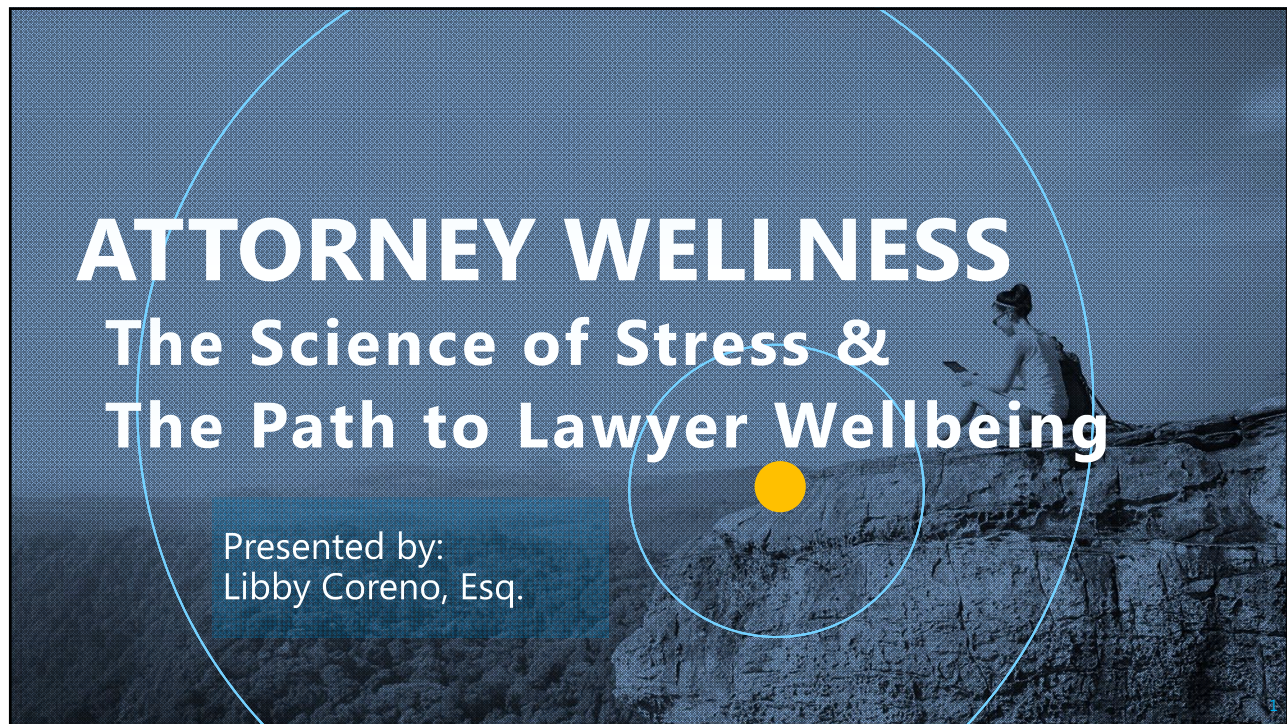


Attorney Wellness: The Science of Stress and the Road to Well-Being

M. Elizabeth Coreno, Esq.

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“To be a good lawyer, one has to be a healthy lawyer. Sadly, our profession is falling short when it comes to wellbeing . . . Studies reveal that too many lawyers and law students experience chronic stress and high rates of depression and substance abuse.”

“The current state of lawyers’ health cannot support a profession dedicated to client service and dependent on the public trust.”

—ABA National Task Force on Lawyer Well-Being
August 14, 2017

The Lawyer Personality?

Are there propensities in those drawn to the legal profession?

Detail Oriented

The ability to pay close attention facts and data thoroughly and consistently to bring about a desired outcome.

Perfectionism

The need to set and meet exceedingly high standards both in self and in others.

“Type A”

Competitiveness, urgency, impatience, achievement-oriented, high stress environments

3

From Law School to Practice . . .

Does the role of lawyer naturally affect well-being?

Anticipatory Anxiety

- Being trained to worry
- High negative arousal
- Negative perception of the future
- Pessimistic

“What Makes Lawyers Happy”

Larry Kreiger, Esq.’s study of lawyers in areas of well-being focused on the loss of the intrinsic value system (autonomy, relatedness, competence) and replacing it with extrinsic (money, power, prestige)

4

Culture of a Profession

What is reflected in the professional culture of the law?

High Burn Out Rate

Record high levels of stress with requirements for revenue, management, client relationship and case outcome.

Negative Coping & Isolation

Little collegial support in managing the problems, trauma and stresses that are inherent in the profession.

Mental Health Impacts

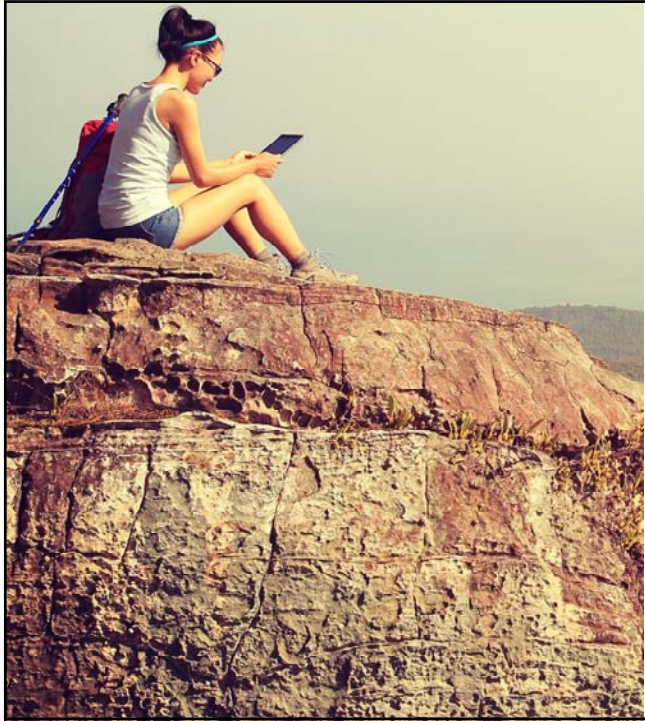
Highest rates of anxiety, depression, substance abuse of any profession.

5

CHANGE

ABA NATIONAL TASK FORCE RECOMMENDATIONS FOR CHANGE| 5 THEMES

1. Identify stakeholders and the role each of us can play in reducing toxicity
2. Eliminate stigma associated with getting help
3. Emphasize well-being as an "indispensable" part of our duties
4. Educate the profession on issues affecting well-being
5. Take incremental steps to change how law is practiced and regulated



1

Mindfulness &
Stress Reduction

S.T.O.P.

