

# Attorney Mental Health: General concepts...



**...individual experience**

David Kouba (JD, 2002; MA CMHC, 2018)

1

## Well-being vs. mental health What is well-being?

- ABA's defines lawyer well-being as:  
"A continuous process whereby lawyers seek to thrive in each of the following areas: emotional health, occupational pursuits, creative or intellectual endeavors, sense of spirituality or greater purpose in life, physical health, and social connections with others."
- Well-being is not the same as an absence of illness
- Well-being is not the same as feeling happy all the time
- Well-being is not limited to intra-individual processes—context matters.

2

## Well-being vs. mental health

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3

## Pillars of well-being



4

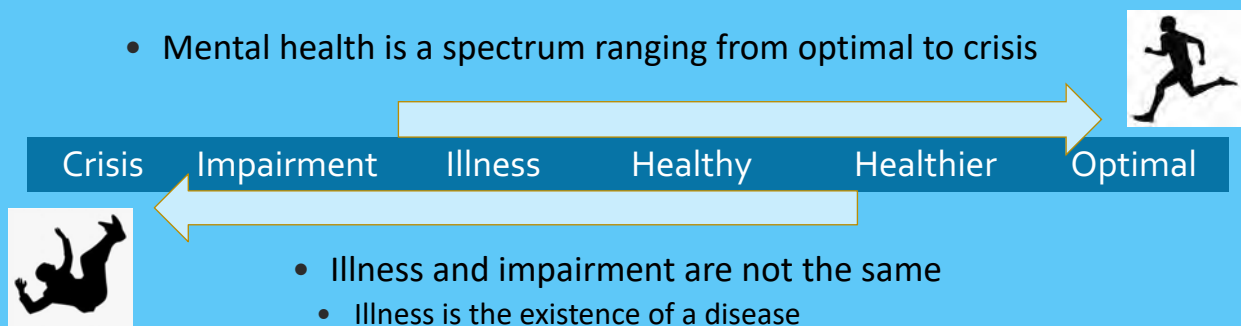
## Attorney mental health What is mental health?

- WHO defines “good mental health” as:  
“a state of well-being in which every individual realizes his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community.”
- Good mental health does not mean the absence of mental health condition
  - An individual with diagnosed mental health condition can have good mental health if they receive support or interventions
  - An individual without a diagnosed mental health condition may experience distress and have poor mental health

5

## Attorney mental health Mental health exists along a continuum

- Mental health is a spectrum ranging from optimal to crisis



- Illness and impairment are not the same
  - Illness is the existence of a disease
  - Impairment is the inability to perform specific activities
  - Illness may predate impairment by years
  - People may meet diagnostic criteria for mental health or substance use disorder but appear high functioning.

6

## Attorney mental health Why prioritize attorney mental health?

- Prevalence of mental health issues
- Work-related risk factors
- Stigma/reluctance to seek help
- Importance of mental health to ability to practice



7

## Why prioritize attorney mental health? Prevalence

1999

- “three times as likely as non lawyers to suffer from depression”
- “more likely to develop a drug dependency “
- “suffer from stress related diseases such as ulcers, coronary artery disease and hypertension, at rates well above average”



2021

- “Legal professionals are thought to experience higher levels of depression, anxiety, stress”
- “potentially ‘harmful coping mechanisms’ has led to levels of alcohol and substance abuse among lawyers that are higher than the norm”



8

## Why prioritize attorney mental health? Work-related risk factors

- Work-related stressors
  - Deadlines, competition, long hours, deadlines, adversarial
  - *Washington Post* - most stressful profession based on Bureau of Labor Statistics
  - Stress correlates with several mental health issues (anxiety, depression, and AUD/SUD)
- Common attorney personality traits
  - Maladaptive perfectionism
  - Emotional dissonance
  - Self-reliant and successful
  - Normalization of high stress and seeming “frazzled”
  - Remote working; a turnover



9

## Why prioritize attorney mental health? Reluctance to seek help

- Over 40 % of people with diagnosable mental illness sought no treatment during the prior year.
- Common barriers to seeking help include:
  - Stigma (perceived and actual)
  - Logistics
  - Lack of awareness
  - Cost
- Seeking help sooner produces better outcomes:
  - Mental health problems get worse with time
  - Mental health issues can lead to secondary problems
  - Mental health issues impact people around us



10

## Why prioritize attorney mental health? Impact on ability to practice



- NC RPC 1.1: “A lawyer shall not handle a legal matter that the lawyer knows or should know he or she is not competent to handle.”
- NC RPC 1.3: “A lawyer shall act with reasonable diligence and promptness.”
- NC RPC 1.4: “A lawyer shall . . . consult with the client” and “keep the client reasonably informed about the status of the matter.”
- 40 to 70 percent of disciplinary proceedings and malpractice claims against lawyers involve substance use or depression, and often both.

