



KRILL STRATEGIES

TRANSFORMING THE LEGAL PROFESSION

Mental Health and Wellbeing as a Strategic Priority for a Sustainable Profession

4/28/23



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Attorney, licensed alcohol and drug counselor, researcher



Leading authority on addiction, mental health, and well-being in legal profession



Former director of Hazelden Betty Ford Foundation Legal Professionals Program, preeminent clinical treatment program for addicted attorneys, judges, law students



Groundbreaking work includes initiating and serving as lead author of only US national study on attorney addiction and mental health problems; creating the ABA Well-Being Pledge



Authored more than 75 articles related to addiction and mental health, including regular advice column for Law.com and frequent contributions to CNN.com and other US national outlets



Current Data: Key Takeaways

- 01** **Attorneys in the US have higher rates** of problematic drinking and mental health problems than the general population.
- 02** **Younger, less experienced lawyers in private firms have higher levels** of distress symptoms than their older, more experienced peers.
- 03** **Lawyers don't seek help for their behavioral health problems** because they fear someone will find out and it will discredit them and possibly affect their license.
- 04** Law School research seems to demonstrate similar themes.



Why Has the Profession Had These Problems?

01

By nature, the work environment is inherently stressful and therefore amounts to a risk factor for developing a behavioral health problem



Conflict and competition are the norm in the profession



Very high—and possibly unrealistic—client expectations



Good lawyering skills don't necessarily translate into good workplace or managerial skills (i.e.; emphasis on "winning" instead of collaboration; skilled at "debate" and "arguments" rather than discussion and collaboration)



Distrust of colleagues and inability to share frustrations, problems, issues, emotional/behavioral conditions—fears that you will look weak or colleague will use against you



Required billable hours

Why Has the Profession Had These Problems?

02

Alcohol is deeply engrained in the culture of the profession. Heavy drinking and regular drinking are highly normalized and often encouraged, while self-care, healthy boundaries and overall wellbeing are under-prioritized

03

Help-seeking behaviors are disincentivized and dysfunctional coping mechanisms are widespread and accepted

04

Personal wellbeing is not adequately emphasized as an indispensable predicate for fitness to practice

05

Historic and cultural reluctance of the profession to acknowledge and address the issues in a meaningful way; lack of systemic buy-in towards proactive change

06

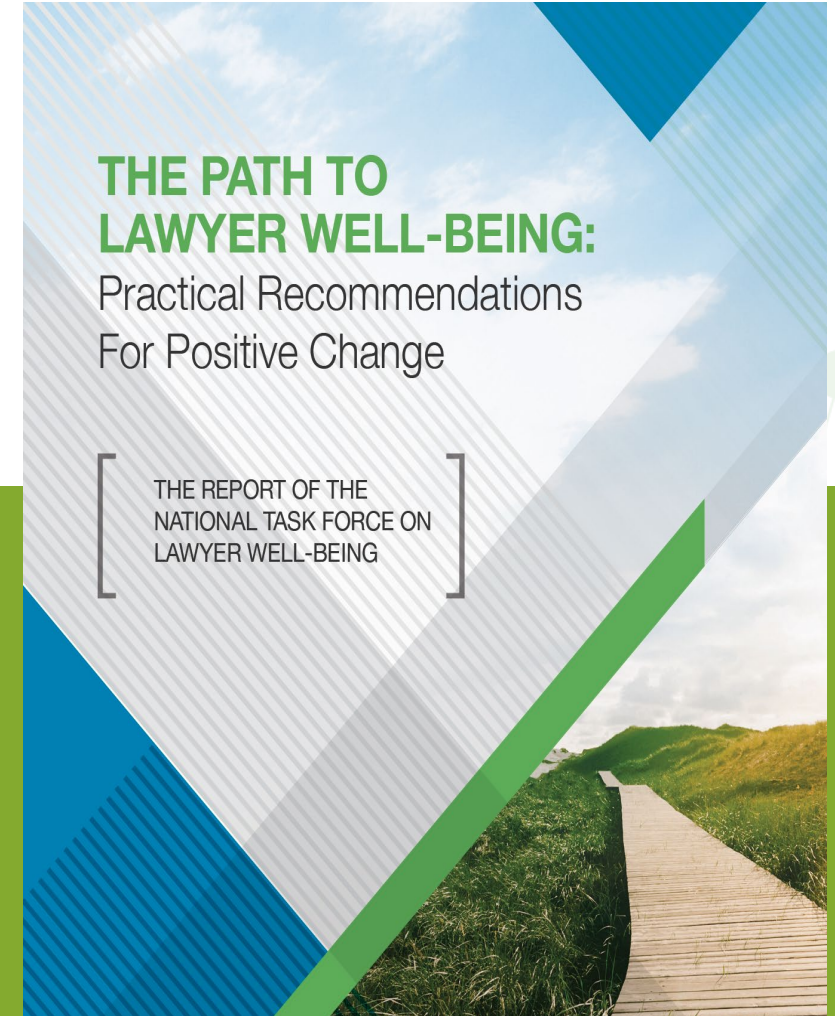
Lawyers themselves (perfectionistic, extrinsically motivated, lacking in resilience & sociability, low emotional intelligence)