Stop | Take a Breath | Observe | Proceed

7

2

Understand and Address any
Negative Cultural Messages

ENGAGE

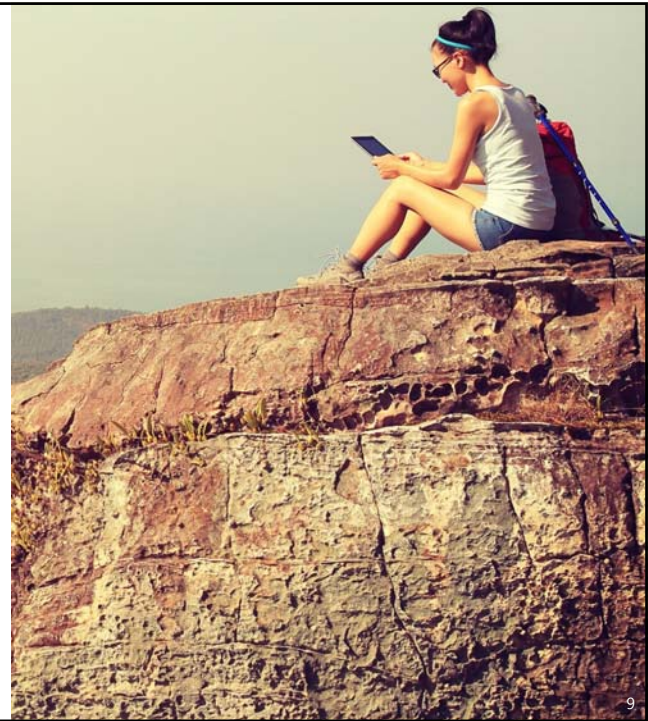


3

Proactivity in Destigmatizing Help-Seeking Behavior

SUPPORT

"Lawyers are a help-rejecting population."
Alan Levin



9



4

Self-Assessment Tools & Tips

LEAD

Makes tools available to your team that can set the tone for well-being firm-wide

"Well-Being: A continuous process toward thriving across all life dimensions"

10



The time is now to use your experience, status, and leadership to construct a profession built on greater well-being, increased competence, and greater public trust.

—ABA NATIONAL TASK FORCE ON LAWYER WELL-BEING
August 14, 2017

11

A person is sitting on a rocky cliff edge, looking out over a vast landscape. The image is overlaid with a large blue circle and a smaller yellow circle.

ATTORNEY WELLNESS

The Science of Stress & The Path to Lawyer Wellbeing

Presented by:
Libby Coreno, Esq.

12

Never Alone: Addiction, Recovery and Community

By Libby Coreno

Let me just say - I love lawyers. I love the passion, intelligence, tenacity, brilliance, skepticism, integrity, and verbosity (I could, of course, go on). It has been a tremendous privilege and pleasure for me to travel across New York in the last five years presenting lawyer training programs on mindfulness, meditation, empowerment, leadership and women's issues. Yet nothing has left such a lasting impression on me as my opportunities to present mindfulness and other techniques to lawyers in recovery - a community within our community. To be among lawyers who have faced addiction and made the choice to live clean and sober is to bear witness to that wondrous combination of humility, strength, wisdom, acceptance, compassion, and not a little bit of laughter.

For me, being in the rooms with lawyers in recovery is like coming home - hearing phrases like "one day at a time" and the serenity prayer (with its emphasis on strength, discernment and acceptance) is like being at my mom's kitchen table. My childhood home was filled with these messages and the library shelves were lined with books on recovery, empowerment, and wellness.

It was not until my early teens when I learned that the meeting my dad got up for each Saturday morning was the weekly gathering of a 12-step group and was a cornerstone of his sobriety;¹ that the inspirational books were part of his recovery process; that when his phone rang, and he mouthed to my mom, "I have to take this," it was someone in real trouble on the other end.

It was not until my college years that I understood the power of addiction and the power of the fellowship that caused my dad to take phone calls day or night.

And it was not until my years as a young lawyer that I saw addiction take root in my friends, peers and colleagues. Whenever I have the opportunity to sit with a fellowship of recovering lawyers, it is always inspiring, uplifting, transformational - and beautifully familiar.

Yet even with my heightened sensitivity to the perils of addiction, I was enormously affected early in my career by the impact of alcohol on a colleague before we were even 30. I remember viscerally being a young attorney with all the pressures, deadlines, and expectations that entry into the profession carries. I found solace in my fellow young lawyers as we would commiserate in a form of negative bonding around the daily management of the toils of practice on the bottom rung. Sometimes that bonding was gathering after work or on the weekends with drinks but it was never anything over which I was particularly concerned. We each seemed to be appropriate, understood limits, and acted accordingly.

It was not until much later that I realized the reason I was not concerned - my friend's alcoholism had taken root away from the small group gatherings and was happening at home. Every single sign was present that he was struggling - decreased personal self-care, forgetfulness, timeliness, and questionable judgment. I knew he was a brilliant, dedicated young attorney but I felt voiceless and powerless to say the one thing that needed to be said - "I see you struggling and I want to help." It seems so incredibly simple to me now and I often wonder if things would have been different if I had found my courage to be the friend and colleague he deserved.

After my early experience, I decided that I would make every effort I could to help lawyers find ways to support and care for one another in the path to personal and professional wellbeing. I began to get involved with the New York State Lawyer Assistance Program and advocate strongly for an increased focus on overall attorney well-being - addiction, stress management, and mental health. As I began to learn all I could about how addiction and mental health issues uniquely affect lawyers, it became increasingly clear that education about the pressures of practice, the impacts on the individual, and maladaptive coping mechanisms was woefully lacking.

Author and lawyer Lisa F. Smith noted the following when discussing her life in recovery in her memoir *Girl Walks Out of a Bar*:

Twenty-five years ago when I started practicing law [I was never] educated about . . . the risk that lawyers run of becoming alcoholics, and what you can do about it [and] that there is confidential help out there . . . It was news to me years later, when I found out there were lawyers assistance programs at the state bar level, at the national bar level, and at the city bar level, [made up] of lawyers who are there to help other lawyers who are in trouble. That should be something that lawyers learn about the same time they're learning where the library is and how to overnight a package to a client . . . One thing that is lacking . . . is a session on the fact that lawyers frequently run into mental health issues, depression, anxiety and then frequently this leads to substance abuse. Alcohol being far and away the number one.²

More recently, I have seen a shift toward greater awareness. I recall vividly the moment two years ago when I congratulated a recent law school graduate on her admission day at the Appellate Division. With a concerned and lowered voice, she asked, "I am excited, but I looked through the packet I was given, and it's full of helplines for depression, addiction, and suicide. Is there something I wasn't told?" While it may be the first she was hearing of the higher rates of substance abuse and mental health conditions, the data has been around for some time.

