

Mental Health with a Focus on Trauma in the Legal Profession and in the Practice of Law

Lawyers Concerned for Lawyers

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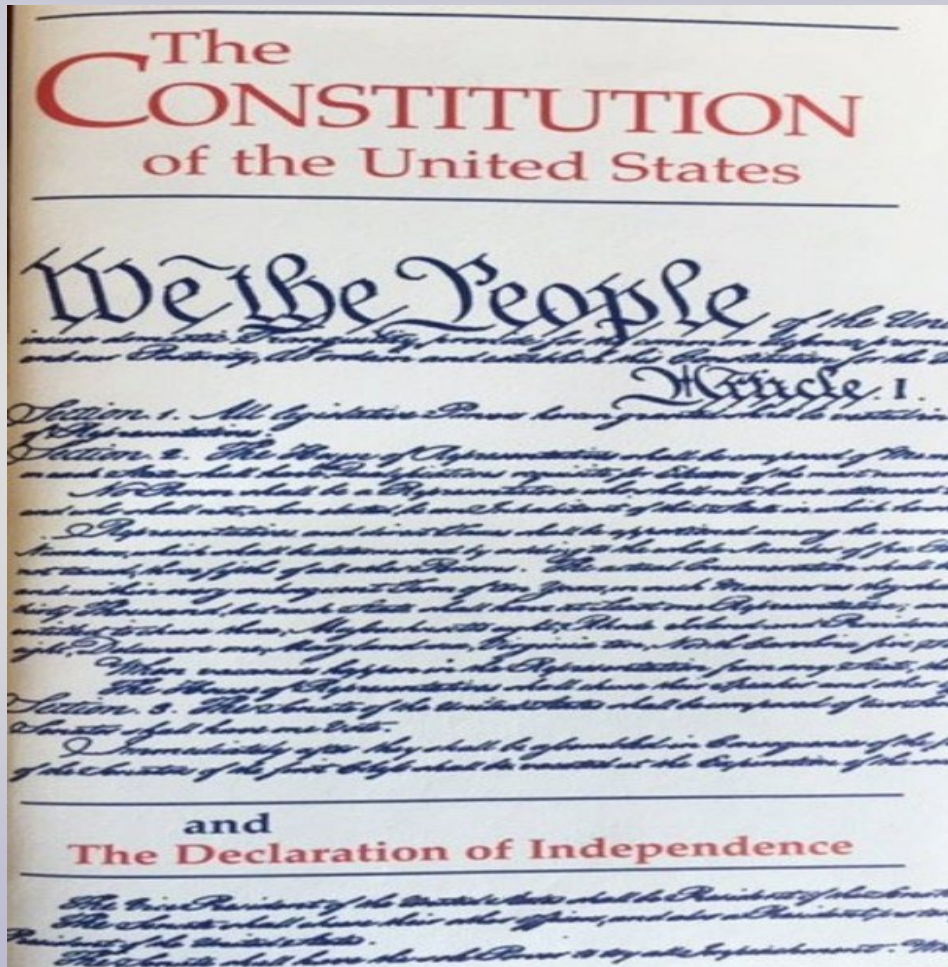


Today's Topics

- A perspective of caring
- Stress and Trauma in our Profession
- Mental Health (including Substance Use) in the Legal Profession
- Next Steps
- Resources for You



The Entire Profession Feels the Impact.



- Justice and rule of law
- Pandemic impacts
- Elections
- Job changes
- Personal stressors
- We're all experiencing additional stress and anxiety.

Are we special?

Our stress is!

- Perfection
- Pessimism
- Isolation
- Uncertainty
- Vicarious trauma



Trauma

Trauma is the unique individual experience of an event, series of events, or set of circumstances:

- The individual's ability to integrate their emotional experience is overwhelmed; and
- The experience is physically or emotionally harmful or threatening and has lasting effects on the individual's functioning and physical, social, emotional, or spiritual well-being
- Direct, secondary and vicarious



Secondary and Vicarious Traumas: Exposure to the pain & suffering of others

Secondary Trauma: continued, frequent, or close contact with persons who have experienced direct trauma

- Some practice areas have more potential exposure to secondary trauma (e.g., criminal law, family law).
- Judges and trial court personnel who have contact with the litigants, defendants, and victims.

Vicarious Trauma: Exposure to reports, descriptions, and photos of horrific events

- Lawyers often work with the details more than any other professional involved in a matter, even without direct client contact.
- Appellate court judges and court personnel who review the documents and records



It's an Ethics Issue!

