



The **BURNED OUT** Lawyer

Recognition and Prevention
Strategies in the Post- COVID World

Presented by :

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Lawyers Concerned for Lawyers of PA



- Free information and literature
- Free evaluation by a healthcare professional
- Free assistance with interventions
- Peer support
- Lawyer/Judge/Law Student-only support group meetings
- LCL staff support
- **FULLY OPERATIONAL during COVID-19**

Our services are **free, confidential, non-judgmental** and **non-obligatory**

Lawyers Concerned for Lawyers of Pennsylvania

CONFIDENTIAL Helpline

1-888-999-1941

**24 hrs./day, 7 days/week,
365 days/year**

www.lclpa.org

What Is LCL ?

Our mission:

To provide a caring peer assistance program to save the lives and restore the health and professional competence of lawyers, members of their families, judges and law students who are at risk as a result of alcohol and drug use, gambling, depression or other serious mental illness. We carry out this mission through a combination of confidential helpline services, volunteer support and education.

We Protect Your Identity and Information

*LCL does **not** report or disclose any identifying information to the Supreme Court, the Judicial Conduct Board, the Disciplinary Board, the Board of Law Examiners or any other agency of the Supreme Court; nor do we report or disclose any identifying information to a State Bar Association, local Bar Associations or any judicial or law related organization. We do not report any identifying information to anyone without your prior consent.

You may remain anonymous and still receive our services.

GUIDANCE FROM THE COURT

PA Rules of Professional Conduct address that concern by providing an exception to the duty to report: Rule 8.3(c) does not require disclosure of information otherwise protected or information gained by a lawyer or judge while participating in an approved lawyers assistance program.

Comment 7 “... providing for an exception ... encourages lawyers and judges to seek treatment through such a program. Conversely, without such an exception, lawyers and judges may hesitate to seek assistance from these programs, which may then result in additional harm to their professional careers and additional injury to the welfare of clients and to the public.” (emphasis added)

ABA / Hazelden- Betty Ford Study

(Published February, 2016 *Journal of Addiction Medicine*)

Problematic Drinking*

- 6.4% of entire U.S. population
- **21%** of *all licensed attorneys*
- **32%** of *all attorneys under 30 yrs. old*

* Problematic drinking defined as hazardous, possible dependence



ABA / Hazelden- Betty Ford Study

(Published February, 2016 *Journal of Addiction Medicine*)

Depression, Anxiety and Stress Scale

- Depression – **28%** *of all attorneys*
- Stress – **23%** *of all attorneys*
- Anxiety – **19%** *of all attorneys*
- Higher rates among younger lawyers



Mental Health By The Numbers

A recent survey conducted by ALM Intelligence and Law.Com revealed:

- **74%** feel the profession has had *a negative impact* on their mental health.
- 44% use alcohol to deal with *stress*.
- **64%** feel they suffer from *anxiety*.
- 31% feel they are *depressed*.
- **74%** feel their *work environment* contributes negatively to their well being.
- **18%** have contemplated *suicide* at some point in their careers.



Mental Health By The Numbers

A recent survey conducted by ALM Intelligence and Law.Com revealed:

- 36% use all of their vacation time.
- 35% do not feel safe discussing their mental health at work.
- 36% feel the billable hour has a *major* effect on stress level.
- 62% know a colleague who is *depressed*.
- 50% know a colleague with an alcohol problem.



Mental Health By The Numbers

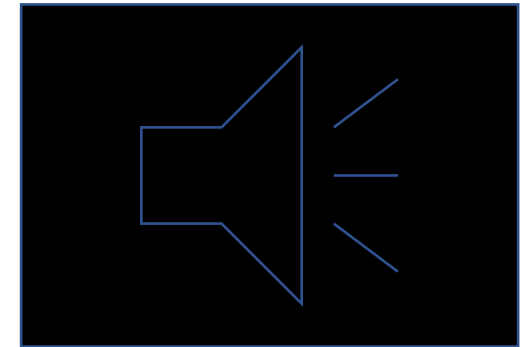
A recent survey conducted by ALM Intelligence and Law,Com revealed:

- 65% feel they could NOT take an extended leave from employment to tend to mental health issues.
- 78% felt an extended leave would hurt career trajectory.
- 77% were fearful of what the firm would think.
- 56% felt they had too much work to take a extended leave.