Recently, a Hazelton Betty Ford study found that (1) 20.6 percent of lawyers screened positive for alcohol-dependent drinking (higher among men and younger attorneys); (2) 28 percent of lawyers suffer from depression (higher among men); (3) 19 percent of lawyers struggle with anxiety (higher among women); and (4) 23 percent of lawyers experience significant stress.³

At the NYSBA Annual Meeting in January, my co-presenter, Kerry Murray O'Hara, PysD and I laid out our premise that lawyers are predisposed to higher than average rates of addiction and other mental health issues as a result of "a perfect storm" of "certain traits which cause stress and burnout, then are trained into anticipatory anxiety (professional worriers) which is known to be suboptimal psychology, and then are potentially stigmatized and perceived as weak when the burden becomes too much.

Rather than seek professional help, many lawyers withdraw from peers, friends and family, or engage in 'maladaptive coping behaviors' such as self-medicating with alcohol and other substances. In essence, the contributing factors to a lawyer's unhappiness coupled with the resistance to seek help may lead to the higher than average levels of problem drinking and substance abuse according to the most recent research."⁴

In fact, the American Bar Association's 2017 Report of the National Task Force on Lawyer Wellbeing included the list of reasons why lawyers are so help-averse, including: "(1) failure to recognize symptoms; (2) not knowing how to identify or access appropriate treatment or believing it to be a hassle to do so; (3) a culture's negative attitude about such conditions; (4) fear of adverse reactions by others whose opinions are important; (5) feeling ashamed; (6) viewing help-seeking as a sign of weakness, having a strong preference for self-reliance, and/or having a tendency toward perfectionism; (7) fear of career repercussions; (8) concerns about confidentiality; (9) uncertainty about the quality of organizationally-provided therapists or otherwise doubting that treatment will be effective; and (10) lack of time in busy schedules."⁵

As awareness grows and efforts are made to shift a help-resistant profession,⁶ the time I spend with lawyers in recovery is incredibly refreshing, fulfilling and inspires me with such hope. Each and every lawyer I have met through Lawyer Assistance Programs, Lawyers Helping Lawyers or as Chair of the Saratoga County Bar Association's Lawyer Assistance Committee has taken the profound and courageous step in asking for help. Many will bravely tell their stories of the moment when they knew their lives had become unmanageable due to alcohol or drugs. They also will tell me about how they received help and about being welcomed into a community of fellowship from those who had walked the path to sobriety before them.

One lawyer shared with me that he was a senior litigation partner at a prestigious law firm but was terrified of the courtroom. He drank larger and larger amounts of alcohol to help him cope with the levels of anxiety that he experienced whenever he was prepping for or in trial. As he continued to rely on alcohol more and more, other areas of his life began to unravel - his health, his marriage, his relationship with his children, and his work. One Monday morning, he awoke to find that he had passed out reviewing deposition transcripts and forgot to set his alarm. He was foggy and disheveled and late for court. He began to feel pains in his chest as his mind raced to figure out how he was going to explain his tardiness, his appearance and his ill health to the judge and his client. On the way to the courthouse, he decided that he could not live another day as he had for the last several years. He contacted another lawyer he knew was in recovery and asked him what to do. His colleague drove to his home that evening and brought him to his first Alcoholics Anonymous meeting. He has been sober since that day and he tells me of how his life has shifted in unbelievable ways - as a happier self and professional.

Another lawyer shared with me that his journey of recovery had taught him to not take things personally and that has enabled him to experience incidents in the courtroom in a completely different way. He said, "Prior to recovery, I was the maddest person in the courtroom and every ruling that didn't go my way was because the judge had it out for me. I was short-tempered and a bit of a hothead. I would drink after court to blow off the stress of the day, only to wake up the next day more tired and irritable. After entering into recovery, I learned that I didn't have to take everything so personally. I could go easier on myself."

Still another lawyer shared with me the impact on him from a colleague's recent suicide. For the better part of two years, he had looked in on a lawyer he knew had been struggling with mental health and addiction issues. He had repeatedly facilitated and participated in interventions on her behalf with local health care professionals, her family, and others when things looked bleak. She had stabilized many times and he had great hopes for her continued success. He knew from his own family experience that each day was a challenge for his friend but that she continued to practice law and give tremendously to her community. And yet, the day came when he had to share with the legal community the news of her suicide. He remarked to me, "We don't do enough for each other. We all think we are the only one. We need to be good to each other and see that we all struggle and have challenges."

A few years ago, I had a dream come true when my dad and I co-presented "Mindfulness and the 12 Steps" at a weekend retreat for lawyers in recovery. It was easy for me to see that this "community within the legal community" is one of mutual respect, love and tolerance. Anyone who asks for help receives it - no judgment, no questions asked. I remarked to the group that they exemplify the key principles that create a sense of community, belonging and well-being - a template for a profession in need.

While I understand that recovery comes in many forms and that 12-step programs are but one path, I offer these stories as part of my personal journey and the journeys of those who have courageously shared their stories with me for this article.

As the Chair of the newly formed Attorney Wellbeing Committee for the NYSBA, it is my singular hope that we continue to support access to resources and assistance to lawyers struggling with addiction and mental health challenges in any form. We can also apply the core principles of community, belonging and well-being to the entire profession - taking lawyers from striving to thriving.

With those words in mind, I will offer one of my favorite quotes from the Persian poet, Rumi: "*There is a community of the spirit . . . open your hands if you want to be held.*" If any of this writing speaks to you, please know that there is a community of the spirit with open hands stretched out to help. You are never, ever alone.

1. For those who wonder about my father's anonymity in recovery, he has reviewed this article and given me permission to share the story. I am proud to say that he is Barry Levine, founder and Board President for the Capital District Recovery Center (CDRC) on Colvin Avenue in Albany which opened this year and has the mission "to provide a safe and accessible space for people seeking recovery from addictions by offering a one-stop location for 12-step recovery meetings, recovery supports, and programs for self-improvement, and spiritual growth." He has shared his recovery journey as part of the process to found and open CDRC – a journey which is fast approaching three decades. I am honored to serve as volunteer legal counsel to the Board of CDRC. ↵
2. Olds, Dorri, The Lawyer Setting the Bar for Recovery, The Fix, June 8, 2016. <https://www.thefix.com/lawyers-rate-high-alcoholism>. ↵
3. Krill, Patrick R. JD, LL.M.; Johnson, Ryan MA; Albert Linda MSSW. The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys, Journal of Addiction Medicine. Vol. 10, Issue 1, January/February 2016. (Additional statistics include: social anxiety (16.1 percent), attention deficit hyperactivity disorder (12.5 percent), panic disorder (8 percent), and bipolar disorder (2.4 percent), suicidal thought at one time in career (11.5 percent), self-injurious behaviors (2.9 percent), and prior suicide attempt (0.7 percent). ↵
4. Coreno, Libby and O'Hara, Kerry, Attorney Wellness: The Science of Stress and the Road to Well-Being, NYSBA Journal, October 2018, Vol. 90, No. 8. (internal citations and quotation marks omitted). ↵
5. The Path to Lawyer Wellbeing: Practical Recommendations for Positive Change. The Report of the National Task Force on Lawyer Wellbeing, American Bar Association, August 2017, p. 13. ↵
6. Ciobanu, Terrell, Out of the Darkness: Overcoming Depression Among Lawyers, American Bar Association, GP Solo, March/April 2015, noting a 2004 study of lawyers recovering from mental illness determined that the two greatest factors in failing to seek treatment was the belief that "they could handle it on their own" and that discovery of treatment would stigmatizing to their reputation. ↵



