



COMMUNITY ASSOCIATION
Law Seminar

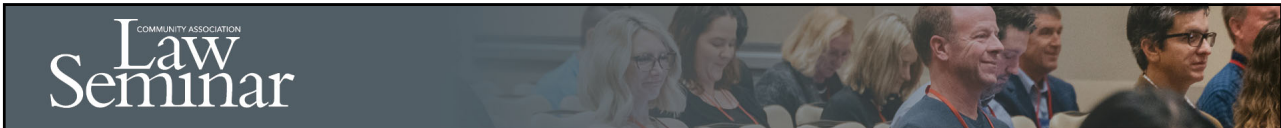
Better Lawyering by Taking Care of Yourself FIRST

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Survey Questions

1. I am a perfectionist.
2. It is hard to winddown without food, sex, a pill or drink.
3. I am often critical of myself or others, or both.
4. I have a lot of nervous energy.
5. I find myself getting agitated too often.
6. During the past year there was a time when I was not able to stop drinking once I started or I had a feeling of guilt or remorse after drinking.
7. I too often complain about what isn't being done.
8. I am anxious, depressed or angry too often.
9. I feel like I have nothing to look forward to.
10. I have, at times, obsessed over something or someone.
11. I too often value others' opinions less than my own.
12. I see myself as more hard working, or more responsible, or more capable, or more intelligent than others.
13. I rarely practice self-care.

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Survey Discussion

- **0 – 8:** Normal, but not necessarily healthy. (Keep practicing self-care).
- **9 – 15:** Critical and hard to live with. (Need self-care practices.)
- **16 – 25:** Highly critical and nonaccepting of others or self – likely both. (May need counseling in addition to self-care).
- **26 – 31:** Definitely toxic and dangerous to the self-worth of all, including yourself. (May need counseling and support group to help you be ready for self-care).
- **32 – 36:** Likely to experience divorce, rebellion, rejection, and conflicted relationships. (Will need counseling and a support group to help you be ready for self-care).
- **37 – 39:** You are best suited for living alone on an island. (You have toxic tendencies towards yourself and others and inpatient help may be an option).

(Adapted and modified by Bruce C. Jenkins from Lund, Lewis How to Hug a Porcupine, dealing with toxic and hard to love personalities, 167-68 (1999); DASS21; AUDIT).

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- To understand what well-being means.
- To have an honest discussion about our own well-being.
- To gain insight into the impacts of our overall health, personality traits, occupational demands, and stress on our well-being.
- To hear about different ways to move towards well-being.

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What the Data Tells Us About Attorneys

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Defining Lawyer Well-Being
A continuous process in which lawyers strive for thriving in each dimension of their lives:

EMOTIONAL
Recognizing the importance of emotions. Developing the ability to identify and manage our own emotions to support mental health, achieve goals, and inform decision-making. Seeking help for mental health when needed.

OCCUPATIONAL
Cultivating personal satisfaction, growth, and enrichment in work; financial stability.

INTELLECTUAL
Engaging in continuous learning and the pursuit of creative or intellectually challenging activities that foster ongoing development; monitoring cognitive wellness.

SOCIAL
Developing a sense of connection, belonging, and a well-developed support network while also contributing to our groups and communities.

PHYSICAL
Striving for regular physical activity, proper diet and nutrition, sufficient sleep, and recovery; minimizing the use of addictive substances. Seeking help for physical health when needed.

SPIRITUAL
Developing a sense of meaningfulness and purpose in all aspects of life.

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State of Attorney Well-Being

“Not good” is an understatement.

- **28.3%** were suffering from **depression**
- **19.3%** were suffering from **anxiety**
- **22.7%** were suffering from **stress**

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State of Attorney Well-Being



At some point in their career:

- **61%** reported concerns with **anxiety**
- **46%** reported concerns with **depression**
- **11.5%** reported having had **suicidal thoughts**



Factors Affecting our Well-being




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Billable Hour



No Control




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Adversarial



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Different Values




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WORK STRESS + JOB DISSATISFACTION =



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Personality/Traits

- Is there a “Lawyer Personality?”
 - Not a settled question, but research suggests that the stereotypical “lawyer personality” does not exist.
- What about personality traits?
 - Some early studies conclude lawyers exhibit several personality traits that intensify stress levels.

**Low self-esteem Egotism Inflexibility Workaholism Cynicism
Aggression Pessimism**

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What Intuition Tells Us About Ourselves

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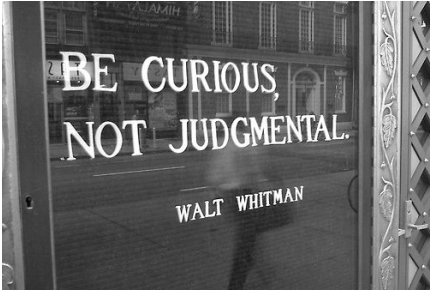
**What We As
Attorneys Do**

Judge




**What Intuition
Tells Us**

Judge Not



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Complain



Compliment



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Compete



Cooperate




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Fight



Surrender



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Value Tied to Doing - the Billable Hour



Value Just for Being



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Must Win



Winning can be as Dangerous as Losing



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Have to be Right



Attitude of rightness makes us self-righteous

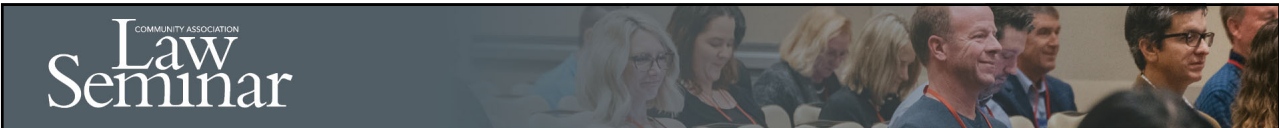


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Dominant Ego



Ego is Our Enemy



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Control



Freedom / Choice



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Certainty




Embrace Uncertainty



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Problem Solve



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No one, except clients, want us to solve their problems!!



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What We As Attorneys Do


- Judge
- Compete
- Control
- Must Win
- Analyze
- Constant Connection
- Complain
- Fight
- Value tied to doing – the billable hour
- Have to be Right
- Dominant Ego
- Certainty

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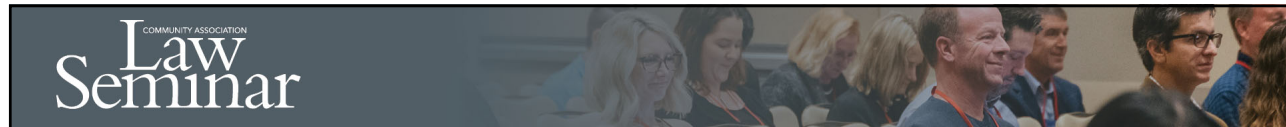
None of these are good social or relational skills and we end up hurting ourselves and others.