11

## Attorney mental health Increased attention in the profession

- Efforts across the profession
  - ABA 2017 National Task Force Report on Lawyer Well-Being (ABA)
  - ABA Task Force launches Well-Being Pledge
  - State Bar Association efforts
- Efforts by employers
  - Additional mental health benefits and resources; leave for mental health reasons
  - Well-being committees and directors
  - Bloomberg Law's Workload and Hours Surveys (2022/2023) - two areas stood out when they asked employees about benefits: mental health coverage and pantry service
- Efforts by law schools
  - Additional counseling services and resources
  - Professional identity and other courses

12

## Attorney mental health Individual experiences



13

## Attorney mental health A day in the life

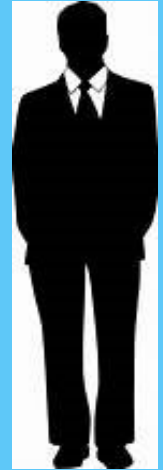


14

## Attorney mental health Burnout

### Brandon

- 43 year-old partner at mid-sized firm
- Commercial real estate/hospitality
- Practiced law for 17 years

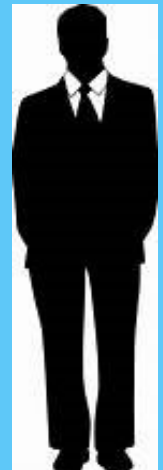


15

## Attorney mental health Burnout

### Brandon

- 43 year-old partner at mid-sized firm
- Commercial real estate/hospitality
- Practiced law for 17 years
- **In recent months, he's lost interest in work**
- **Cynical and negative about his job**
- **Short-tempered and easily agitated**
- **"Part of me no longer cares, part of me feels trapped"**

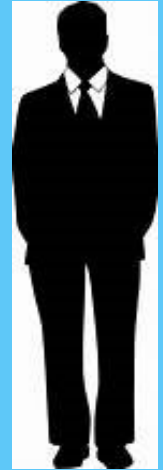


16



## Attorney mental health Burnout: signs and symptoms

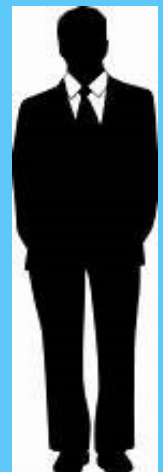
- WHO defines burnout as “a syndrome conceptualized as resulting from chronic workplace stress that has not been successfully managed” characterized by three dimensions:
  - feelings of energy depletion or exhaustion;
  - increased mental distance from one’s job, or
  - feelings of negativism or cynicism related to one’s job and reduced professional efficacy
- Other symptoms include:
  - Disengagement
  - Blunted/distant emotions
  - Sense of helplessness
  - Loss of motivation
  - Exhausted all the time
  - Irritable or impatient
  - Lack of satisfaction from achievements



17

## Attorney mental health Burnout: prevalence among attorneys

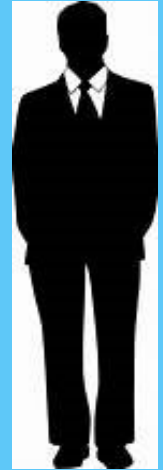
- Bloomberg Law (2023)
  - “average amount of time attorneys said they felt burned out in their jobs” was 48%
  - 56% of female respondents
  - 41% of male respondents
- Massachusetts survey (2022)
  - 77% of lawyers reported burnout
  - 86% of female lawyers reported burnout
  - 70% of male lawyers reported burnout
- Utah survey (2022)
  - 75% overall burnout.