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Attorney Wellness:

THE SCIENCE OF STRESS AND THE ROAD TO WELL-BEING

By Libby Coreno and Kerry Murray O'Hara

"To be a good lawyer, one has to be a healthy lawyer. Sadly, our profession is falling short when it comes to wellbeing . . . the current state of lawyers' health cannot support a profession dedicated to client service and dependent on the public trust." ABA National Task Force on Lawyer Well-Being (August 14, 2017)

"We know what we are, but know not what we may be." Shakespeare provides us a beautiful reminder in Hamlet that we are masters of our own fate. While we may be facing trying or difficult times today, it does not mean it will remain the same forever. It is a reminder that we must embrace uncertainty and live life with an open mind as to what is possible. And so it is with the status of health and well-being among the legal profession and lawyers generally - we know what we are in the current state of assessment, but know not what we may yet become.

The news concerning the statistics of the impact of the profession on the mental, emotional and physical well-being of lawyers is becoming more and more studied (and grim) - and yet solutions can feel elusive. From addiction to depression to suicide, it can feel hopeless to try to determine exactly what drives the sobering statistics among lawyer mental health and well-being.

Fortunately, in the last several years enormous strides have been made in the quantitative study of lawyer well-being and happiness, thus pointing us toward the beginning of who we may yet become if we can approach the uncertainty of change with courage and an open mind.

In 2017, the American Bar Association released its report from the National Task Force on Lawyer Well-Being, which outlined recommendations in eight areas for our profession to assist in transforming the practice of law to one that is more focused on the health and well-being of its practitioners.¹ The Report was released on the heels of two other recent and significant quantitative studies of lawyer well-being: Lawrence Kreiger and Kenneth Sheldon's *What Makes Lawyers Happy: A Data-Driven Prescription to Redefine Professional Success*, *George Washington Law Review*, 2015, and the ABA/Hazelton Betty Ford Foundation's study in the *Journal of Addiction Medicine* on substance abuse and mental health issues among attorneys (2016). Yet, the correlation between attorney well-being and the demands of practice are not new. In fact, Johns Hopkins University released a study in 1990 which found that lawyers were nearly four times as likely as the general population to suffer from depression, anxiety, social isolation, and other forms of psychological distress.²

Sadly, in the decades between the Johns Hopkins University study on depression and the most recent findings, the health and well-being of lawyers has not improved. The Hazelton Betty Ford study found: (1) 20.6 percent of lawyers screened positive for alcohol-dependent drinking (higher among men and younger attorneys); (2) 28 percent of lawyers suffer from depression (higher among men); (3) 19 percent of lawyers struggle with anxiety (higher among women); and (4) 23 percent of lawyers experience significant stress.³ In this article, we will look at some of the causes of higher levels of mental health struggles and substance abuse issues in the legal profession and, more important, some of the recommended changes and techniques that can be implemented in lives of lawyers to help them go from striving to thriving.

THE LAWYER 'PERSONALITY'

In 2006, *Res Gestae* published an article by Stephen Terrell which contained the observation that "what makes for a good lawyer may make for an unhappy human being."⁴ The psychological underpinnings for the potential disruption to healthy emotional functioning can be drawn from aspects of the lawyer "personality" such as perfectionism, "Type A" attributes, and anticipatory anxiety (or pessimism). When healthy emotional functioning is disrupted, it is not uncommon to suffer from psychological and emotional distress that can often lead to substance use/abuse, burnout, relationship deterioration, and physical health impairment. "Mental health disorders can profoundly affect attorneys' daily functioning. Irritability, feelings of inadequacy, difficulty concentrating, a sense of worry and impending danger, sleep disturbances, heart palpitations, sweating, fatigue and muscle tension are all side effects of depression and anxiety."⁵

Perfectionism is a pattern of belief where nothing is ever good enough.⁶ Law school, law firms, judges and clients reinforce the notion that lawyers must be free from mistakes in order to be effective at their job.⁷ At every turn, there is the need to set and meet exceedingly high standards in one's self and in others. Holding the responsibility for the outcome of someone's life can be overwhelming, so all aspects need to be executed without flaws. In order to look at cases "effectively" and maintain a dispassionate detachment to achieve a "perfect" result, lawyers receive early training to be emotionally withdrawn - a trait that can help with professional effectiveness but have disastrous consequences personally.⁸ Significantly related to perfectionism is the lawyer trait of being detail-oriented - the ability to pay high-level attention to facts and data, consistently over time, to bring about the desired outcome. Paying attention over long periods of time at such a high level can lead to feelings of competitiveness, urgency, impatience, stress, or Type "A" attributes.⁹ Added together, the attributes that are highly prized in lawyers are also known to lead to mental health disturbances.¹⁰

As one lawyer reflected, "We have the perfect storm of both personality traits and career circumstances which are generally known to cause depression. Most lawyers are Type-A people who put way too much pressure on themselves. In our profession we are always being attacked, literally, from opposing counsel and other players in litigation. Other than professional boxing, I can't think of any other profession where the job requires constant fighting."¹¹

Perhaps the most notable of all lawyer traits is that of "anticipatory anxiety," or being trained to worry. Psychologist Tyger Latham notes that lawyers are "[p]aid worriers . . . [and] expected to predict the future, to anticipate threats and guard against anything that could arise. So they learn to see problems everywhere, even when they don't exist. And they start to perceive threats as life or death matters."¹² James A. Fassold, a lawyer in Phoenix, opined that "[Lawyers] constantly ask the question 'what's the worst that could happen?' As a result, lawyers are on a permanent 'fight or flight' mode, constantly on guard. They have nothing to sell but their time and advice. They're not cranking out widgets. They can't make more time."¹³

The training toward worry leads to high negative arousal states, a negative perception of the future, and pessimism. In fact, in the Johns Hopkins study from 1990, the legal profession was the only one where pessimism outperformed optimism.¹⁴ In the normal clinical setting, a trained psychotherapist would begin treatment with a patient to train them away from anticipatory anxiety; rather than toward it. Such worry is a hallmark of suboptimal psychology in a human being and yet is a cornerstone of lawyer training.