Anxiety results in an ethical sinkhole

- We act rashly
- In our own self-interest

Trauma → Avoidance

The rules:

- Rule 1.1 – competence
- Rule 1.3 – diligence
- Rule 5.1 – supervisory



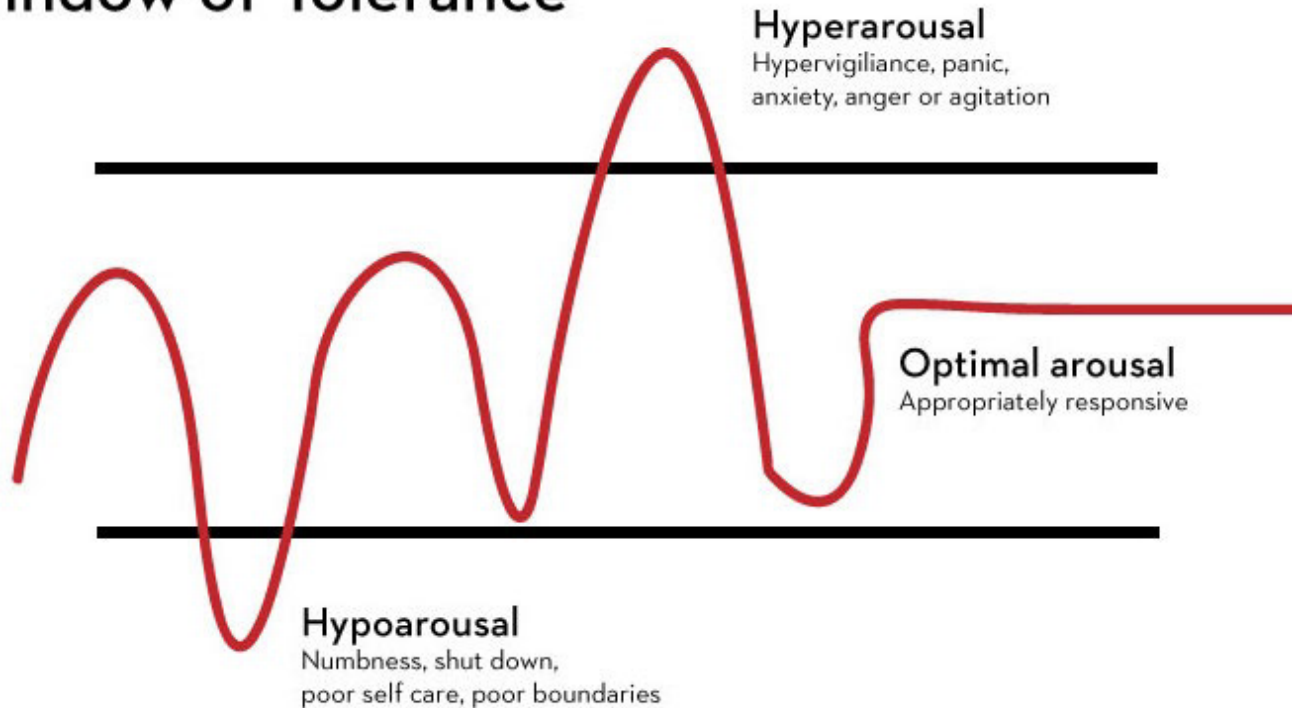
Empathy Distress Fatigue

- The cumulative physical, emotional and psychological effects of being continually exposed to traumatic stories and events while working in a helping capacity.
- Don't show weakness. Deny, defend and deflect vulnerability, while staying emotionally detached at all times.



Window of Tolerance

Window of Tolerance



Triggers

Triggers are stimuli that set off a “memory tape” or “flashback” transporting the person back to the emotional state of the original trauma. Triggers are also involved in Substance Use Disorders and have the effect of stimulating cravings.

- Triggers are very personal; different things trigger different people. A person’s triggers are activated through one or more of the five senses: sight, sound, touch, smell and taste.
- The survivor may begin to avoid situations and stimuli that she/he thinks triggered the flashback. She/he will react to this flashback, trigger with an emotional intensity similar to that experienced at the time of the trauma.