18

## Attorney mental health Burnout: treatment and care

- Strategies for addressing burnout:
  - Admit burnout
  - Rely on co-workers/support system
  - Set boundaries
  - Focus on improving overall health and physical well-being
  - Take a break (if possible) or make changes in routine
  - Adjust expectations
  - Plan time for things that make you happy/hobbies
  - Professional help/therapy



19

## Attorney mental health Anxiety

### Alex

- 27 year-old associate at mid-sized firm
- Products liability litigation
- Practiced law for less than a 1 year



20

## Attorney mental health Anxiety

### Alex

- 27 year-old associate at mid-sized firm
- Products liability litigation
- Practiced law for less than a 1 year
- **Feels like an “imposter” at work**
- **Worries about job performance**
- **Difficulty sleeping**
- **Experiences mind-racing and physical symptoms when going to or thinking about work**



21

## Attorney mental health Anxiety and anxiety disorders

### Anxiety

- Feelings of worry caused by perceived threats
- Some anxiety is normal part of life.

vs.

### Anxiety disorder

- Intense, excessive, and persistent worry and fear



22

## Attorney mental health Anxiety and anxiety disorders

### Anxiety disorders

- Most common mental illness worldwide
- More than 1 in 6 U.S. adults
- Half of those with anxiety experience first episode by age 11.
- Highly treatable . . . but only 1/3 of receive treatment



### Panic attacks

- sudden periods of intense fear that come on quickly and reach their peak within minutes
- People may experience heart palpitations, sweating, trembling or shaking, sensations of shortness of breath, choking feelings of impending doom

23

## Attorney mental health Anxiety: signs and symptoms

- Feeling nervous, restless, or tense
- Sense of impending danger or doom
- Having an increased heart rate
- Rapid breathing (hyperventilation)
- Sweating
- Trembling
- Feeling weak or tired
- Trouble concentrating
- Having trouble sleeping
- Avoiding things that trigger anxiety



24

## Attorney mental health Anxiety: treatment and care



- Psychotherapy and counseling
- Self-help platforms and exercises
- Lifestyle changes (physical activity, stress management, sleep and healthy diet)
- Learn about your disorder
- Identify triggers
- Keep a journal
- Socialize
- Medication

25

## Attorney mental health A day in the life



26

## Attorney mental health Depression

### Dean

- 47 year-old law school professor
- Practiced for 5 years; taught for the last 18

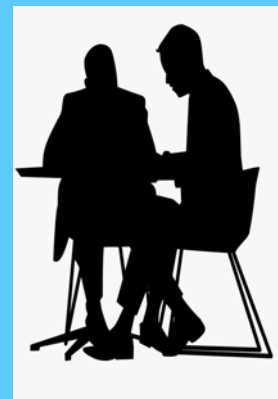


27

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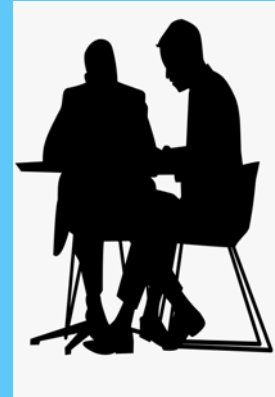
- 47 year-old law school professor
- Practiced for 5 years; taught for the last 18
- **Lost his father after long illness 3 years ago**
- **Experienced constant feelings of sadness and frequent rumination**
- **Lost interest in socializing and other activities**
- **Appearance and diet progressively declined**
- **Used counseling and medication to treat symptoms**



28

## Attorney mental health Depression: signs and symptoms

- Persistent feelings of sadness
- Irritability
- Fatigue
- Lack of concentration
- Huge or no appetite
- Hopeless feelings
- Lack of sleep or sleeping all the time
- Physical pain
- Isolation
- Sadness
- Loss of interest / pleasure
- Suicidal thoughts
- Empty feelings; numbness
- Inability to function and meet obligations



29

## Attorney mental health Depression: treatment and care

- **Importance of treatment**
  - 80-90% of people with depression have positive outcome with treatment
  - Average person with depression goes eight years without seeking help
  - Roughly two out of three people with depression do not seek help
- **What kinds of treatment are effective**
  - Counseling and psychotherapy
  - Medication
  - Volunteering and other activities



30

## Attorney mental health Stress



31

## Attorney mental health Stress

### **Judge Stone**

- 62 year-old federal district court judge
- Appointed to the bench 13 years ago



32



## Attorney mental health Stress



### Judge Stone

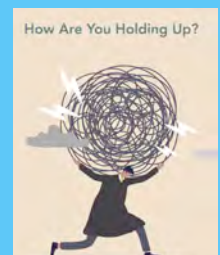
- 62 year-old federal district court judge
- Appointed to the bench 13 years ago
- **Busy civil and criminal calendar**
- **Has to prepare for numerous cases**
- **Long days in court presiding over cases**
- **Cases raise difficult and sometimes traumatic issues**
- **Deals with unhappy and contentious people**