A CULTURE IN RESISTANCE

In its current state, the legal profession finds itself facing myriad issues above and beyond a mental health or substance abuse crisis. Lawyers also contend with a changing landscape that includes increased "social alienation, work addiction, sleep deprivation, job dissatisfaction, a 'diversity crisis,' complaints of work-life conflict, incivility, narrowing values in which profit predominates, and negative public perception."¹⁵ And yet, with all that is confronting the industry, the ABA's National Task Force on Attorney Well-Being noted in its 2017 Report a culture with deep barriers and resistance to discussing the problems in practicing law, seeking out help and services, and working as a community to establish best practices for the well-being of its membership.¹⁶ Perhaps most notable of all is that lawyers address these demonstrably high levels of unhappiness and dissatisfaction with "a sense of acceptance rather than outrage."¹⁷

A 2004 study of lawyers recovering from mental illness determined that the two greatest factors in failing to seek treatment was the belief that "they could handle it on their own" and that discovery of treatment would stigmatize their reputation.¹⁸ The National Task Force on Lawyer Well-Being released its research that included an expansive list of reasons why lawyers are so help-averse, including: "(1) failure to recognize symptoms; (2) not knowing how to identify or access appropriate treatment or believing it to be a hassle to do so; (3) a culture's negative attitude about such conditions; (4) fear of adverse reactions by others whose opinions are important; (5) feeling ashamed; (6) viewing help-seeking as a sign of weakness, having a strong preference for self-reliance, and/or having a tendency toward perfectionism; (7) fear of career repercussions; (8) concerns about confidentiality; (9) uncertainty about the quality of organizationally-provided therapists or otherwise doubting that treatment will be effective; and (10) lack of time in busy schedules."¹⁹ Moreover, some state applications for the bar admission require disclosure by a lawyer if he or she has received treatment for any type of mental illness.²⁰

Attorney and author Jeena Cho observed that "Lawyers are risk averse. We don't want to be the first to try anything new because we love stare decisis. Not only is there a resistance to trying a different way of practicing law to reduce these issues lawyers struggle with, it appears that there is a deep level of denial. It's the lawyers at the other law firms who are struggling with depression, problematic drinking or substance abuse. When an attorney is exposed as struggling with these serious mental health issues, it's treated as an isolated incident, that the problem is unique to him or her - not as a systemic issue."²¹

As a result, a perfect storm can be observed where lawyers are predisposed to certain traits that cause stress and burnout, are then trained into anticipatory anxiety (professional worriers), which is known to be suboptimal psychology, and then are potentially stigmatized and perceived as weak when the burden becomes too much. Rather than seek professional help, many lawyers "withdraw from peers, friends and family, or engage in 'maladaptive coping behaviors' such as self-medicating with alcohol and other substances."²² In essence, the contributing factors to a lawyer's unhappiness coupled with the resistance to seek help may lead to the higher than average levels of problem drinking and substance abuse, according to the most recent research.

CHANGE IS IN THE AIR

In 2015, Larry Kreiger and Kennon Sheldon published *What Makes Lawyers Happy? A Data-Driven Prescription to Redefine Professional Success* in the *George Washington Law Review*, which laid out the results of surveys taken from more than 6,200 lawyers throughout the country in every aspect of the profession.²³ For the first time, Kreiger and Sheldon provide lawyers with the statistical proof that the extrinsic values that drive the definition of "success" (power, prestige, money, highly prized achievements) do not bear "any relationship to the well-being of [lawyers]."²⁴ In fact, the authors found a direct correlation between well-being and intrinsic values such as autonomy, integrity, close relationships, and meaningful and purposeful work - which, when experienced, lead to higher levels of productivity, lower turnover, and overall workplace satisfaction.²⁵ The conclusions drawn from the data should make a change-resistant profession take notice of the importance of well-being, if not solely for the health of their colleagues writ large, but also because the estimated costs of attorney turnover among large firms is \$25 million per year.²⁶

Beyond the data and profitability implications, the ABA's National Task Force on Attorney Well-Being estimated in its 2017 Report that "40 to 70 percent of disciplinary proceedings and malpractice claims against lawyers involved substance abuse or depression, and often both."²⁷ The New York State Rules of Professional Conduct ("Rules") contain multiple references to the responsibility and duty of lawyers charged with the public and client trust. Rule 1.1 requires that a lawyer provide "competent representation" and Rule 1.3 prohibits the neglect of the client matter. In these two examples, it is self-evident that the lawyer must have the capacity to be both competent and attentive - two skills that are substantially affected when the lawyer's health and well-being is suboptimal. From a clinical perspective, the Report illustrated that suffering from depression directly impacts executive functioning that is necessary for memory, attention, and problem-solving, while nearly 80 percent of alcohol abusers suffer mild to severe cognitive impairment.²⁸

In addition to the workplace satisfaction, profitability, risk management, and ethical implications, lawyers are a cohort whose ecosystem is impacted by the health and well-being of one another from courtrooms to board rooms. In short, focusing on the well-being of the profession as a collective and individually is simply the right thing to do.

FROM STRIVING TO THRIVING: THE ROAD TO WELL-BEING

While the definition of well-being may vary from person to person, clinical practitioners generalize health and wellness across eight distinct areas of life: social, physical, spiritual, emotional, occupational, financial, environmental, and intellectual.²⁹ The "Eight Dimensions of Wellness" have been roundly accepted as the integrative approach to assessing and addressing overall well-being - including by the U.S Department of Health and Human Services (Substance Abuse and Mental Health Services Administration).³⁰ In the Report, the ABA's National Task Force described well-being for lawyers as:

A continuous process whereby lawyers seek to thrive in each of the following areas: emotional health, occupational health, creative and intellectual endeavors, sense of spirituality or greater purpose in life, physical health, and social connections with others. 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.³¹

The recommendations from the National Task Force are sweeping - from law schools to Lawyer Assistance Programs to law firm and even malpractice careers.³² In summary, the Report encourages our profession to (1) identify stakeholders and the role each one can play in reducing toxicity; (2) work to eliminate the stigma associated with asking for and receiving help; (3) emphasize well-being as an "indispensable" part of a lawyer's duties; (4) educate the profession on issues affecting well-being; and (5) take steps to change how law is practiced and regulated with well-being in mind.