The Path to Lawyer Well-Being:



Practical Recommendations for Positive Change

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





Anti-Stigma Campaign



Profession-Wide Anti-Stigma Campaign

CoLAP is committed to helping de-stigmatize mental health and substance use disorders in the legal profession. CoLAP is producing high-quality videos that highlight personal recovery stories of lawyers, judges, and law students who have overcome these issues, serving to raise awareness about the nature of addiction and mental health distress in our profession, and challenging the biases and stigma that surround those problems.

ABA Pledge Campaign

Launched in September, 2018 218 Signatories and Counting

The Well-Being Pledge for Legal Employers

- 1. Provide enhanced and robust education** to attorneys and staff on well-being, mental health, and substance use disorders.
- 2. Reduce the expectation of alcohol** at firm events by seeking creative alternatives and ensuring that non-alcoholic alternatives are always available.
- 3. Partner with outside providers** who are committed to reducing substance use disorders and mental health distress in the profession.
- 4. Provide confidential access** to addiction and mental health experts and resources, including free, in-house, self-assessment tools.
- 5. Develop proactive policies** and protocols to support assessment and treatment of substance use and mental health problems, including a defined back-to-work policy following treatment.
- 6. Show that the firm's core values** include taking care of yourself and getting help when needed by regularly & actively supporting programs to improve physical, mental and emotional well-being.
- 7. Use this pledge**, and the firm's commitment to these principles, to attract and retain the best lawyers and staff.

American Bar Association Working Group to Advance Well-Being in the Legal Profession



Life Comes at You Fast



January February March April

What Happened to Our Health During COVID



1/3 of adults exhibiting signs of generalized anxiety disorder; 1/4 exhibiting signs of major depressive disorder.



Between 50-70% of remote workers report feeling burned out



Use of alcohol, anti-anxiety medications, antidepressants and sleep aids are increasing



60% of adults say they're more tired than ever before



Overall physical health was undermined by people avoiding/delaying necessary medical appointments and preventive care



People were less able to exercise and more likely to eat processed comfort food during the pandemic, both of which had a negative impact on physical and mental health

Three Reasons to Take Action



01 Humanitarian reasons

It's good for lawyers and their families



02 Ethical integrity and professionalism

It's good for clients

- Rule 1.1 – competence
- Rule 1.3 – diligence



03 Organizational effectiveness

It's good for business

Clients Getting Involved

CORPORATECOUNSEL

How U.S. Bank's Legal Department Created Wellness Guidelines for Outside Lawyers

"We're not softening our requirements on them. Instead, we are saying that you need to take care of yourself to earn our business and to comply with the professional rules that require a duty of competency," said U.S. Bank deputy GC Benjamin Carpenter.