When we derive our sense of who we are from being an attorney or from doing the things that attorneys do, we are in trouble.

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What Intuition Tells About What We Must Do Differently For Our Wellbeing

- Judge Not
- Cooperate
- Freedom
- Winning can be as dangerous as losing
- Analysis can lead to paralysis – be more creative
- Disconnect Regularly
- Compliment
- Surrender
- Value just for being
- An attitude of self-righteousness
- Ego is the Enemy
- Embrace Uncertainty

In our gut we know better than what we do. Society and our own ego seek to reward us for what we, and others, do.

Life is a paradox we need to engage in unlearning and obtaining value as a human being, not just a human doing.

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Wayne Hyatt: A Lawyer's Lament

*Candidly and sadly, a primary cause of the stress is the rise of **greed** and corresponding **focus on "self-esteem"**.*

*Too often lawyers, and citizens at large, look at every situation in which there must be a **winner and a loser**. This win-lose mentality leads to a shocking **decline in civic engagement**.*

Wayne S. Hyatt, A Lawyer's Lament: Law Schools and the "Profession" of Law, 60 Vanderbilt Law Review 385 (2007)

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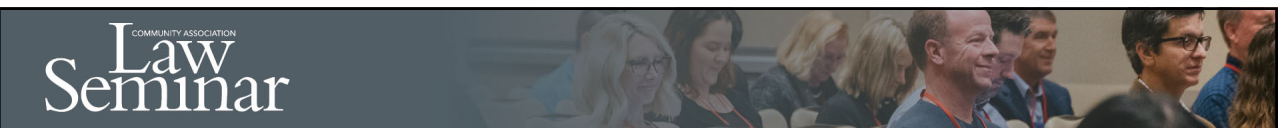


Sue's Story


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**Focused.
Controlling.
Responsible.
Perfectionist.
Workaholic.
In a hurry.
Gets things done.**

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Engage Self-help Plan

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High highs

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Low lows


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Engage Self-help Plan

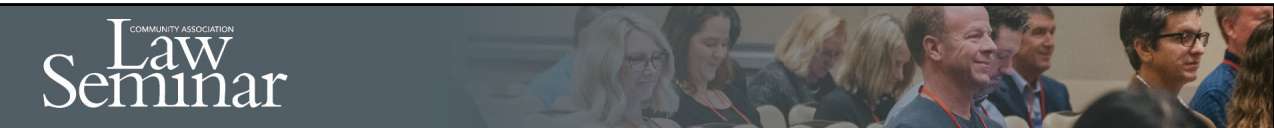


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Hiking

Centered, Focused, Grateful, Quiet, Mindful




Therapy

Feelings, Emotions, Coping Skills, Relationships, Self care



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Dancing

Challenging, Different part of my brain, Joy



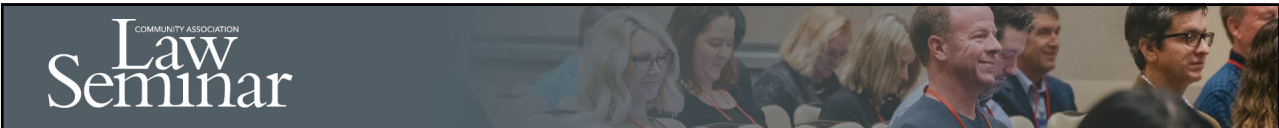
Exercise

Focus, Music, Accomplishment, Endorphins



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Nutrition



Medical



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Becoming my Biggest Fan



Doing things that bring me Joy



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Changing my definition of Productive




Practicing Well-being



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Embracing my own journey

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Embracing your own journey

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Bruce's Story

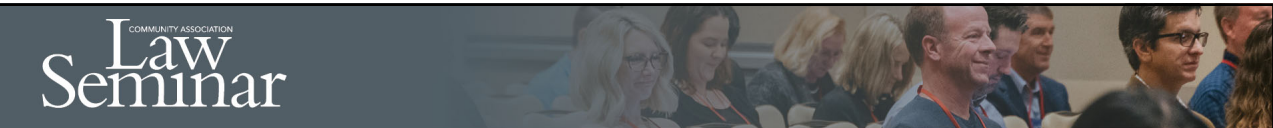

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A woman with curly hair, wearing a white cardigan, is painting a portrait of a man. The man is wearing a black Harley-Davidson beanie and a dark jacket with a Harley-Davidson logo. The background of the portrait is a map of the United States.


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A woman with her hair in a bun is smelling a piece of wool. Next to her is a fringed leather bag with a long strap and a small circular ornament.

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Simple, but Truly Effective, Wellness Practices





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Breathe


This is an ancient practice. It is not just breathing, but the awareness of the breath. When we are aware of the breath our mind stops ruminating, at least for the moment. More breath practice equals more detachment from unhealthy thinking patterns.



Walk

I believe peaceful people walk. Walking is an ancient practice and way of life. It is not just walking for walking sake or for exercise - both of which are good, but it is walking with intention of being in the present moment.




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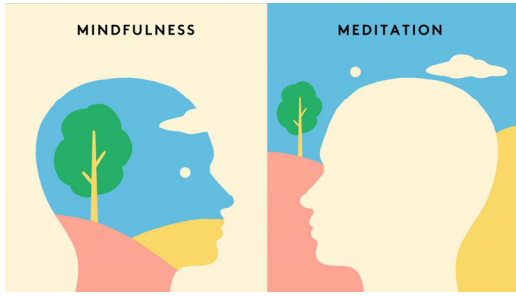
Presence


Practice being in the moment, whether at a stop light, waiting in a line, waiting for a call, ...



Regular Meditation / Mindfulness

Mindfulness is the buzz. The practice, not the concept, is healing. It involves using the observing mind rather than the thinking mind. For example, I while walking I look at, and deeply observe, the trees and clouds.



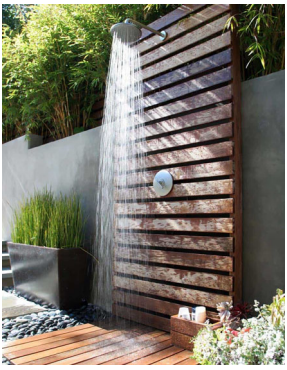
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Take a Hot Shower


It is less about hot water and more about being present. Feel the shower. Don't think. If your mind is somewhere else, are you really in the shower?