LCL Trends

- **2017**-483/177/83 40% MH * record breaking year
- **2018** –600/217/116 43% MH * record breaking year
- **2019** –644/224/176 58% MH * record breaking year
- **2020**–504/133/106 69% MH
- **November 2020 –February 2021**–81% MH
- **January 1, 2021 –June 30, 2021**–76% MH (>7% call volume over 2019)
- <https://www.lclpa.org/about/>





LCL/JCJ Presenting Concerns in 2021....

1. Stress 23%
2. Alcohol 20%
3. Depression 18%
4. Anxiety 14%
5. All Drug Misuse 5%

Pandemic impact....



Pandemic impact....



Social Isolation

Social isolation is the combination of solitude and loneliness, experienced by an individual for an extended period. Both the emotional and physical state feed off of one another and can create an inability to reengage with society in a meaningful way.





Incredible Resources to Combat Loneliness...

“[R]esearch suggests that loneliness has a comparable effect on health as smoking cigarettes daily and is worse than being obese or sedentary.”

<https://www.scientificamerican.com/article/to-combat-loneliness-promote-social-health1/>

- *Managing Loneliness: Ask and Act*

<https://static1.squarespace.com/static/5da1e1683b1ad128da8c7b34/t/5f9af351fbae4b3534007fd8/1603990353354/Reducing+Loneliness+Ask+and+Act+Worksheet+6+2020.pdf>

- *Well-Being Week In Law Activity Planning Guide*

<https://lawyerwellbeing.net/wp-content/uploads/2021/04/Loneliness+2021.pdf>

- *Olivia Ash, Attorney/Well-Being Coach/
Professor/Artist/Extraordinary Inspiring Soul*

<https://www.livbalanced.net/loneliness>

WHAT IS STRESS ?

Psychological stress is composed of the following sequence of elements:

STIMULUS

THOUGHT

EMOTION

BEHAVIOR

WHAT IS STRESS ?

The central nervous system perceives a dangerous situation (***stimulus***) and then immediately begins to make appraisals which are **unconscious and internal**.

Once we become aware of our ***thoughts***, we make **conscious** judgments in other sensory forms (visual, auditory) which are **external**.

As the central nervous system recognizes the dangerous situation we immediately experience “**sympathetic**” bodily responses – increase heart rate, sweating, faster breathing.

The internal and external appraisals combine to produce an ***emotion*** (fear in this case)

The emotion pushes the body to react (***behave***) externally



The thoughts and emotions are internal and subjective – part of the way we habitually respond to things – and are *changeable*, otherwise everyone would react in the same manner to a situation.

If we cannot interrupt or change the stimulus which produces the stress, then we must interrupt or change our appraisal of it.

HOW STRESSED ARE YOU ?

- My work requires me to do too much in too little time.
- I don't have enough time to spend with my family and friends or to pursue recreational and social activities.
- Competition is making it difficult to make a living.
- The people at my law firm or department lack collegiality – e.g., are cold, unfriendly or rude.
- My firm or department is mismanaged – e.g., not enough good clerical help, compensation or procedures are unfair.

HOW STRESSED ARE YOU ?

- My firm or department is too focused on profit.
- The physical environment is unpleasant.
- My work bores me.
- I'm not good at what I do.
- I'm not making a positive contribution to society/ lives of others.
- What I am doing doesn't deserve respect /get enough respect.
- I deal with too many unreasonable and difficult people.



HOW STRESSED ARE YOU ?

- I feel overly responsible for everything and everyone.
- I overanalyze things and am too cautious.
- I often feel depressed, defeated or hopeless.
- I often rely on alcohol or drugs to help me feel good.
- I think about quitting at least once a month.
- Occasionally, I think about suicide.



STRESS or DISTRESS ?

- Some stress is healthy. Positive stressors can energize and motivate lawyers to be productive and creative problem solvers.
- A totally stress free life is not only unrealistic, it can actually be a harmful form of denial.
- We need to eliminate distress. Distress is harmful both physically and psychologically.



STRESS or DISTRESS ?

- Gradual, incremental increases in responsibilities, duties, pressures and demands at home and work combined with long workdays and weeks is risky.
- We stay busy and “stuff” our feelings.
- Even relaxing can cause us to feel distress.
- We become unaware that we have lost balance in our lives.
- REMEMBER, DISTRESSED LAWYERS EVENTUALLY LOSE THEIR EFFICIENCY AND EFFECTIVENESS !!

BURNOUT



WHAT IS BURNOUT ?