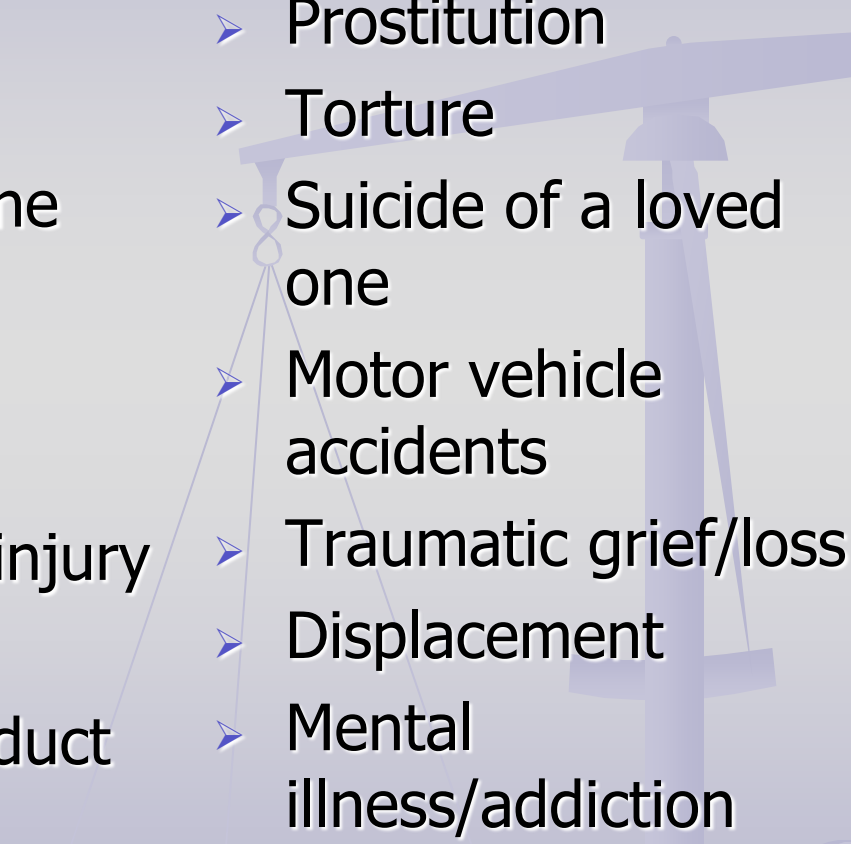


What do you think of when you think of trauma?

- War trauma
- Life threatening accidents
- Natural disasters (hurricanes, tornadoes, earthquakes, etc.)
- Physical/Mental/Emotional abuse/assault
- Wondering if you'll get out alive
- Mass shootings/terrorism

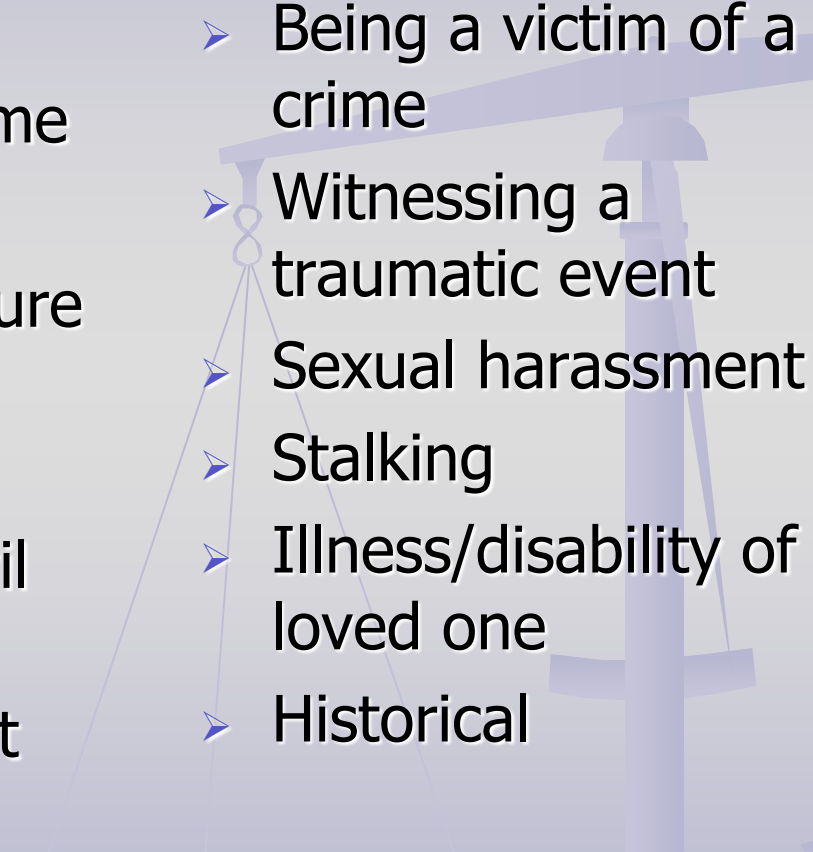


Examples of traumatic experiences

- 
- Adoption
 - Neglect
 - Death of loved one
 - Bullying
 - Emotional abuse
 - Medical trauma/physical injury
 - Homelessness
 - Professional Conduct Issues
 - Prostitution
 - Torture
 - Suicide of a loved one
 - Motor vehicle accidents
 - Traumatic grief/loss
 - Displacement
 - Mental illness/addiction



