.

In April 2018, the Office of Lawyers Professional Responsibility and the Lawyers Professional Responsibility Board adopted a strategic plan that included a strong commitment to promoting lawyer well-being and working with all stakeholders in the profession to effectuate meaningful change. The Office and the Board are working to get information about well-being to our lawyers and spark movement among all stakeholders toward creating a cultural change in our profession and enhancing the ethical practice of law.

It bears emphasizing that lawyer well-being may be new for many of us. But Lawyers Concerned For Lawyers (LCL), a superb organization, has been around for 42 years, providing confidential peer and professional assistance to Minnesota’s lawyers, judges, law students, and their immediate family members. The best place to get resources about lawyer well-being is the LCL website: <https://www.mnlcl.org/>. And the best people to call are Joan Bibelhausen, the Executive Director of LCL, and her colleagues at LCL, unstoppable champions for lawyers’ health.

### **Well-being is a team sport**

Individual well-being is not just a function of our traits and qualities—it depends on the context within which we operate. Situational factors like workload, a sense of control and



autonomy, adequate rewards, a sense of community, fairness, and alignment of values with our organizations influence whether we are engaged or experience burnout.

This, in the end, is why lawyer well-being depends on us as a group, as a profession, as “one profession.” The Lawyers Professional Responsibility Board and the Office of Lawyers Professional Responsibility look forward to working with you to improve our professional culture and enhance the ethical practice of law. Will you join us?

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### LCL and Legal Employers: How Can LCL Help?

- LCL provides free peer and professional support to lawyers, judges, law students, their organizations, and family members throughout Minnesota. This includes up to 4 counseling sessions and a 24/7 phone line. Though some firms have an Employee Assistance Program, lawyers may be more likely to contact LCL.
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- LCL offers CLE and other programming on well-being, impairment, stress management and other issues. LCL programs meet the criteria for diversity and inclusion programming often required by clients.
- LCL provides guidance on dealing with a potentially impaired lawyer
  - General concerns
  - Supervisory referrals
  - Interventions
  - Identification of appropriate treatment
  - Managing return to work issues
- LCL has worked with firms and organizations to assist non-attorney staff. This includes discussion and coaching on individual situations, identification of resources, and other services on a case by case basis.
- LCL can provide critical incident response if a tragedy or crisis impacts the firm or organization.
- LCL is absolutely confidential. We can discuss a situation without knowing the identity of the lawyer or your organization.