Rest

Regularly, daily, employ practices that give you a rest, a breather. Lao Tzu described this as wuwei (无为), meaning non-doing or 'doing nothing'. For me, it is a bit of work to practice not doing. Said another way, I am doing something when I am doing nothing i.e., resting in the hammock.



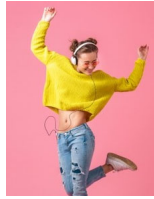
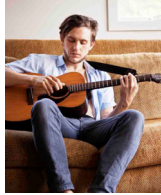
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Create / Play

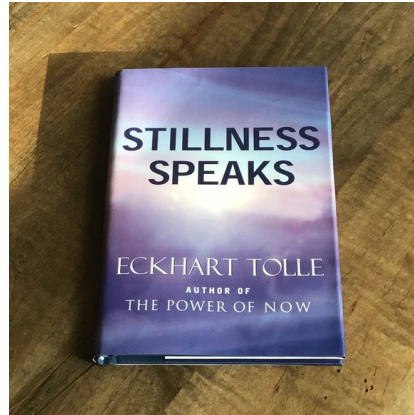
Dance, sing, play an instrument, write, garden, play a game. Do something that demands your awareness. My wife and I play a game nearly every night.



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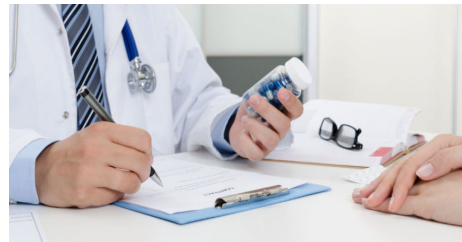
Stillness



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Therapy, Counseling (individual and/or group, i.e. 12 Step), or Medication



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Stillness Practice

Be still, and know that I am God.
Psalm 46:10



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Pilgrim



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Better Lawyering by Taking Care of Yourself First

CAI Law Seminar 2022¹

Susan Bradford Tarley, Esquire, CCAL

Lawyers are struggling. The full extent of the problem of mental health among U.S. lawyers is not known due to limited data and heavy reliance on self-reporting mechanisms, but the available evidence reveals a profession in distress.

Cheryl Ann Krause, Jane Chong, *Lawyer Wellbeing as a Crisis of the Profession*, (July 1, 2019).

Introduction

The concern about higher incidents of depression, anxiety, stress, and substance abuse for lawyers as compared to other professions is not new. Research studies from thirty years ago indicated that lawyers had significant levels of depression, and alcohol abuse.² Our CAI Law Seminar has featured programs in the past on some of these issues, and we have had the benefit of hearing from our colleagues on their struggles, and on how they worked on those struggles. Laurie S. Poole, Esquire, CCAL, our 2022 College of Community Association Lawyers President is making a commitment to the message that we need to help each other and provide support to each other to contend with the mental health and substance abuse crisis that so deeply affects our profession.

Our goal with this presentation is to start the conversation in having all of us take the time to ask “Am I alright?” “Are you alright?” And when we hear our honest answers – “No, I’m not” or “Hey, I am struggling right now” that we have some information on how to take the next step forward or help a colleague take the next step.

¹ Writing this paper and participating with our “committee” has been an amazing experience for my well-being journey. I am grateful for the collaborative effort of our committee. I am thankful for the contributions from Bruce C. Jenkins, Esquire, CCAL to this paper and to our discussions. Bruce, thank you for your honesty in sharing your journey, your insight and your own well-being practices. Thank you, Laurie S. Poole, Esq., CCAL, Amy K. Tinetti, Esq., CCAL, and David Graf, Esq., CCAL for your wonderful contributions to our discussions, planning, ideas, and encouragement. I appreciate each of you!

² G. Andrew Benjamin et al., *The Prevalence of Depression, Alcohol Abuse, and Other Psychological Concerns Among United States Lawyers*, 13 Int’l J.L. & Psychiatry 233, 241-242 (1990).

Compelling and Concerning Statistics

The statistics are alarming, and quite frankly, they have been alarming for a very long time. Most of us have read some of these reports but maybe we haven't really heard the message. Our profession is suffering. Our suffering leads to substance abuse, untreated mental health conditions, suicide, physical health ailments, deterioration of our relationships, malpractice, and ethical violations.

A 1990 study surveyed a random sample of 10% of the lawyers in the state of Washington. The study found that 19% of the lawyers reported statistically significant levels of depression with most reporting suicidal ideation. This number was found to be significant by the researchers when compared to 3%-9% depression rates for individuals in Western industrialized countries. The survey results further reported that 18% of the lawyers were problem drinkers. This too was found to be significant as the prevalence percentage for alcoholism in the United States for adults at that time was 10%.³

The more recent study undertaken by the American Bar Association (ABA), the Hazelden Betty Ford Foundation and Patrick R. Krill, JD, LLM in 2015 showed that lawyer mental health and substance abuse continue to be a major health concern for our profession.⁴ The 2015 survey included 14,895 lawyers throughout the United States; 20.6% of the lawyers scored at a level consistent with problematic drinking while 36.4% had scores consistent with hazardous drinking or possible alcohol abuse or dependence.⁵ The significance of these percentages is concerning when compared to 11.8% of other professions with highly educated workforces, and 15% among surgeons and physicians.⁶ The survey results for mental health, including depression, anxiety and stress indicated that approximately 28% struggle with some level of depression, 19% suffer from anxiety, and 23% are dealing with stress symptoms.

In light of the importance of the work attorneys do, it is alarming to learn that “lawyers experience depression, anxiety, alcoholism, and other psychological problems at a rate that is often twice the rate found in the general population”⁷ Joan E. Mounteer noted that “[i]n one study of more than 100 occupations, lawyers had the highest rate of depression . . . [and] lawyers [were] almost **four times** more likely to experience depression than the general population.”⁸

Suicide plagues our profession. According to the National Institute of Mental Health, “as compared to 14 deaths by suicide for each 100,000 deaths (as of 2019) in the general population,

³ *Id.* at 241, 242.

⁴ Patrick R. Krill, JD, LLM et al., *The Prevalence of Substance Abuse and Other Mental Health Concerns Among American Attorneys*, 10 *J. Addiction Med.* 46 (2016).

⁵ *Id.* at 47, 48.

⁶ *Id.* at 50.

⁷ Susan Swaim Daicoff, Lawyer, *Know Thyself: A Psychological Analysis of Personality Strengths and Weaknesses* 8 (American Psychological Association 2004).