Examples of traumatic experiences

- 
- Poverty
 - Removal from home
 - Religious/spiritual
 - Psychological torture
 - Captivity
 - Involuntary hospitalization/civil commitment
 - Seclusion/restraint
 - Cults
 - Being a victim of a crime
 - Witnessing a traumatic event
 - Sexual harassment
 - Stalking
 - Illness/disability of loved one
 - Historical



In the moment

- Fight
- Flight
- Freeze
- Fawn
- Faint



Risk Factors - Personal

- Personal history of previous trauma
- Personal values conflicts
- Sense of control
- Personal strength, patience & resilience
- Self-care – health and rest



Risk Factors - Professional

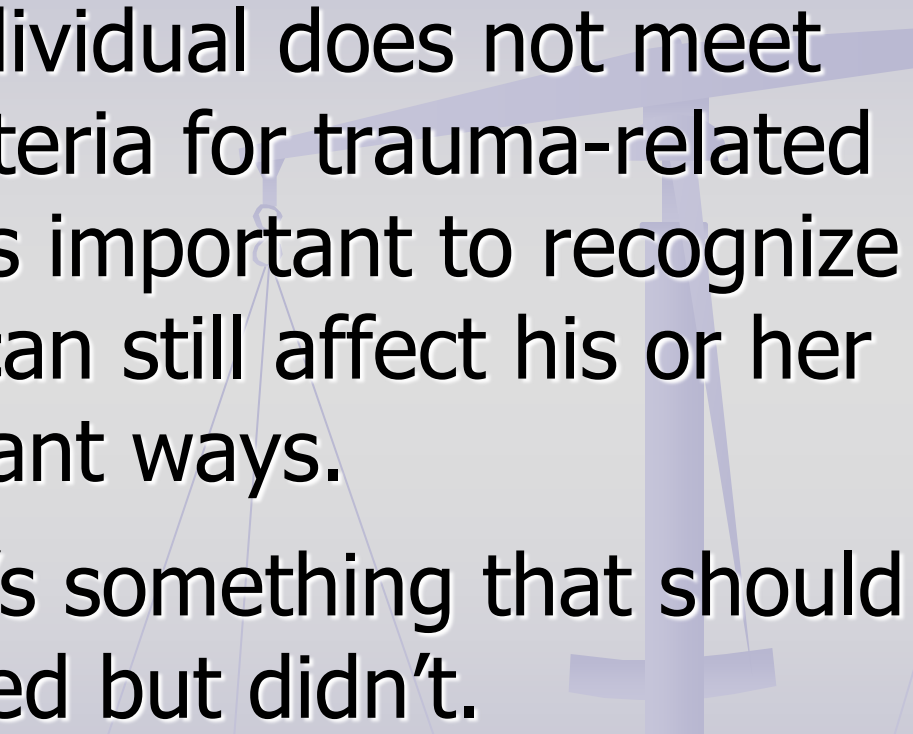
- Work overload
- Traumatic cases
- Isolation
- Adversarial System
- Lack of Appreciation and Support
- Inadequate Resources



Traumatic Impact

- Cognitive
- Affective
- Physical
- Social



- 
- Even if an individual does not meet diagnostic criteria for trauma-related disorders, it is important to recognize that trauma can still affect his or her life in significant ways.
 - Sometimes it's something that should have happened but didn't.



The Good News

- Despite ongoing exposure to trauma and high caseloads, most lawyers are still able to handle the demands of the job.
- BUT it has an impact on their lives
- Resilience strategies help



Tools to Lessen Trauma's Impact

- Awareness
- Balance
- Connection
- Self-Care: Personal, Psychological, Emotional, Spiritual and Workplace Support



Stress Reduction

- Stressor: what affects us
- Stress: what we experience
- For stress to abate, there **MUST** be time to rest, the chance to express problems, and a secure environment.