- **Fatigue**, no matter how much someone rests or sleeps. An **exhaustion that runs deeper than sleep deprivation**.
- **Cynicism** about life or a feeling that **nothing a person does really matters**. Burned out people are generally **disengaged**
- A sense of **inefficacy**. Burned out people feel like they are **exerting significant effort, but are not making any progress** or gaining any recognition.
- Burnout syndrome is **not a medically recognized condition**, thus there is no clear diagnosis or treatment.

WHAT IS BURNOUT ?

- Constant anxiety
- Feeling overwhelmed
- Changes in personality
- Irritability
- Pessimism
- Obsessive thoughts
- Feelings of inadequacy and dread



WHAT IS BURNOUT ?



- Sleep disturbances
- Difficulty concentrating
- Fatigue
- Disengagement
- Depression
- Sense of helplessness
- Lost or diminished motivation
- Heart palpitations.

STRESS vs. BURNOUT

- Stress is short-term, with an end in sight.
- Burnout is stress built up over time that creates a cycle of negative emotions and withdrawal.
- Stress may have positive short-term effects - think “fight or flight”.
- Burnout is only negative—it overwhelms you, drawing you deeper and deeper into exhaustion.



STRESS vs. BURNOUT

Stress

You put in too much effort

Emotions are strong

Causes hyperactivity

Less energy

Can lead to anxiety

Physical consequences

Higher chances of early death

Burnout

Little or no input

Emotions flatten out

Causes a helpless feeling

Less motivation and hope

Can lead to depression

Emotional consequences

Higher chances of hopelessness

EFFECTS OF BURNOUT

- Less efficient
- Waste more time
- Self destructive tendencies
- Doing the bare minimum becomes a challenge
- Work quantity and quality declines
- Negative attitude towards those around you
- The feeling no one cares
- Unrelieved, may harden into a fixed element of your outlook
- Left unattended, can contribute to challenges to ethical duties, particularly communication and diligence

Common Warning Signs (You're Close)

1. You're exhausted
2. You feel detached
3. You can't focus or concentrate
4. You're self medicating
5. You lack work-life balance
6. Your relationships are strained
7. You feel "stuck"
8. You always feel stressed



So.....what are we going to do ?





impossible

Set *REALISTIC*
Goals for Yourself

“The key is not to prioritize what's on your schedule, **but to schedule your priorities.**”

- Stephen Covey



Prioritize your day

- Step back and look at your “to-do” list.
- How many are critical and MUST be done that day.
- What are you working to achieve ?
- Create a plan that will work toward your objective.
- THEN schedule your priorities
- DON'T have 10 things on your list – focus on 3 or 4 !



USE QUICK STRESS-BUSTERS

- Pause – lean back- give your eyes a rest for a couple minutes.
- Take three deep breaths and imagine your muscles relaxing from head to toe.
- Be mindful. Focus on the immediate present. Enjoy the moment.
- Stretch. Walk around your office or go outside.
- Maintain a sense of humor about yourself.
- Vary your routine. Don't get trapped in a rut.
- Prioritize at work and home and manage your time effectively.
- **ASK FOR HELP.** Talk it out with someone you trust.



SET BOUNDARIES

Boundaries: Disconnect

- Turn off notifications.
- Do not charge your phone beside bed.
- Do not keep phone with you during meals, exercise, or social activities.
- Read a book or magazine rather than your phone or tablet.
- Get away from your PC to do some work, take healthy breaks from the screen, and don't take the laptop with you on weekends or vacations.



Boundaries: Set Limits

- Check email x times per day at designated times (and let clients and colleagues know/expect that).
- Limit Social Media to 10 minutes per platform per day, Use a timer (Hunt et. al, 2018).
- Monitor your use (use monitoring apps, check Screen Time on iPhone, etc.).
- Use Do Not Disturb.



The Power of Helping Others

In a 30,000 person study on the affect of stress over 10 years on the rate of death, people who believed that they had a very stressful year and that stress was harmful to their health had 43% higher risk of death than those who did not.



A related study showed that the effect of stress on death rate was **completely offset** where people were regularly helping others.

MORE QUICK STRESS-BUSTERS

- Meditate and/or pray. CONSISTENT stress reduction occurs with only 10 minutes of daily meditation
- Unplug from social media when acutely stressed.
- Exercise.
- Eat a healthy diet.
- Cultivate a positive attitude.
- Sleep 8 hours/ night when possible.
- Avoid overuse of alcohol or prescription drugs. These short term “fixes” just mask the problem and can lead to negative health and social consequences.