In light of the Report's recommendations, and as a direct result of the growing empirical data concerning the state of lawyer well-being, New York has become the sixth state in the nation to form a committee for Attorney Well-Being, which operates as a subcommittee to the Law Practice Management Committee of the New York State Bar Association. The purpose of the Attorney Well-Being subcommittee is to identify areas of support and to offer assistance to members who seek to implement ways of thriving professionally and personally, and partnering with other NYSBA Committees to bring awareness, programming, and leadership to the issues that both affect well-being and build resiliency.

As part of the NYSBA Annual Meeting in 2018, the authors of this article presented four steps that can be undertaken by firms and legal employers now to assist in facilitating well-being in the workplace. First, we encourage legal employers, law schools, and bar associations to invest in or make available mindfulness or stress reduction programs to law students and lawyers, as well as actively support the time commitment required for the course work. Beyond mindfulness, there are cognitive and dialectical behavioral techniques that can also be utilized to help build resiliency, distress tolerance, and emotional regulation. Programs that build leadership skills, increase competency, listening and empowerment are all part of the Eight Dimensions of Wellness and can have a profound effect on overall well-being. Second, we encourage lawyers, especially lawyers with influence and experience, to engage with leadership within the profession to assist in destigmatizing help-seeking for lawyers. It is the intent of the Attorney Well-Being subcommittee to provide online resources to members to facilitate ways to normalize and encourage wellness as a primary factor in the competency of lawyers. Third, we recommend developing best practices in organizations with lawyers (law schools, law firms, government, and bar associations) for addressing and reducing negative cultural messages that perpetuate the "lawyer personality" of pessimism and perfectionism. Programs are being developed that will specifically address the need for lawyers to develop the skills necessary to "turn on" their training to anticipate problems, but also to be able to turn it off so that life is not simply a series of worst-case scenarios. Finally, we invite all members of the NYSBA to review the self-evaluations and lifestyle management resources that are available at the Attorney Well-Being subcommittee's webpage. The availability of technology, apps, and education is wide - stretching across multiple areas of life from substance consumption to tech addiction to financial mindfulness.

CONCLUSION

As Shakespeare's Ophelia pondered philosophically in Hamlet, lawyers now know who they are in terms of well-being, but there is so much possibility in who we may yet become. From productivity and profitability to ethical concerns and the public trust, to the duty we owe to one another, there has never been more evidence or a greater mandate to work toward normalizing well-being in the legal profession. For a slow-to-change profession, the drumbeat continues its rhythm and only grows in volume. It will require courage and open minds to embrace the direction toward the improvement of the lives of lawyers and those who love them.

"The time is now to use your experience, status, and leadership to construct a profession built on greater well-being, increased competence, and greater public trust." The Report of the National Task Force on Attorney Well-Being, 2017.

1. The Path to Lawyer Well-Being: Practical Recommendations for Positive Change. The Report of the National Task Force on Lawyer Well-Being, American Bar Association, August 2017, <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFINAL.pdf>. ↵
2. Ciobanu, Terrell, Out of the Darkness: Overcoming Depression Among Lawyers, American Bar Association, GP Solo, March/April 2015. ↵
3. Krill, Patrick R. JD, LLM; Johnson, Ryan MA; Albert Linda MSSW, The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys. Journal of Addiction Medicine, Vol. 10, Issue 1, January/February 2016. (Additional statistics include: social anxiety (16.1 percent), attention deficit hyperactivity disorder (12.5 percent), panic disorder (8 percent), and bipolar disorder (2.4 percent), suicidal thought at one time in career (11.5 percent), self-injurious behaviors (2.9 percent), and prior suicide attempt (0.7 percent). ↵
4. Ciobanu, supra note 2. ↵
5. Gordon, Leslie, How Lawyers Can Avoid Burnout and Debilitating Anxiety, ABA Journal, July 2015. ↵
6. Id. ↵
7. The Path to Lawyers Wellbeing, supra note 1, at page 22. ↵
8. Ciobanu, supra note 2. ↵
9. Elwork, Amiram, A Lawyer's Guide to Dealing with Burnout: Does Burnout Mean I Should Leave My Job or the Law Altogether?, LawyerswithDepression.com, May 16, 2008. ↵
10. Gordon, supra note 5. ↵
11. Dina Roth Port, Lawyers Weigh In: Why Is There a Depression Epidemic in the Profession?, ABA Journal, Your Voice, May 11, 2018, p. 5. ↵
12. Gordon, supra note 5. ↵
13. Roth Port, supra note 11, at p. 7. ↵
14. Gordon, supra note 5. ↵
15. The Path to Lawyer Well-Being, supra note 1, at p. 7. ↵
16. Id. at p. 13. ↵
17. Gordon, supra note 5. ↵
18. Ciobanu, supra note 2. ↵
19. The Path to Lawyer Well-Being, supra note 1, at p. 13. ↵
20. Ciobanu, supra note 2. ↵
21. Cho, Jeena, Study Indicates Lawyers Struggling with Substance Use and Other Mental Health Issues, Forbes.com, July 30, 2016 ↵
22. Gordon, supra note 5. ↵
23. Lawrence S. Kreiger and Kennon M. Sheldon, What Makes Lawyers Happy? A Data-Driven Prescription to Redefine Professional Success, 83 Geo. Wash. L. Rev. 554 (2015). ↵
24. Id. ↵
25. Id. at 623–24. ↵
26. The Path to Lawyer Well-Being, supra note 1, at p. 8. ↵
27. Id. ↵
28. Id. at 9. ↵
29. Swarbrick, M. (2006), A wellness approach, Psychiatric Rehabilitation Journal, 29 (4) 311- 3314. A self-test on well-being is available on the Attorney Wellbeing subcommittee page at NYSBA.org. ↵
30. <https://store.samhsa.gov/shin/content/SMA16-4953/SMA16-4953.pdf>. ↵
31. The Path to Lawyer Well-Being, supra note 1, at p. 9. ↵
32. Id. ↵



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WHAT MAKES LAWYERS HAPPY

by Libby Coreno, Esq.

Earlier this year, I congratulated a recent law school graduate on her admission day at the Appellate Division. She smiled, lowered her voice, looked concerned, and said, "I am excited, but I looked through the packet I was given, and it's full of helplines for depression, addiction, and suicide. Is there something I wasn't told?"

Her question immediately bought to mind the recent work of Lawrence S. Krieger, Esq. and Kennon M. Sheldon, "What Makes Lawyers Happy? Transcending the Anecdotes with Data from 6200 Lawyers," which will be published this year by the *George Washington University Law Review*. The authors provide statistical data that supports their conclusion that the extrinsic value system taught in law school, and extended into the legal profession, has an inverse relationship with the level of lawyer happiness. "[T]he psychological factors seen to erode during law school are the very factors most important for the well-being of lawyers," Krieger and Sheldon write. So my answer to my newest colleague was, "Yes. There may be some things you weren't told."