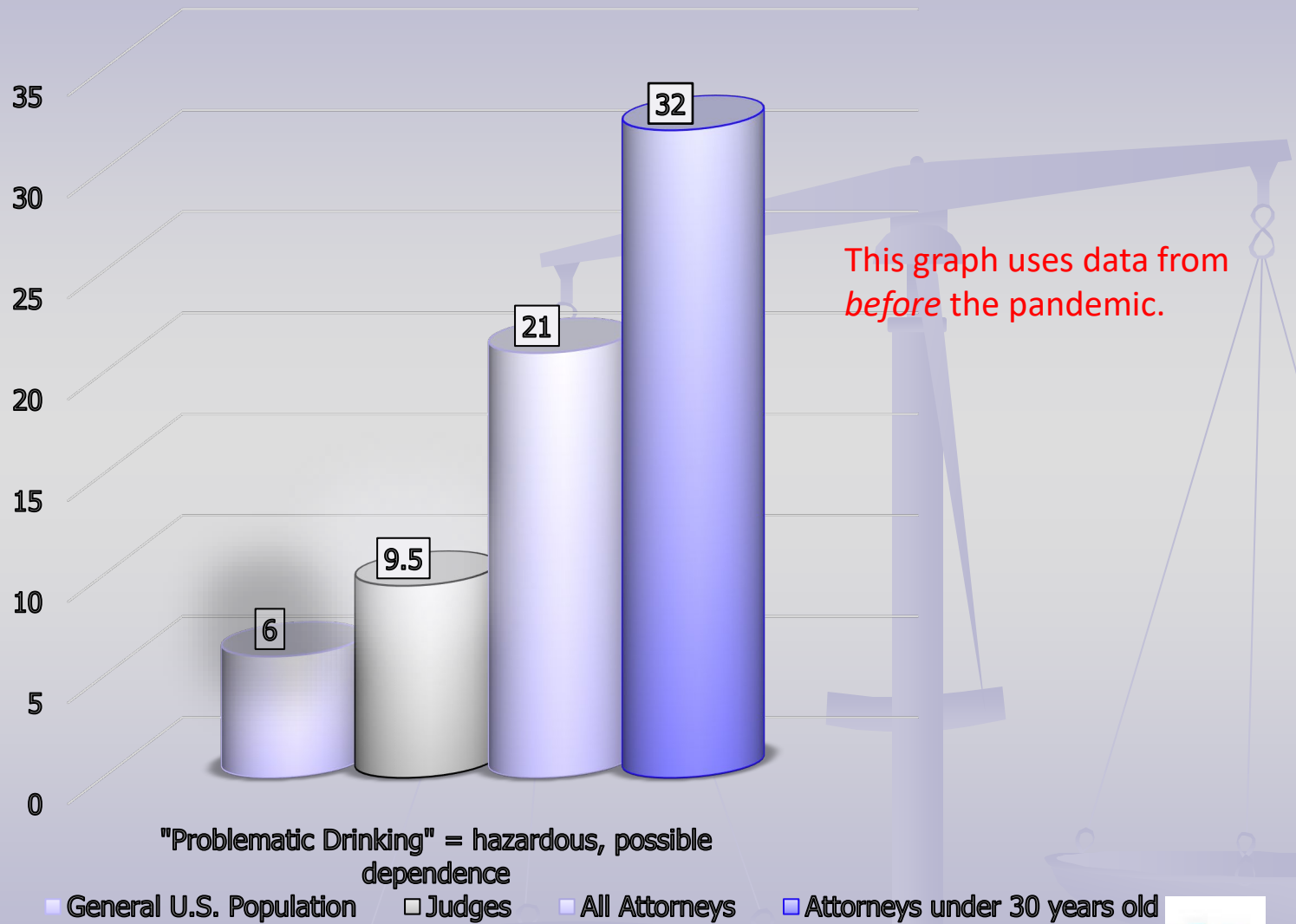


Consequences of Chronic Stress

- Reduced personal and professional performance
- Health problems (mental and physical)
- Dangers of increase in alcohol use and other unhealthy coping mechanisms



Alcohol Use



Alcohol Use Disorder

- a **primary**, chronic **disease** with **genetic, psychosocial**, and environmental factors influencing its development and manifestations. The disease is (often) **progressive and fatal**.
- It is characterized by continuous or periodic: **impaired control** over drinking, **preoccupation** with the drug alcohol, use of alcohol despite adverse consequences, and distortions in thinking, most notably **denial**.



Signs of Impairment

- Personal
 - Change in appearance or behavior
 - Distorts truth, overreaction
- Professional
 - Production
 - Attendance
 - Procrastination and emergencies



Other Substances and Behavior Disorders

- Drugs
- Compulsive Gambling
- Internet Addiction
- Sexual Compulsivity
- Eating Disorders
- Shoplifting Addiction
- Compulsive Shopping



Is It a Problem? CAGE test

- Have you ever felt you should **Cut down** on your drinking/use/behavior?
- Have people **Annoyed** you by criticizing your drinking?
- Have you ever felt bad or **Guilty** about your drinking?
- Have you ever had a drink first thing in the morning to steady your nerves or to get rid of a hangover (**Eye opener**)?



Mental Health and the Legal Profession



Calls Answered 24/7: (651) 646-5590 | (866)
525-6466 | help@mncl.org



ABA Mental Health Data

- 28% met the criteria for depressive disorder
- 18% met the criteria for an anxiety disorder
- 11.5% had considered suicide.