⁸ Joan E. Mounteer, *Depression Among Lawyers*, 33 *The Colorado Lawyer* 35, 36 (Jan. 2004) (footnotes omitted) (emphasis added). Contributed by Bruce C. Jenkins, Esquire, CCAL.

the national average rate for lawyers is 66 suicides per 100,000 deaths. This means lawyers are nearly five times more likely than the general population to die by suicide.”

The Focus on Lawyer Well-being

As a result of the 2015 study, the American Bar Association through its National Task Force on Lawyer Well-being published *The Path to Lawyer Well-Being; Practical Recommendations for Positive Change*.

The publication starts with:

To be a good lawyer, one has to be a healthy lawyer. Sadly, our profession is falling short when it comes to well-being. The two studies referenced above reveal that too many lawyers and law students experience chronic stress and high rates of depression and substance abuse. These findings are incompatible with a sustainable legal profession, and they raise troubling implications for many lawyers' basic competence. This research suggests that the current state of lawyer's health cannot support a profession dedicated to client service and dependent on the public trust.

The Task Force gave three reasons for us to take action: organizational effectiveness, ethical integrity, and humanitarian concerns. Organizational effectiveness is the business component – better functioning lawyers equates to law firm success. Ethical integrity spotlights ethics and professionalism with well-being leading us to competent representation. Humanitarian concerns is to promote well-being as the “right thing to do”, that mental health concerns and substance abuse ruin lives and careers.

When we first started working on this presentation, we felt the big “sell” was focusing on the positives that occur with taking care of our mental health for our careers - fewer sick days, more focused and efficient, and more profitable to your practice. As we worked on the program we realized that a more compelling focus is our individual health and that well-being reaches beyond our careers. It is critical to our life experience. This paper and our presentation will address both of these topics. We will discuss how taking care of ourselves can make us better lawyers, and more importantly, we will also look at how we reach a more ideal life for ourselves.

What is Well-being?

The ABA defines “well-being” as a continuous process where we seek to thrive in our emotional health, occupational pursuits, creative or intellectual endeavors, sense of spirituality or greater purpose in life, physical health, and social connections with others. It is this expansive definition that clearly tells us that well-being goes beyond our careers.

Wellness is another term used by many state bar associations to describe the process of becoming healthier. It has been defined as “a conscious, deliberate process that requires a person

to become aware of and make choices for a more satisfying lifestyle”.⁹ Dr. Swarbrick has written and taught extensively on wellness. She states that “[a] wellness lifestyle includes a balance of health habits, including adequate sleep, rest, and good nutrition, productivity and exercise, participation in meaningful activity, and connections with supportive relationships.”¹⁰

Many of us get through our day with coping skills. As a profession we demand perfection, control, and efficiency. We also make this demand on ourselves. The question we have to ask ourselves is whether coping is enough. Our well-being should be premised on more than coping, on more than having ways to “get through the day.” Moving towards well-being and thriving in our lives is the aspiration most of us have but the overwhelming demands on our time don’t let us pursue taking care of ourselves.

Is the “Lawyer Personality” to Blame?

Many studies have been conducted to determine whether a “lawyer personality” exists. Early studies claimed that lawyers exhibit some similar traits which affect our well-being.¹¹ These traits include low self-esteem, egotism, inflexibility, workaholism, cynicism, and aggression.¹² Daicoff found that lawyers are more “thinking” than “feeling”, a majority of lawyers are introverts rather than extroverts, intuitors rather than sensors, and judges rather than perceivers.¹³

A more recent study from 2014 found “that the supposed presence of a negative “lawyer personality” might be overstated.¹⁴ The Kern and Bowling study looked at 300 law students and compared their strengths to a sample of lawyers and samples of non-lawyers finding no demonstrable differences and that they were within a normal range of characteristics similar to other intelligent, highly educated samples.¹⁵

What can we take from this information? We need to know ourselves. Each of us may have personality traits that are not helpful to our well-being, or we may not be focusing on those traits that can help is in our process to reach well-being. In most cases, there is not one trait that is affecting our well-being, it is the sum of all of our traits, our overall experiences, and where we find ourselves in our lives.

What about the impact of our work?

Many writers suggest that our work is a big component that negatively affects our well-being, and that it actually starts when we are in law school. “Both the study and practice of law encourage

⁹ Swarbrick, Margaret (2012.) *A Wellness Approach to Mental Health Recovery*. In Abraham Rudnick (ed.), *Recovery of People with Mental Illness: Philosophical and Related Perspectives*, Oxford University Press, pp. 31.

¹⁰ *Id.* at 31.

¹¹ Jarrod F. Reich, *Capitalizing on Health Lawyers: The Business Case for Law Firms to Promote and Prioritize Lawyer Well-Being*, 65 *Vill. L. Rev.* 361 (2020).

¹² *Id.*, quoting Daicoff, *supra* at 1417.

¹³ *Id.*, at 32-36. Contributed by Bruce C. Jenkins, Esquire, CCAL.

¹⁴ Margaret L. Kern & Daniel S. Bowling, III, *Character Strengths and Academic Performance in Law Students*, 55 *J. Res. In Personality* 25 (2014).

¹⁵ *Id.* At 29.

certain cognitive distortions because attorneys must be hypervigilant on behalf of their client or throughout a case, and as students we learn how to be that hypervigilant and detailed orientated.”¹⁶

In *On Being Happy, Healthy, and Ethical*, Patrick J. Schiltz, a United States District Judge of the United States District Court for the District of Minnesota, says that “When students enter law school, they suffer from depression at approximately the same rate as the general population. However, by the spring of the first year of law school, 32% of law students suffer from depression, and by the spring of the third year of law school, the figure escalates to an astonishing 40%.”¹⁷

This is possibly because until this point, law students have always been the top of their class and their pattern of feeling good based on achievements has been satisfied, but once they are put in a class of people who are all top students it is much harder to always be the winner. Since the law student has based their self-worth on achievement, self-esteem suffers and depression skyrockets and so does the need to work harder to get back on top where the student can feel good about themselves again. Unfortunately, this treadmill does not end with law school.