By Phillip Bantz | April 12, 2022

The Potential Costs Of Illness and Impairment



The Human Toll

- ✓ Health impacts on the individual
- ✓ Damage to families and relationships
- ✓ Loss of career and financial ruin
- ✓ Serious disability or death



Work Environment

- ✓ Culture and morale
- ✓ Direct impact on colleagues
- ✓ Reputation / trust
- ✓ Clients and business



Productivity

- ✓ Individual and Teamwork product
- ✓ Management time



Financial

- ✓ Human capital
- ✓ Unwanted turnover
- ✓ Legal, work comp, or disability claims

Illness vs. Impairment

Illness and impairment exist on a continuum, with illness typically predating impairment, often by many years.



Note: People may meet diagnostic criteria for a mental health or substance use disorder and appear high functioning.



This is a critically important distinction.

Illness is the existence of a disease. Impairment is a functional classification and implies the inability of the person affected by disease to perform specific activities.

Illness

Impairment

High Functioning Possible

Decreasing Functioning

“

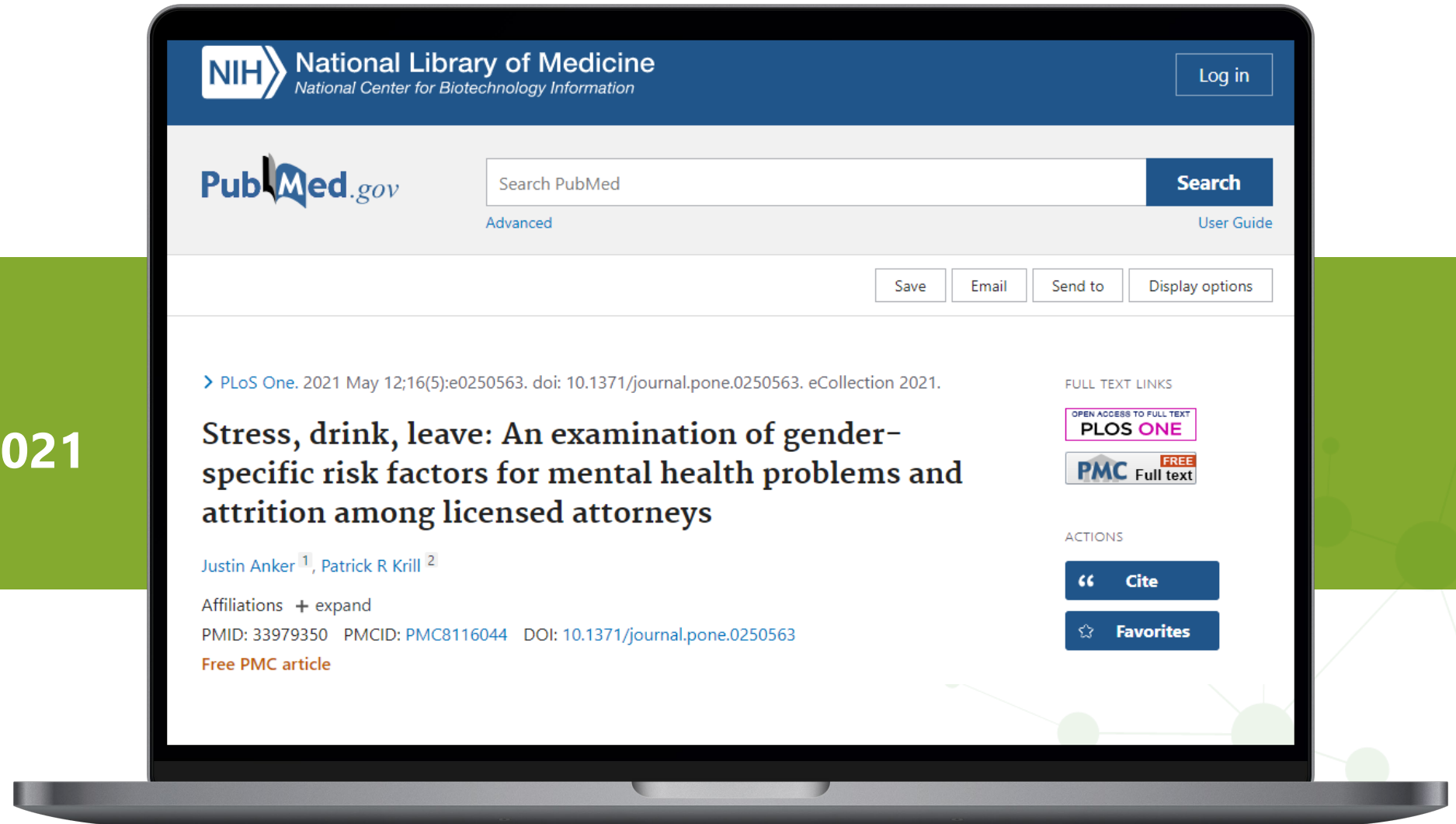
There comes a point where we need to stop just pulling people out of the river. We need to go upstream and find out why they're falling in.