These data are pre-pandemic.



Depression

- A loss of interest in normally pleasurable activities
- Impaired ability to concentrate, remember and decide
- It occurs in stages:
 1. Emptiness
 2. Hopelessness/helplessness
 3. Malaise
 4. Suicidal Ideation
- It's not just a blue mood that can be wished away
- Time element

In a colleague, look for *changes* in behavior.



Other Mental Health Issues

- Anxiety
- Bipolar Disorder
- Obsessive Compulsive Disorder
- ADHD
- Unresolved Grief
- Post Traumatic Stress Disorder
- Cognitive Impairment



Is there a Problem?

- In the last two weeks have you
 - Been feeling very tired, sad, blue, irritable or depressed?
 - Lost interest and pleasure in things you usually care about?
 - Had difficulty concentrating, remembering or deciding?
 - Felt unusual panic or worrying?
 - Considered suicide?



What Can You Do?

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MRPC 1.3 Diligence

Comment 2: “A lawyer’s workload must be controlled so that each matter can be handled competently.”



Impairment and Work

- Educate all staff
- Provide non-threatening reporting options
- Give family members a contact
- Distribute LCL information with benefits materials



Reaching Out



- Expression of concern from a colleague
 - Contact LCL for coaching
 - Provide LCL information
- LCL response
 - Direct outreach
 - Intervention
 - Crisis Response



Offering Help

- I care
- I see
- I feel
- Listen
- I want
- I will



Beginning Recovery

Substance Use

- Abstinence
- Sober Support
- Changing Habits
- Dismantling the Ego
- Spiritual Centering
- Service to Others

Other Mental Health

- Therapy
- Medications
- Support Group
- Support System
 - Family
 - Work
- Service



What Happens?

Before

- High Functioning and Miserable
- Failing/Superficial Relationships
- Depressed
- Anxiety Ridden
- Felt Like a Fraud
- Constant Sense of Dread

After

- Personal & Professional Fulfillment
- Improving Relationships
- Confident and Content
- More Capable of Dealing with Ups and Downs
- Journey not destination



What's Next?

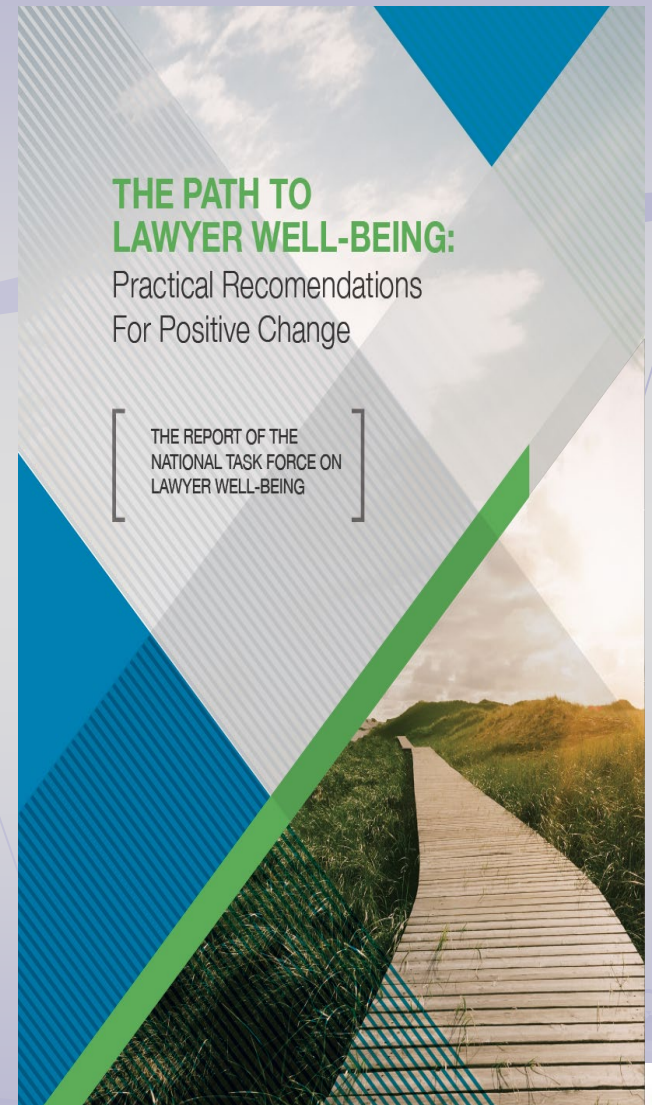
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The Path to Lawyer Well-Being:

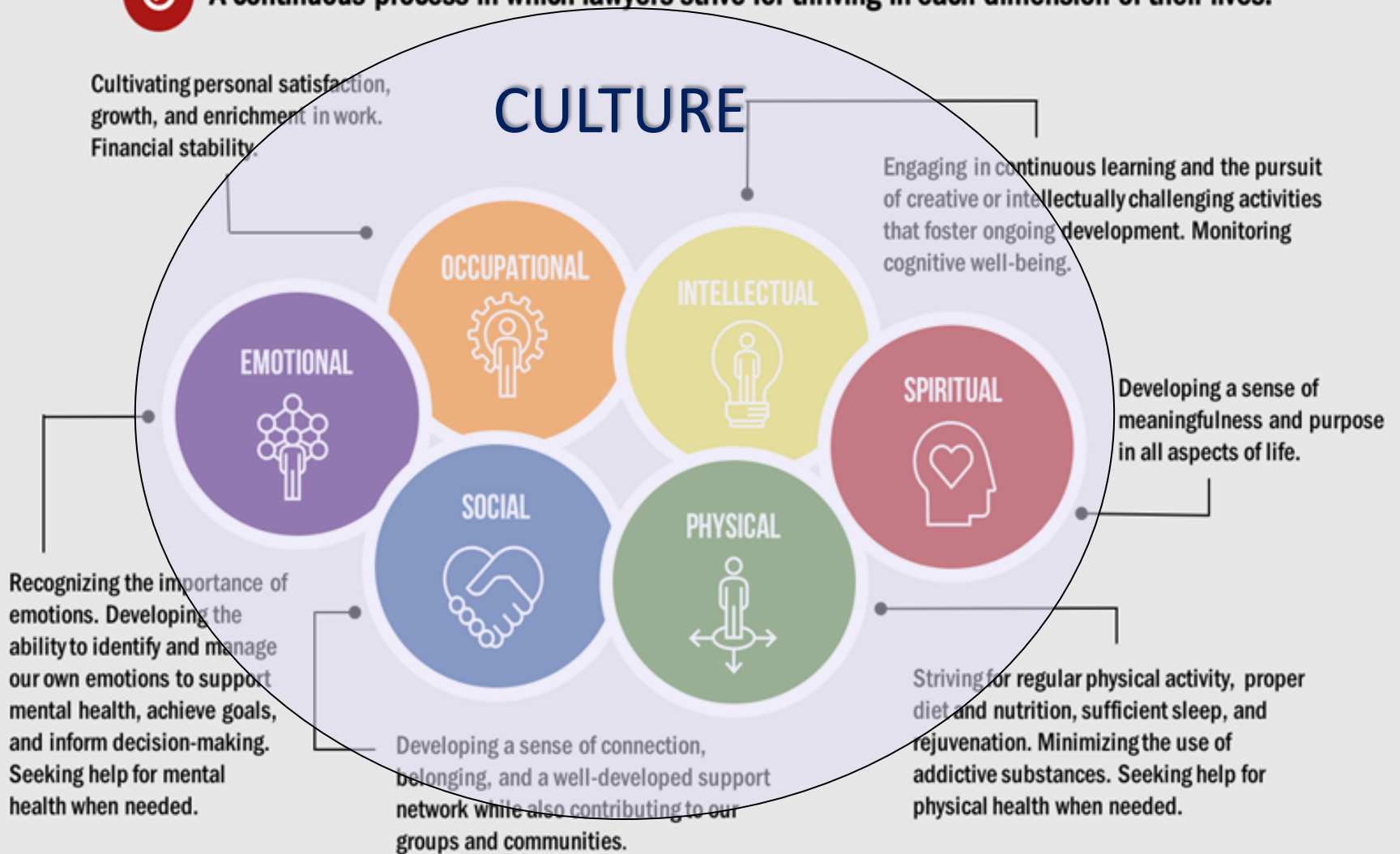
Practical Recommendations for Positive Change