As Shiltz concludes:

First, they competed to get into a prestigious college. Then they competed for college grades. Then they competed for LSAT scores. Then they competed to get into a prestigious law school. Then they competed for law school grades . . . then they competed to get hired by a big law firm. Now that they’re in a big law firm what’s going to happen? Are they going to stop competing? . . . Of course not. They’re going to keep competing - competing to bill more hours, to attract more clients, to win more cases, to do more deals. They’re playing a game. And money is how the score is kept in that game.¹⁸

This process of learned achievement-based self-worth is how the attorney ego came into existence, and besides causing high rates of depression, it leads to other issues that are bad for the individual and for the profession. Competitiveness among attorneys, instead of making attorneys more high-quality professionals, has been a cause for complaint among the public:

Evidence of the decline in professionalism is said to include frequency of disciplinary actions against lawyers and ethics code violations by attorneys; frequency of malpractice suits against lawyers, uncivil, discourteous, and aggressive behavior by attorneys . . . a win-at-all costs mentality . . . are all frequently cited as evidence of a decline in professionalism.¹⁹

¹⁶ Sarah Myers, *Why You Shouldn’t Believe Everything You Think*, Colorado Lawyer Assistance Program, 2017, http://coloradolap.org/wp-content/uploads/2017/01/LS_Why-You-Shouldn%E2%80%99t-Believe-Everything-You-Think.pdf.

¹⁷ Patrick J. Schiltz, *On Being Happy, Health, and Ethical*, 52 VAND. L. REV. 871, 875 (May 1999). Contributed by Bruce C. Jenkins, Esquire, CCAL.

¹⁸ *Id.* at 905. Contributed by Bruce C. Jenkins, Esquire, CCAL.

¹⁹ Daicoff, *supra* note 20, at 4-5. Contributed by Bruce C. Jenkins, Esquire, CCAL.

The *National Law Journal* reported that more than half of the attorneys surveyed said that what they disliked about their job was too many work hours and not enough time for a personal life.²⁰ In 1999 Schlitz stated, “Thirty years ago, most partners billed between 1200 and 1400 hours per year and most associates between 1400 and 1600 hours.”²¹ Now at some large firms, partners and associates regularly bill at 2000 hours a year.²² That’s 600-800 more hours per year for partners and 400-600 more hours for associates. Hours like that make for long workdays and time spent on weekends working, with not much time left over for family or fun. No wonder one in five attorneys suffer from significant psychological problems.²³ Incidentally, one in five attorneys say they are dissatisfied with their job.²⁴

How do we obtain Well-being?

As described above, well-being is a *continuous* process. Many of us have spent time with various self-help books that champion a solution for all of our flaws, imperfections, and shortcomings. Each theory asserts that if you follow the steps outlined in the author’s model, you too will enjoy success and well-being. Remember, well-being is a *continuous* process. There is not one self-help book that fits all. Each of us may bear some similarity to another human being but we are all unique. Our personalities, life experiences, education, socioeconomic status, religion, spirituality, race, gender, gender identity, sexual orientation, work experience are all different. The problem with working with one self-help solution is that it may not be what is right for us. When the solution doesn’t work we see this as our own failure rather than as a problem with the solution. The damage done by the solution not being the right one can be devastating. It injures our self-esteem, it frustrates us, and it sets us back further.

Well-being does not happen overnight. Engaging in your own journey of well-being is taking slow yet deliberate steps towards your goals. It is constantly changing and adjusting. Like a walk in the woods, you have to adjust each step to take in the terrain, the climb, the descent, the turns, and the choices to take a different path. Our journey *has* to change because we continue to experience life, including events of joy and sorrow, times of stress, evolving physical, emotional and mental health, changes in relationships, and different work experiences.

To permit ourselves to thrive we first have to understand where we are on our journey. A needs assessment asking yourself - How am I feeling? Am I struggling? What am I struggling with? Have others mentioned that I seem distant? Angry? Short-tempered? Do I find any joy during my day? Do I need a pill, a drink to wind down at night? Do I get any physical exercise? Have I learned anything new? Am I able to sit, breath and comfortably experience being alone?

The second part is that we need to identify what we want to accomplish. Are we looking for help with a single issue that is interfering with our well-being? Are we wanting an overall plan to address various imperfections that are interfering with our living a healthy, full and joyful life?

²⁰ *Id.* at 890. Contributed by Bruce C. Jenkins, Esquire, CCAL.

²¹ *Id.* at 891. Contributed by Bruce C. Jenkins, Esquire, CCAL.

²² *Id.* at 893. Contributed by Bruce C. Jenkins, Esquire, CCAL.

²³ Daicoff, *supra* note 20, at 8. Contributed by Bruce C. Jenkins, Esquire, CCAL.

²⁴ *Id.* at 7. Contributed by Bruce C. Jenkins, Esquire, CCAL.

Finding different means to help us on our journey is the easy part. There are many options for self-care, self-help, therapy, counseling, medical intervention, dietary changes, exercise programs, etc. The key is finding what might work for you.

The honest assessment continues with figuring out who you are. What motivates me? What makes me anxious? What is my learning style? Am I an extrovert or introvert or a combination of both? What time do I have to devote to my plan? What resources are available to me? Do I want to make changes in my life? Do I have the support of family and friends?

Wellness views a person holistically. Most of us think of natural remedies as holistic health and that is one aspect. The approach to wellness *holistically* is the interdependence of various dimensions of our health. To treat our physical, intellectual, social, environmental, occupational, financial, emotional, and spiritual dimension of our health, there is not one self-help or self-care approach that will do the job. It is making choices for your continued journey, choices that can move us past coping and towards thriving. Dedicating yourself to taking care of yourself is an important, deliberate first step toward your well-being.

What can we do?

Self-help, self-care, therapeutic treatment, and medical intervention are all possibilities that we may want to consider for ourselves. Self-help is bettering ourselves without the aid of others. Think of self-help books on time management, relationship building, communicating effectively and similar processes. Self-care is finding and engaging in “strategies that promote healthy functioning and enhance well-being.” Self-care can include different types of activities to lessen our stress, manage our physical health, provide the right fuel for our body and mind, help us with getting adequate sleep, and nurture our spiritual or religious self. Therapeutic treatment and medical intervention are the aid of medical professionals who can help and assist us from a medical modality. This can include psychological therapy, pain treatment, detoxification, and medication. Our choice on what to pursue is a personal choice, driven by where we are and what we need. In many of these instances, we are really trying to reduce stress that is negatively impacting our health in some manner. It could be physical, mental, emotional or social.

A start for most of us is finding activities that bring us joy. Joy is different than happiness. Happiness is something that measures how good we feel over time. But joy is about feeling good right now, in the moment.²⁵ When we experience more joy it benefits us in so many ways – encourages us to be healthier, boosts our immune system, fights stress and pain and support longevity.²⁶ The science of joy is that it causes the release of dopamine and serotonin in our brains, both associated with being good for our well-being.