Krieger and Sheldon's work now quantifies what we have intuitively suspected for quite some time: Law schools and the legal profession have the potential to break down attorneys' intrinsic value system in favor of placing predominant value on external rewards (money, power, prestige) that have a demonstrable negative correlation with well-being. The result, according to Krieger and Sheldon, is higher rates of dissatisfaction with the profession and of depression and alcohol use among certain segments of our populations. Notably, the higher the income and billable hour requirement, the higher the rates of alcohol use.

Conversely, public service attorneys generally enjoy higher rates of well-being (second only to judges) and lower rates of alcohol use. The good news from their findings is that placing emphasis on psychological values, including authenticity, autonomy, competence, community, and self-understanding, can positively affect attorney well-being. In fact, the authors claim that focusing

on these intrinsic values can increase productivity, employee retention, and an overall positive image of the profession itself.

"The good news from their findings is that placing emphasis on psychological values, including authenticity, autonomy, competence, community, and self-understanding, can positively affect attorney well-being."

In my work with attorneys, especially women attorneys, I have long focused on the importance of developing and listening to one's internal compass which provides moorings in the often-times choppy seas of law practice life. I encourage attorneys to ask themselves, "What are the intrinsic values unique to me? How can I rely on those values to make decisions in alignment with my own integrity and authenticity?" My invitation to each and every attorney is to begin a path of deep reflection on your personal values and then on finding ways of living and working congruently with those values. This path requires courage, a healthy relationship with consequences, understanding, self-compassion, and, most of all, patience. Recently, one of my mentoring clients had to engage in the difficult process of evaluating a job change from the private sector to the corporate world. She asked, "What if the reason I'm leaving private practice is because I just can't hack it anymore?" My questions to her were: What if "hacking" it isn't bringing you joy anymore? What if joy was an acceptable criterion for evaluating what you value? Is it possible to let go of others' extrinsic values in order to find well-being for you?

Attorneys have the power to create value systems within themselves and within their workplaces that emphasize the discovery of personal purpose, greater collaboration and autonomy—and, as Krieger and Sheldon point out, perhaps become more productive and profitable in the process. ☞

Libby Coreno, Esq. has been in private practice for over 11 years and is a Director at Carter, Conboy, P.C. in its Saratoga Springs office. Her practice centers on real estate development, zoning and planning, and real property, municipal and commercial litigation.

Libby is also the founder of The Silent Partner, a consulting and mentoring firm for lawyers and professionals seeking to learn ways to live, practice, and make transitions mindfully, authentically and creatively. A health crisis in 2008 brought Libby to several prominent spiritual teachers, which blossomed into her own study of Buddhist psychology and mindfulness that has been a cornerstone of her life ever since. She works one-on-one with clients, as well as in facilitating changes in group dynamics within law firms and not-for-profit organizations.

WELLNESS

FOR BERGEN COUNTY



Wellness connects all aspects of health!

body

Visiting a healthcare provider regularly • Exercising and eating healthy • Avoiding cigarettes and substance abuse
Getting the appropriate amount of sleep • Making time for relaxation

emotions

Being aware of feelings • Coping with stress • Building resilience and healthy decision making • Expressing feelings through support systems

knowledge

Being open to expanding intellect and skills • Embracing ideas and creativity

environment

Occupying safe, healthy and stimulating environments that support well-being • Fostering a community that is inclusive of all people and appreciates diversity

work

Gaining personal enjoyment and enrichment through work (paid or unpaid, volunteering or school)

finances

Having satisfaction with current and future financial situations

beliefs

Exploring greater purpose and meaning in life • Being excited about opportunities the future holds

connection

Developing satisfying and supportive relationships with friends, family and community members • Participating in social and recreational activities



For more information contact Marla Klein at mklein@co.bergen.nj.us

ZEN SAND

It's a relaxing game of logic that is easy to play but hard to master. Place the bamboo stalks to guide the sand into the vases. Relaxing sounds are played in a zen – like atmosphere. Great for a distraction technique or just for fun. Enjoy all 64 challenging levels.

Breathe2Relax

Stress management tool which provides detailed information on the effects of stress on the body and it includes instruction on practice exercises to help users learn the stress management skill called diaphragmatic breathing. App can be used for anger management, anxiety management and mood stabilization instructions.

Tibetan Bowls

Tibetan Bowls is a fantastic soundboard that allows user to create spiritual sounds by tapping the individual bowls. Can be used as a meditation support or trance induction and prayer.

Don't Get Agro

Game designed to help focus users attention away from negative feelings and simultaneously teaching user how to regulate their emotions and clam themselves down.

Moodtrack

App designed to help you track your moods on the fly. Track as often or as little as you want and look back at your moods over weeks, months or years to learn about yourself and what causes your mood swings and live better.

Safety Plan

App Designed to help user customize their own safety plan. User can track warning signs, places for distraction, coping strategies, supports to call and so on. App also contains an easy to use list of emergency resources that's just a tap away.

DBT Quiz

A Simple quiz that anyone interested in DBT can do and learn from. From beginners to experienced DBT users this app is sure to offer user new knowledge in a fun, interactive way. Each level has a series of questions based on certain categories. Select the correct answer more times than not and you advance to the next level instantly.

DBT Diary Card App

App contains diary log for each day with 28 skills with a description of each as well. It also contains examples of each skill. Includes a record keeping system that tracks the highest number of days the user has logged in a row as well as your current streak. Very similar to our diary cards.

MoodTools

If user is feeling sad, anxious or depressed, *MoodTools* is designed to help combat depression and alleviate your negative moods while aiding you on your road to recovery. Contains, Thought Diary, Safety Plan, Activity Suggestions and many other tools.

"Breethe"

De-Stress & Sleep better in only 10 minutes with your own personal mindfulness coach. Breethe is the easiest way to meditate. User can learn simple mindfulness and meditation techniques that can help promote happiness, calming and peace of mind into their life.

Aquarium HD

App turns your iPad into a beautiful aquarium. User can change tanks, fish and different audio choices. Very calming and relaxing.

Tec Tec

At its heart TEC TEC is a fast past matching game that takes 1-2 minutes to play. The App is a game version of a powerful psychological technique called *evaluative conditioning*. By continually pairing certain words and images, this technique can change associations with certain objects and concepts. Over time the user can change how they feel about certain things which in turn may change their behaviors. Recent randomized controlled trials published in the Journal Of Consulting and Clinical Psychology found that this method reduced self injurious behaviors.

The Safety Plan

This app is designed for users that are in need of assistance for domestic abuse or bullying. User can link to hundreds of the worlds best free interactive online therapy resources through a navigator section. Offers resources for help with psychologicaabuse, physical abuse, cybers stalking, family violence and more.