THE REPORT OF THE NATIONAL TASK FORCE
ON LAWYER WELL-BEING

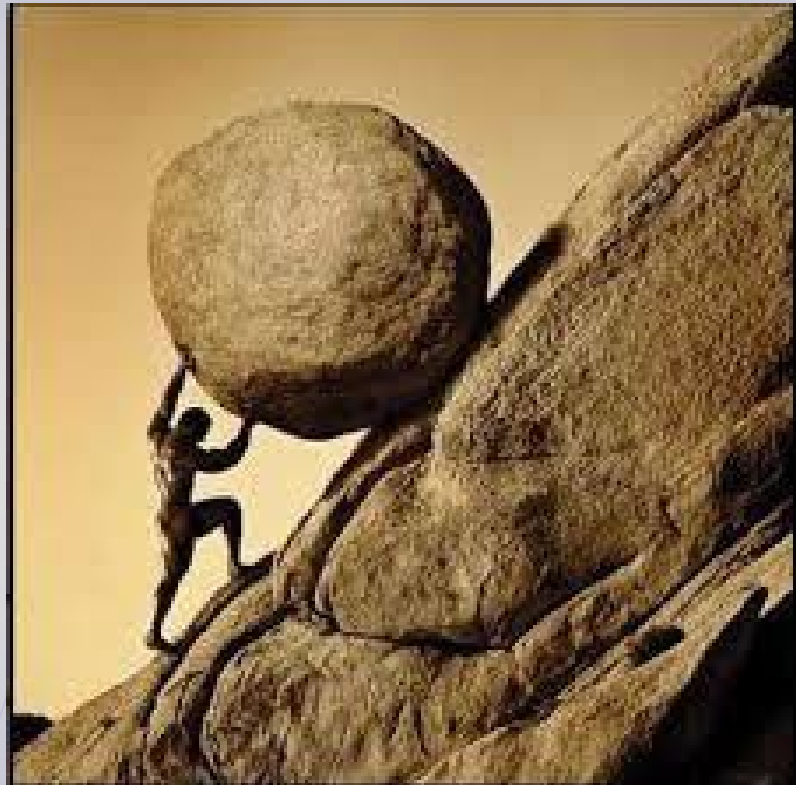




A continuous process in which lawyers strive for thriving in each dimension of their lives:



Tips for Building Resilience in the Face of Trauma:



What is Resilience?

“The ability to respond to stress in a healthy, adaptive way such that personal goals are achieved at minimal psychological and physical cost.” (Physician Wellness Research)

“The ability to persist in the face of challenges and to bounce back from adversity.” (US Army MRT; Reivich et al., *American Psychologist*, vol. 66, no. 1, pp. 25-34 (2011))



Resilience Benefits

- Immunity
- Lower mental illness risk
- Better physical health
- Fewer feelings of isolation
- Improved trust and awareness
- Reduced perceptions of pain and threat



Vicarious Resilience

- Originally observed in victims of tragedy and torture.
- Adapted to caring professions to lower burnout risk and stay engaged.
- Exposure viewed as opportunity for growth.
- 3Cs – Challenge, Control, Committment



Challenge

- Challenge:
 - Change is a constant
 - Confront and manage/master rather than avoid
 - Motivating
 - Yes and. . .



Commitment

- Sense of purpose and meaning
- Reframing
- Curiosity and engagement
- Appreciation for your role and the difference you can make



Meaningfulness

- Work is meaningful when we believe
 - It matters
 - Is valuable
 - Contributes to personal growth/greater good
 - Is a good fit with our values
- Primary motivational force
- Largest contributor to engagement (opposite of burnout)



Control

- Is there a way you can influence the outcome?
- What if you can't?
- Acceptance or change?
- Where is your best work possible?



Perspective

- What's the worst that could happen?
- What must I do?
- What's the best that could happen?
- What can I do?
- What can I control?



Where do you find meaning in what you do?



Ikigai: Reason for Being

- What is your reason for getting up each morning?
- Amalgamation
 - What you love
 - What you do well
 - What you can be paid for
 - What the world needs



SHOW VULNERABILITY (COURAGE)

Ask for Help

What happens when you do?



The Power of Connection

- War stories and venting are not enough and may be destructive
- Connection guidelines
 - Recognize commonalities
 - Actively show compassion and empathy
 - Acknowledge and attend
 - Share, but sometimes just listen
 - Talk about good outcomes or surprises



Lawyers Concerned for Lawyers

- Who we help –
 - Lawyers, judges, law students, other legal professionals and families
- What we help with –
 - Substance use and mental health, cognitive, stress, burnout
- Communications are **confidential**
- Services or Referrals –
 - Licensed professionals
 - Group support
- Peer support
- Education and public awareness



Partnership with AllOne Health

(formerly The Sand Creek Group)

- Up to 4 free counseling sessions; referrals
- Legal professionals and their families
- Resource website
 - www.sandcreekeap.com
 - Click on "Member Support Page"
 - When registering use the Company Code "lawyers"
- Contact AllOne Health directly at
 - 651-430-3383 or toll-free: 1-888-243-5744



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THERE IS
HELP *and*



THERE IS
HOPE



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Merci
Shukren
Spasibo
спасибо
Gracias
grazie
DANK
σας ευχαριστώ
謝謝

DANK U
Thank You!
cảm ơn bạn
hvala
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ALICQUAM
ありがとう