33

## Attorney mental health Stress: common stressors



- Importance of work
- Heavy caseload/workload (and insufficient staff)
- Unprepared attorneys and incivility
- Self-represented clients
- Public ignorance of the courts
- Isolation in judicial service
- Long hours without a work break
- Contentious family law issues
- Cases involving trauma



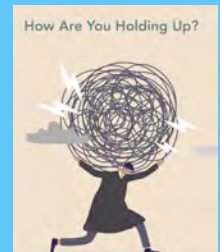
*The State of Judges' Well-Being:*  
A Report on the 2019 National Judicial Stress and Resiliency Survey

34

## Attorney mental health Stress: impact of stress



- Fatigue and low energy
- Sleep disturbances
- Interference with concentration and attention
- Rumination and worry
- Increased health concerns
- Irritable, short-tempered, sarcastic
- Impatient with colleagues
- Less initiative to do other things
- Work becomes less meaningful



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35

## Attorney mental health Stress: mitigation strategies



### Judge Stone

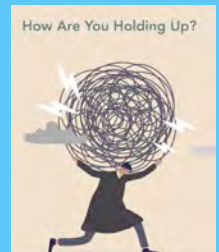
- 62 year-old federal district court judge
- Appointed to the bench 13 years ago
- **Meets with his colleagues for breakfast weekly**
- **Prioritizes his physical health**
- **Gets a good night sleep**
- **Spends free time oil painting and gardening**

36

## Attorney mental health Stress: mitigation strategies



- Asking for peer support
- Meditation, mindfulness practices
- Relaxation, stretching, yoga
- Personally support and confront colleagues
- Adequate sleep, better habits
- Hobbies, pastimes
- Diverse friends outside the field
- Involve staff in planning and scheduling
- Physical exercise/nutrition



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37

## Attorney mental health Alcohol and substance use



38

## Attorney mental health Alcohol and substance use

### Reba



- 54 year-old assistant attorney general
- Oversees consumer protection division, State AG office
- Private practice for 12 years; AG's office for last 14 years

39

## Attorney mental health Alcohol and substance use

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- Oversees consumer protection division, State AG office
- Private practice for 12 years; AG's office for last 14 years
- **Drinking increased steadily after she finished school**
- **By mid-30s was drinking daily**
- **Began suffering physical health effects**
- **Alienating friends and family**

40

## Attorney mental health Alcohol and substance use: prevalence



- 2021 study - 2,863 attorneys
  - risky drinking - level that creates risk for medical or social problems
  - hazardous drinking - level that creates risk for adverse health effects
  - female attorneys - 55.9% positive for risky drinking; 34% for hazardous drinking
  - male respondents - 46.4% positive for risky drinking; 25.4% for hazardous drinking
- 2016 study - Hazelden Betty Ford Foundation and ABA
  - surveyed 12,825 lawyers
  - found that 15.5% of the female respondents and 25.1% of the male respondents screened positive for "problematic drinking"

41

## Attorney mental health Alcohol and substance use: prevalence



### Symptoms

- Preoccupation
- Impaired control
- Unsuccessful attempts to cut back/quit
- Craving
- Social impairment/unmet obligations
- Risky use/use despite health effects
- Tolerance
- Withdrawal

42

## Attorney mental health Alcohol and substance use: treatment

### Reba



- 54 year-old assistant attorney general
- Oversees consumer protection division of State AG office
- Private practice for 12 years; AG's office for last 14 years
- **Saw a therapist**
- **Increased physical activity**
- **Changed routine; re-engaging with hobbies**
- **Self-help/12-step programs**

43

## Attorney mental health Alcohol and substance use: treatment

- Inpatient and outpatient programs
- Counseling/psychotherapy
- Efforts to improve overall health
- Changing routine and developing healthier habits
- Self-help group and mutual aid/12-step programs



44

## Attorney mental health Alcohol and substance use: recovery

- Recovery includes (1) sobriety/non-use, (2) improvements in global health, and (3) citizenship
- Prevalence of recovery
  - 5.3% to 15.3% of adults in the United States in remission from substance use disorders
  - “Conservative estimate” – 25 million adults in remission from significant alcohol or drug problems U.S.
  - Even higher numbers in recovery from other mental health disorders



45

## Attorney mental health A day in the life



46

## **Attorney Mental Health: General concepts...**



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