Nine Steps for Beating Burnout

1. Do not isolate
2. Declutter!
3. Take a *real* vacation.
4. Connect to a greater life purpose.
5. Gratitude.
6. Understand perfectionism vs. excellence
7. Create new experiences and cultivate new skills.
8. Treat yourself like a good friend who needs a break.
9. **REMEMBER – DON'T OVERDO IT !! BE REALISTIC !!**



Why Are Legal Professionals at High Risk of Mental Health & Substance Use Disorders?

- Conflict driven and adversarial profession
- Emotional detachment
- Win-lose, often rigid thinking (black and white thinking)
- Perfectionism
- Excessive self-reliance

These traits are great for a successful career but not so great for mental health.

Why Are Legal Professionals at High Risk of Mental Health & Substance Use Disorders?


- High expectations and accountability
- Lack of work-life balance
- High stress level
- High stress levels & work-weeks >50 hrs. are consistent predictors of SUD's and their severity.
- 67% of attorneys/judges work more than 40 hours/week.
- Inherent pessimism



Lawyers who do not appropriately address their personal issues can harm their clients,



destroy their own careers, damage the reputation and viability of their law firms, and sometimes even lose their lives.

A grayscale photograph of a woman with long dark hair, wearing a striped shirt and large hoop earrings. She has her eyes closed and is covering both ears with her hands, a gesture often associated with denial or a desire to ignore something. The image is faded and serves as a background for the text.

What keeps lawyers from seeking or accepting the help they so desperately need ??

- Shame and Embarrassment – STIGMA
- Denial
- Cunning, insidious nature of diseases
- Enabling

Dealing with *Denial*

- The most potent barrier
- Psychological defense mechanism
- Rationalize and minimize behavior
- Honestly believe they are under control
- I'm not one of "them" mentality





THE CONSPIRACY OF SILENCE

- Lawyers are trained to deal with and solve problems. Thus, it is most difficult for the attorney to seek help since by doing so he feels he is admitting failure.
- Complicating this problem further is the tendency of the attorney's or judge's peers to indulge in a conspiracy of silence (enabling) and lighten the normal stresses of our profession.

ENABLING

- Removes motivation to change
- Provides evidence that fuels denial
- Allows cons of treatment to outweigh pros
- PREVENTS treatment of a progressive disease
- Greater harm to career, family and well being
- Not good for YOU either !!



What can YOU do ??



Although it is difficult, remember that your end goal is to help motivate the impaired lawyer or judge to seek professional help they so desperately need.