There are many types of activities that may bring us joy. A short list is singing, dancing, reading (not work reading!), cooking, baking, gardening, hiking, exercising, running, time with friends or

²⁵ <https://aestheticsofjoy.com/2018/05/14/why-the-secret-to-happiness-might-be-joy/> The Aesthetics of Joy, Ingrid Fetell Lee, 2018.

²⁶ <https://www.healthline.com/health/affects-of-joy>, This is how Joy Affects Your Body, Carrie Murphy,

family, golfing, fishing, birdwatching. The long list is never-ending. Any of these activities may interrupt the stressors we are experiencing. It changes how we feel and what we are feeling.

It may be that becoming more mindful and living in the present is what helps us with our well-being. This can include the ancient practice of breathing, mindful meditation or guided meditation, learning how to observe without judgment, and expressing our gratitude. Depending on our needs, we may find that a walk in the woods is beneficial or maybe a quiet place to sit in our home works best.

Professional help may be what we need. It could be medical, addressing physical health issues such as injury, disease, illness, or addiction. Psychological treatment may be necessary to obtain a diagnosis for mental health issues, or to engage in therapy for our mental or emotional health.

Whatever it is that can get us started or let us continue on our well-being journey is worth doing. Engaging deliberately in our journey will increase our feelings of well-being, and it might just lead us to another well-being opportunity.

How does this help me with being a better lawyer?

“[T]he stress faced by lawyers results not only in a decline in well-being and rise in anxiety, panic attacks, depression, substance abuse, and suicide but also in diminished cognitive capacity.”²⁷ Better health increases our energy, efficiency, clarity, how we react to problems, permits us to communicate better, and be more productive in our work. Well-being helps us with our perspective, and hones our analytical ability as we are able to observe more and assume less. On the self-care front, a lack of sleep negatively impacts our health, and consequently our work, with an impaired memory and lack of alertness.²⁸

According to Reich, “happiness research has demonstrated that happiness correlates to successful outcomes because “positive affect engenders success,” and as a general matter positive affect can improve not only skills important for effective lawyering (such as sociability, altruism, and conflict resolution) but physical health as well.”

Addressing our mental health and substance abuse may reduce malpractice and ethical claims against our profession. The ABA’s publication, *The Path to Lawyer Well-Being; Practical Recommendations for Positive Change*, includes information that 40 to 70 percent of disciplinary proceedings and malpractice claims against lawyers involve substance use, depression, or both.

²⁷ Reich, *supra* note 11.

²⁸ Cleveland Clinic Health Essentials, *Here’s What Happens When You Don’t Get Enough Sleep (And How Much You Really Need a Night)* June, 2020. <https://health.clevelandclinic.org/happens-body-dont-get-enough-sleep/>

Conclusion

We are all works in progress. Finding our own pathway to better well-being will be different for each of us. Living with untreated mental, emotional, physical health, and substance abuse is truly killing us. We encourage our colleagues to put themselves on the calendar. Better well-being permits us to thrive rather than just cope. Each of us deserves more than “just getting by.”

A Suggested Roadmap to start your Well-being Journey.

1. Be honest with yourself.
2. Take one of the self-assessments included in the resource page.
3. Write down your personality traits noting how they help or hurt you.
4. Think about your stressors – the ones that negatively affect you.
5. What do you want to accomplish? Better physical health? Addressing substance abuse? Recovery for depression? Anxiety? Better relationship(s)?
6. Prepare for challenges – this process is sometimes one step forward and two steps back.
7. Encourage yourself. If something isn't working, try something else.
8. What do you enjoy doing? What are your self-care activities?
9. Put yourself on your calendar. Time never stops and there is never enough of it.
10. Reflect on your progress, adjust your plan, and keep going!

Resources:

Self-Assessments:

We all are different, and providing an honest assessment of who you are and what you need, will be helpful in finding assistance in some of the following resources. Pick one that you think may work for you, one that you find appealing. If it loses you within the first few moments, try a different one.

- American Bar Association

Well-Being Toolkit for Lawyers and Legal Employers, Created by Anne M. Brafford for use by The American Bar Association.

This publication provides information on well-being, an 8-step action plan for law firms, self-assessments, activities, education, and many resources.

https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_well-being_toolkit_for_lawyers_legal_employers.pdf

- Wellness in 8 dimensions by Peggy Swarbrick and Jay Yudof, January 2015, Collaborative Support Programs of NJ, Inc.

This publication describes each dimension of wellness, includes short self-assessments that you can take for each dimension, provides different activities for each dimension, and a daily activity log.

https://www.center4healthandsdc.org/uploads/7/1/1/4/71142589/wellness_in_8_dimensions_booklet_with_daily_plan.pdf

- New York State Bar Self-Assessment for Well-Being

This worksheet has questions for the 8 dimensions of wellness listed above.

<https://nysba.org/app/uploads/2020/04/Self-Assessment-Well-Being-Worksheet.pdf>

- Institute for Well-Being in Law

The ABA National Task Force needed to evolve into a permanent model. To that end, the Institute for Well-Being in Law was formed as a 501(c)(3) non-profit organization in December 2020.

<https://lawyerwellbeing.net/resources-2/>

Weekly, Mindful Mondays. Join 30-minute “virtual sit” sessions hosted by the Mindfulness in Law Society every Monday at 3 pm ET. All in the legal profession are welcome. Find out more here. <https://www.mindfulnessinlawsociety.org/virtual-sits>

January 19-21, 2022: IWIL Inaugural Conference—Redesigning the Legal Profession for a Better Future

May 2-6, 2022: Well-Being Week in Law to be celebrated across the legal profession. Admission: Open to all. <https://lawyerwellbeing.net/lawyer-well-being-week/>

Types of Meditation:

Getting Started with Mindfulness

<https://www.mindful.org/meditation/mindfulness-getting-started/>

A Guide to 7 Different Types of Meditation

<https://www.everydayhealth.com/meditation/types/>

Self-Care:

5 Self-care practices for Every Area of your Life, Elizabeth Scott, PhD

<https://www.verywellmind.com/self-care-strategies-overall-stress-reduction-3144729>

Suggested App that may appeal to you:

“Calm” app: <https://www.calm.com>

It has guided meditations, sleep stories, music, etc. I started with the learn how to meditate series. Since then, I have finished some of the other guided meditations, such as 7 days of focus, relationship with self, relationship with others, mindful eating, and breaking habits. They also have two new meditations every day with different themes. I usually listen to one a few mornings a week, after my workout – it’s a great way to cool down. I find when I go several days without listening, I feel my anxiety creeping up. I also use the sleep stories when I wake up in the middle of the night and have a difficult time falling back asleep because my mind is too active.