Zen Coloring App

Zen out and relax in an immersive coloring experience with hundreds of designs and colors. Turn on peaceful ambient soundtracks like rainy day or mountain stream or ocean waves. Very calming and relaxing.

Pranayama

Pranayama is a breathing meditation app that teaches "Conscious Breathing". Health through breathing, it's a simple and intuitive guide to deep breathing that features a progressive course based on the principles of yoga to help the user find balance and stress relief. The potential health benefits have been shown to help with Migraines, high blood pressure, depression, COPD, Asthma as well as improving overall stamina and fitness.

DBT DIARY CARD APP

This is yet another Diary Card app that brings together every DBT skill you've ever heard of and more into one app. It's a quick reference guide to available skills that can fit in your pocket instead of a book or a binder. It's a virtual therapist and emotion coach with 911 Skills that are a tap away.

DBT 4 Module App

Mindfulness, Distress Tolerance, Emotion Regulation, Interpersonal Effectiveness apps are all included in this bundle. Each app module comes with a complete set of tools to not only learn the individual skill but also to help you practice them, grow from them and make it easier to incorporate them. Each app has a description of what each module does for us as individuals.

Accupressure Heal Yourself App

This app is easy to use with illustrated instructions on how to make point massage. It contains over 90 points combinations that can be used for different situations from migraine headaches to help with sleeping issues. Accupressure is the ancient healing art that uses the fingers to stimulate the body's natural self curative abilities. When these points are pressed, they release muscular tension and promote the circulation of blood and the body's life force to aid healing. This app is not a substitute for medical advice.

Elevate

This app is a brain training program designed to improve focus, speaking abilities, processing speed, memory, math skills and more. Each user is provided with a personalized training program that adjusts over time to maximize results. Contains over 40 games to help improve critical cognitive skills. The more the user trains with Elevate the more they improve.

UnBlock Me

This app is a simple puzzle game designed to help promote problem solving skills as well as being a great and challenging distraction technique.

Breathe Deep

This app is a paced breathing app that is customizable with audio cues to instruct user when to breathe in and out as well as "Holding Periods" between inhales and exhales. It gives the user immediate feedback via the audio cues and encourages you to keep using deep breathing as a skill.

Word Search Pro

App is a word search game that promotes problem solving skills as well as improving your vocabulary and spelling. User tries to identify hidden words and then swipes up, down, left, right or diagonally to mark them. This app is for distraction as well as being fun and challenging .

Koi Pond & Fish Pond

Koi Pond and Fish Pond are interactive apps that allow the user to build and maintain a Koi Fish pond as well as just relax and watch a ready-made pond full of fish. Koi Pond promotes responsibility and the importance of maintaining a schedule. The user feeds the fish and cleans the pond as well as decorates it while Fish Pond lets you relax and admire the fish. Beautiful, serene, calming and relaxing, these apps offer a fun way to learn how to care for a virtual pet or just enjoy the beautiful fish. Great for relaxing or as a distraction technique.

Mindfulness Exercises App

This app contains helpful information for Basic Mindfulness Exercises that can enhance your life. It includes 5 easy mindfulness exercises for anxiety attack relief. As well as the top 5 Mindfulness exercise games and a Cognitive Behavior Mind Exercise for help with insomnia.

The Sober App

This app is one of the top-selling apps in the APP Store. It counts your clean and sober days as well as the money you have saved by staying sober. It also offers daily motivational messages and notifications that remind you to read them. *It includes a process to help you avoid relapsing*: If the user is craving, they just type in one word to the included search engine to describe how you are feeling and it will lead you to an answer to deal with those feelings thus improving your chances for not relapsing.

Mind Body Breathing

This app offers a simple and effective way to practice better breathing. It helps the user easily integrate the breathing exercises into their daily routine. Different modes will assist the user in any situation to change your emotional state or to just calm down. Continued use of this app has been shown to help user achieve greater emotional balance, to let go of negative thoughts, improve sleep quality and experience an overall general well-being.

Anxiety Relief, Depression, Self Esteem, Sleep Well Hypnosis App

This app contains 30-minute audio sessions read by a certified hypnotherapist. Anxiety Relief, Depression, Self Esteem and Sleep Well session are all included. Peaceful background music and nature sounds are played to help the user relax. This app offers possible relief to all modules included.

Good Blocks

Good Blocks is a gamified training application designed to help improve the users self esteem, body image, social anxiety and overall mood. Good Blocks quickly trains the users mind to reject negative thinking and adopt more adaptive, flexible thinking. This app has been shown to help change the way the user thinks about themselves as well as how they view the world around them. This app along with all others of its kind do not replace professional help.

Calm

The Calm app is the number 1 app for mindfulness and meditation to bring more clarity, joy and peace to your daily life. It includes guided meditations, sleep stories, breathing programs and relaxing music that have been shown to help with anxiety, managing stress, relationships, breaking habits, focus and concentration as well as sleep issues.

Relax Melodies

Take back control of your sleep with Relax Melodies. This app lets the user literally design their own meditation specifically designed by them and exactly to their individual liking. Over 52 sounds are included as well as brainwave frequencies to help user reach specific states of sleep. Create different mixes each time or choose and save the mixes you enjoy.

Take A Break

Enjoy Deep Relaxation, Stress Relief and the benefits of meditation with Take A Break. Relax easily and quickly with a voice guided instructor. User can choose from 2 relaxing audios: "Work Break Relaxation" and "Stress Relief Meditation". User chooses whether to listen with or without music or nature sounds.

Yoga Quotes

This is a simple app for yoga enthusiasts that enjoy inspirational quotes. User can change background images and choose when the positive uplifting quotes will be delivered.

Insight Timer

This app has been shown to assist user with lowering their anxiety and stress as well as achieving higher levels of self love and compassion and can help with sleeping issues too. It also includes deeply peaceful bells with polyphonic overlay, ambient background sounds, 8 different activities, guided meditations and more.

Guided Mind

Relax and get guided through meditations on a variety of topic dealing with stresses and challenges of day to day life. This app features easy effective step by step voice guided meditations of short or long durations. It also included instrumental tracks and a loop function for continuous play. The meditation topics included are affirmations, anxiety, attention, awareness, body image, and motivation among many others. Great for beginners or advanced meditators.



ADDITIONAL RESOURCES

<http://www.lawyerswithdepression.com/articles/a-lawyers-guide-to-dealing-with-burnout-does-burnout-mean-i-should-leave-my-job-or-the-law-altogether/>

[http://www.abajournal.com/magazine/article/how lawyers can avoid burnout and debilitating anxiety](http://www.abajournal.com/magazine/article/how_lawyers_can_avoid_burnout_and_debilitating_anxiety)