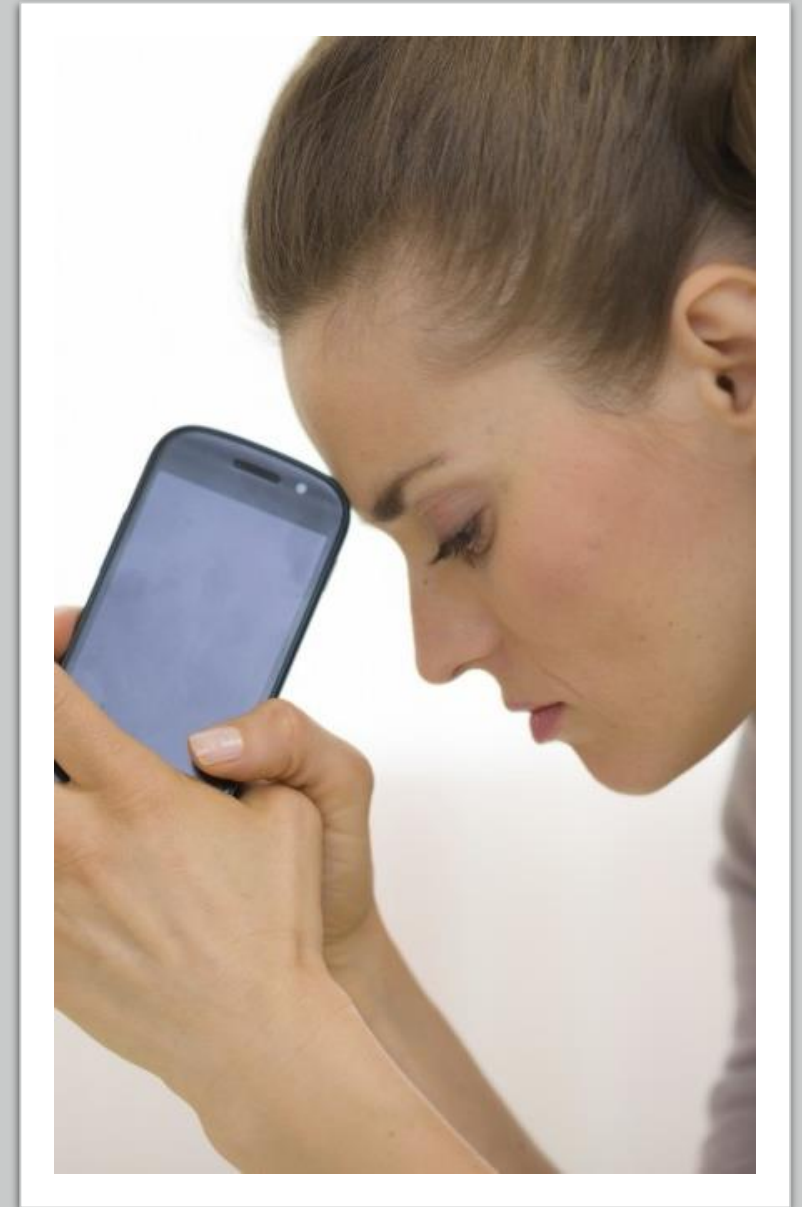


To Call LCL...or Not to Call

- I'm ok. I can work this out for myself.
- I'm not like a "real" alcoholic anyway.
- I want help but I don't want anyone to know.
- Will I be reported to Discipline?
- I already tried to get help and it didn't work.
- I don't have the money to pay for treatment.
- What will people say about me if I ask for help ?
- It's no use – nobody will understand – I give up !

To Call LCL...or Not to Call

- Is this really any of my business?
- I want to help but I don't want to get involved.
- Will I harm his/her or the firm's reputation?
- Must I report him or her to Discipline?
- I already tried to help and it didn't work.
- Let's wait and see. Maybe it will get better.
- I really don't have time for someone else's problems.





Change your perspective...



Six Core Steps for a Sustainable Culture in the Legal Profession:

1. Identify stakeholders and their roles.
2. Diminish stigma associated with seeking help.
3. Emphasize that well-being is a part of competence.
4. Educate on well-being/mental health/substance use disorders.
5. Make health and well-being a top priority throughout the profession.
6. Develop a “you are not alone” culture.

Brian's Big Five

- Express Gratitude for what you have
- Create 1 hour a day to think and relax
- Do one thing you love to do every day
- Set clear and realistic goals
- Let go of Fear





**Remember, every month, every day,
every *moment* is the opportunity
to live a new cycle— we don't have to
wait until a new year to start a cycle!
Being a healthy lawyer is *part* of being
a good lawyer.**

A small yellow flower with a dark center and green leaves is growing out of a crack in a weathered brick wall. The bricks are reddish-brown and show signs of age and wear. The background is blurred, showing more of the wall and some green foliage on the left.

While a lot of things have been cancelled,
RESILIENCY is not one of them

The Burned Out Lawyer: Recognition and Prevention Strategies In The Post-COVID World

Thank you all for attending today's Continuing Legal Education program.
If you have any questions that were not answered or would like to contact me for any reason, please call or email me **confidentially** at the following:

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National Task Force on Lawyer Well-Being Recommendations

**"The Path to Lawyer Well-Being:
Practical Recommendations For Positive Change"**

<http://lawyerwellbeing.net/wp-content/uploads/2017/11/Lawyer-Wellbeing-Report.pdf>

How to Join the National Well-Being MOVEMENT

“WELL-BEING TOOLKIT FOR LAWYERS AND LEGAL EMPLOYERS”

Created By Anne M. Brafford For Use By The American Bar Association

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

“Well-Being Toolkit Nutshell: 80 Tips For Lawyer Thriving”

https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/lis_colap_Well-Being_Toolkit_Flier_Nutshell.authcheckdam.pdf

Additional Resources

“Need a helping hand? Here’s what a lawyers assistance program can do for you” http://www.abajournal.com/news/article/podcast_monthly_episode_97

“What Are Partners’ Duties When a Colleague is Impaired? Draft Opinion Calls for These Steps” http://www.abajournal.com/news/article/what_are_partners_duties_when_a_colleague_is_impaired_draft_opinion_calls_for_these_steps