When I’m really anxious, I listen to two 10- minute programs from my anxiety therapy. One guides me through muscle tensing/relaxation and the other is a relaxing visualization (sitting by a stream in a midsummer day and watching a leaf travel down a creek).

Suggested books that may appeal to you:

- *The Anatomy of Peace, resolving the heart of conflict* – Arbinger Institute. This book, written in story form, helps expose our blind spots and lays out the building blocks for approaching life, and others, more peacefully. The Arbinger Institute also has a book specifically for business people titled, Leadership and Self-deception. Again, a good book to help us expose our blind spots.
- *Stillness Speaks* – Eckhart Tolle. It is very helpful in understanding that reality is beyond thought and the importance of acceptance and surrender.
- *Tao Te Ching* – Lao Tzu. This book is full of ancient wisdom on going with the flow of life. I especially like the interpretation by Stephen Mitchell.
- *The Seven Paths: Changing One’s Way of Walking in the World* – The Anasazi Foundation. For those seeking wisdom from native American culture, this very short book is a wonderful resource and explores the seven paths of light, wind, water, stone, plants, animals, and finally the path of “we.” The final path is the path of unity. The book is simple and in its simplest form it is akin to mindfulness practices and connection as there is no “I,” but only “we.” This book and the Anasazi Foundation has a special place in the life of my family and my wonderful daughter Aly that we lost in a car accident two years ago. (I will mention it a bit in my person story that I share at the conference).
- *AA Big Book* – This program and book charts a simple - I did not say easy - course of self-awareness and action to deal with our problems. An important take away is the opposite of addition is not sobriety, it is connection. We cannot fix ourselves. In my

view, this book is for everyone – not just alcoholics. After all, each of us suffers from being addicted to our own way of thinking.

- *Four Thousand Weeks – Time Management for Mortals* – Oliver Burkeman. This book is a frank discussion about time, and our futile attempts to control it. That we cause ourselves more stress by never-ending to-do lists, a focus on cleaning out our in-box, etc. He points out that life is short – 4000 weeks on average. Made me focus on how I want to spend those weeks.
- *Meditations for Women who do too much* – Anne Wilson Schaef. A great daily book with some words of wisdom that helps me regain my focus.
- *365 Tao Daily Meditations* – Ming-Dao Deng.
- *The Power of Habit Why We Do What We Do in Life and Business* – Charles Duhigg. A book that truly explains “habits” and how we can work to change them. A lot of information on how we just go through the motions (habits) for much of our day. Learned about “keystone habits” which are the ones that have the power to change other habits we have. Empowering to know that we can make changes.
- *The Seven Principles for Making Marriage Work* – John Gottman, Nan Silver. I usually avoid any book that claims to have a short number of helpful hints (principles) for fixing something. But this book changed my mind. It is a great relationship book. Even if your relationship is not in trouble, it provides great ideas on how to look at things anew.

Additional resources can be found through your local state bar. Every state’s bar association (plus DC) has a lawyer assistance program that provide confidential services and support to judges, lawyers and law students.

50 State and DC Lawyer Assistance Programs²⁹

Compiled by Laurie S. Poole, Esquire, CCAL

State	Title	Website	Email	Phone	Social Media
Alabama	Lawyer Assistance Program	https://www.alabar.org/programs/alabama-lawyer-assistance-program/	robert.thornhill@alabar.org	334-269-1515	
Alaska	Lawyers' Assistance Committee	https://alaskabar.org/sections-committees/lawyers-assistance-committee/	oregan@alaskabar.org	907-272-7469	

²⁹ Source: https://www.americanbar.org/groups/lawyer_assistance/resources/lap_programs_by_state/

State	Title	Website	Email	Phone	Social Media
Arizona	Member Assistance Program	https://www.azbar.org/for-lawyers/benefits-services/member-assistance-program/	Roberta.tepper@staff.azbar.org	602-340-7334	
Arkansas	Arkansas Judges and Lawyers Assistance Program (Arkansas JLAP)	https://www.arjlap.org/	confidential@arjlap.org	501-907-2529	
California	Lawyers Assistance Program	https://www.calbar.ca.gov/Attorneys/For-Attorneys/Lawyer-Assistance-Program The Other Bar - https://otherbar.org/confidential@otherbar.org	michelle.harmone@calbar.ca.gov	877-LAP 4 HELP	
Colorado	Lawyer Assistance Program	https://coloradolap.org/	info@coloradolap.org	303- 986-3345	
Connecticut	Lawyers for Concerned Lawyers	http://www.lclct.org/	info@lclct.org	860-563-4900	
Delaware	Lawyers Assistance Program (DE-LAP)	http://www.de-lap.org/	cwaldhauser@de-lap.org	302-777-0124 or 877-24DELAP	
District of Columbia	DC Bar Lawyer Assistance Program	https://www.dcbar.org/for-lawyers/lawyer-assistance-program	dperme@dcbar.org	202-347-3131	
Florida	Florida Lawyers Assistance, Inc.	https://www.flalap.org/	dan@flalap.org	800-282-8981	https://www.facebook.com/flalap1/ https://twitter.com/flalap
Georgia	Georgia Lawyer Assistance Program	https://www.gabar.org/committees/programs/lap/index.cfm	lisa@corpcareea.com	800-327-9631	Lawyers Living Well Podcast

State	Title	Website	Email	Phone	Social Media
Hawaii	Hawaii Attorneys and Judges Assistance Program	http://hawaiiap.com/	director@hawaiiapp.com	808-531-2880	https://www.facebook.com/HawaiiAAP/ https://www.linkedin.com/company/attorneys-and-judges-assistance-program
Idaho	Idaho Lawyer Assistance Program	https://isb.idaho.gov/member-services/programs-resources/lap/	ben@southworthassociates.net	208-334-4500	
Illinois	Illinois Lawyers' Assistance Program	https://illinoislap.org/	rbelleau@ILLINOISLAP.ORG	800-LAP-1233	https://www.facebook.com/illinoislap?fref=ts https://www.linkedin.com/company/lawyers'%E2%80%8B-assistance-program/ https://www.instagram.com/illinoislap/ https://twitter.com/illinoislap
Indiana	Judges and Lawyers Assistance Program	https://www.in.gov/courts/jlaphelps/	terry.harrell@courts.in.gov	866-428-JLAP (5527)	https://www.facebook.com/isbawellness?fref=ts
Iowa	Lawyers Assistance Program	http://www.iowalap.org/	help@iowalap.org	800-243-1533	
Kansas	Kansas Lawyers Assistance Program	https://kalap.com/	kalap@kscourts.org	888-342-9080	https://www.facebook.com/people/Kansas-Lawyers-Assistance-Program/100057502185978/ https://twitter.com/KansasLAP
Kentucky	Kentucky Lawyer Assistance Program (KYLAP)	https://www.kylap.org/	yhourigan@kylap.org	502-226-9373	https://twitter.com/KYLAPtweets

State	Title	Website	Email	Phone	Social Media
Louisiana	Judges and Lawyers Assistance Program, Inc.	https://louisianajlap.com/	lap@louisianalapl.com	985-778-0571	https://louisianajlap.com/resources/self-assessment-tests/
Maine	Maine Assistance Program for Lawyers and Judges	http://www.me-lap.org/	maineasstprog1@myfairpoint.net	207-266-5951	
Maryland	Lawyer Assistance Program	https://www.msba.org/health-and-wellness/	lisa@msba.org	888-388-5459	
Massachusetts	Lawyers Concerned for Lawyers, Inc.	https://www.lclma.org/	email@lclma.org	617-482-9600	https://twitter.com/LCL_MassLawyers
Michigan	Lawyers & Judges Assistance Program	https://www.michbar.org/generalinfo/ljap/home	tvincen@mail.michbar.org	800-996-5522	
Minnesota	Lawyers Concerned for Lawyers	https://www.mnlcl.org/	help@mnlcl.org	651-646-5590	https://twitter.com/mnlcl
Mississippi	Lawyers and Judges Assistance Program	https://www.msbar.org/programs-affiliates/lawyers-judges-assistance-program.aspx	jcole@msbar.org	800-593-9777	
Missouri	Lawyers' Assistance Program	https://mobar.org/molapl/	achambers@mobar.org	800-688-7859	
Montana	Lawyer Assistance Program	https://www.montanabar.org/Membership-Regulatory/Member-Resources/Lawyer-Assistance	mlarson@montanabar.org	406-660-1181	
Nebraska	Nebraska Lawyers Assistance Program	https://www.nebar.com/page/NLAP	caupperle@nebar.com	402-475-6527	https://www.facebook.com/Nebraska-Lawyers-Assistance-Program-NLAP-1845005905741246/
Nevada	Lawyers Concerned for Lawyers	https://nvbar.org/for-lawyers/resources/lawyer-wellbeing/		866-828-0022	

State	Title	Website	Email	Phone	Social Media
New Hampshire	New Hampshire Lawyers Assistance Program	https://www.lapnh.org/	info@lapnh.org	877-224-6060	https://twitter.com/lapnh
New Jersey	Lawyers Assistance Program	https://www.njlap.org/	Info@NJLAP.Org	800-246-5527	https://twitter.com/NJlap08901 https://www.youtube.com/channel/UCb0KoTmDC2hZ3sZ0iS2vFIQ
New Mexico	Lawyers and Judges Assistance Program	https://www.sbnm.org/Member-Services/Judges-and-Lawyers-Assistance-Program	pmoore@nmba.r.org	800-860-4914	
New York	Lawyer Assistance Program	https://nysba.org/lawyer-assistance-program/	swhiteley@nysba.org	800.255.0569	
North Carolina	North Carolina Lawyer Assistance Program	https://www.nclap.org/	robynn@nclap.org	704-892-5699	
North Dakota	State Bar of North Dakota Lawyer Assistance Program	https://www.sband.org/page/lawyer_assist_prog	NorthDakotaLAP@gmail.com	701.255.1404	
Ohio	Ohio Lawyers Assistance Program, Inc.	https://www.ohiolap.org/	bendslow@ohiolap.org	800-348-4343	https://www.facebook.com/ohiolawyersassistanceprogram/
Oklahoma	Lawyers Helping Lawyers	https://www.okbar.org/lhl/	oklalhl@gmail.com	800-364-7886	
Oregon	Oregon Attorney Assistance Program	https://oaap.org/	ShariG@oaap.org	800.321.6227	
Pennsylvania	Lawyers Concerned for Lawyers Helpline	https://www.lclpa.org/	admin@lclpa.org	800.335.2572	
Rhode Island	Confidential Assistance Program	https://ribar.com/page.aspx?id=50	info@ribar.com	800-833-0453	
South Carolina	Lawyers Helping Lawyers	https://www.scbar.org/lawyers/member-benefits-assistance/lawyers-helping-lawyers/	robert.turnbull@scbar.org	866-545-9590	

State	Title	Website	Email	Phone	Social Media
South Dakota	Lawyers Concerned for Lawyers	https://www.sdlawyerwellness.com/	lawyersconcernedforlawyers@gmail.com	605-391-5191	https://www.facebook.com/sdlawyersconcerned https://www.instagram.com/sdlawyersconcerned/
Tennessee	Tennessee Lawyers Assistance Program	https://tlap.org/	Emily.Lacey@tncourts.gov	877-424-8527	https://www.facebook.com/judge.moody?fref=ts https://twitter.com/TLAPtweets
Texas	Texas Lawyers' Assistance Program	https://www.tlaphelps.org/	Chris.Ritter@TlapHelps.Org	800-343-8527	https://www.facebook.com/TLAPhelps
Utah	Lawyers Helping Lawyers	https://www.utahbar.org/member-services/lawyershelpinglawyers/	contact@lawyershelpinglawyers.org	800-530-3743	
Vermont	Lawyer Assistance Program	https://www.vtbar.org/attorney-well-being/	jls@burlingtonlawpractice.com	802 355-4352	
Virginia	Lawyers Helping Lawyers	https://vjlap.org/	jls@burlingtonlawpractice.com	877-545-4682	https://www.facebook.com/virginiaijlap/ https://www.linkedin.com/company/vjlap-virginia-judges-and-lawyers-assistance-program/
Washington	Member Wellness Program	https://www.wsba.org/Resources-and-Services/Lawyers-Assistance-Program	wellness@wsba.org	206-727-8267.	https://www.youtube.com/channel/UCIQRh8CQjE_N89p1m110kg
West Virginia	Judicial & Lawyer Assistance Program	http://wvjlap.org/	alburyr@wvjlap.org	304-553-7232	
Wisconsin	Lawyers Assistance Program	https://www.wisbar.org/forPublic/HelpforLegalProfessionals/Pages/help-for-legal-professionals.aspx	mspranger@wisbar.org	800-543-2625	

State	Title	Website	Email	Phone	Social Media
Wyoming	Lawyer Assistance Program	https://www.wyomingbar.org/for-lawyers/lawyer-resources/lawyer-assistance-program/	jspeight@wylap.org	307-996-6834	