- Desmond Tutu

”



New Research Published May, 2021



New Research Published June, 2022



National Library of Medicine
National Center for Biotechnology Information

Log in



behavioral
sciences



Article

People, Professionals, and Profit Centers: The Connection between Lawyer Well-Being and Employer Values

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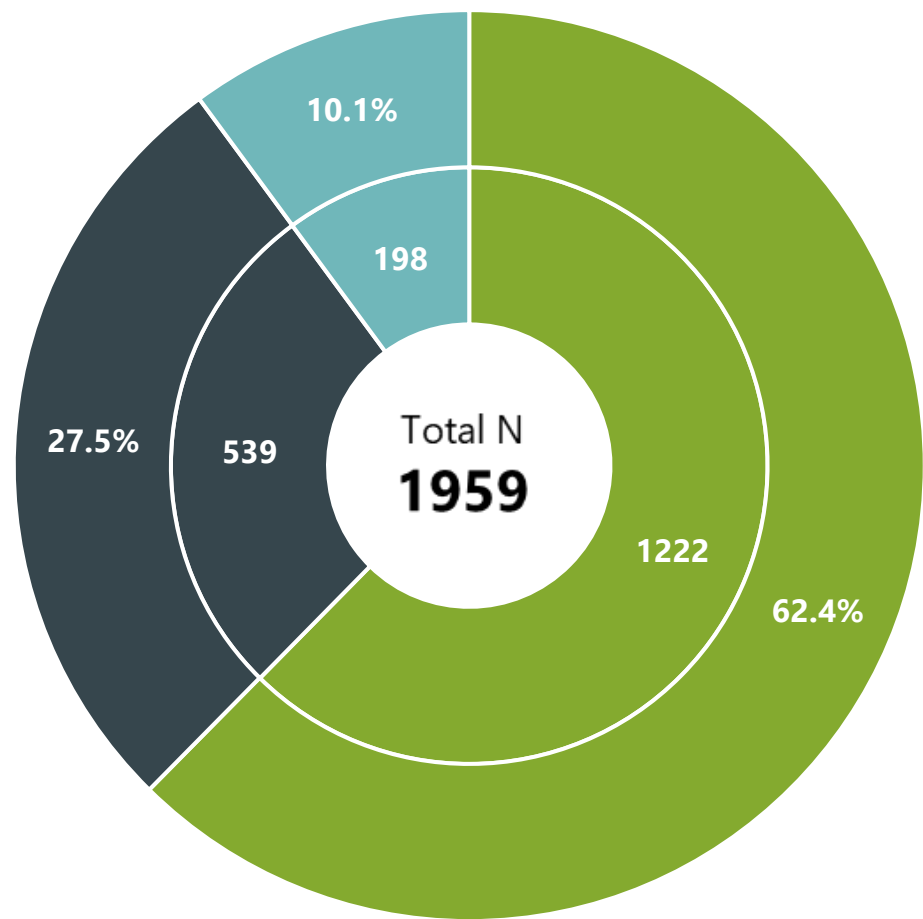
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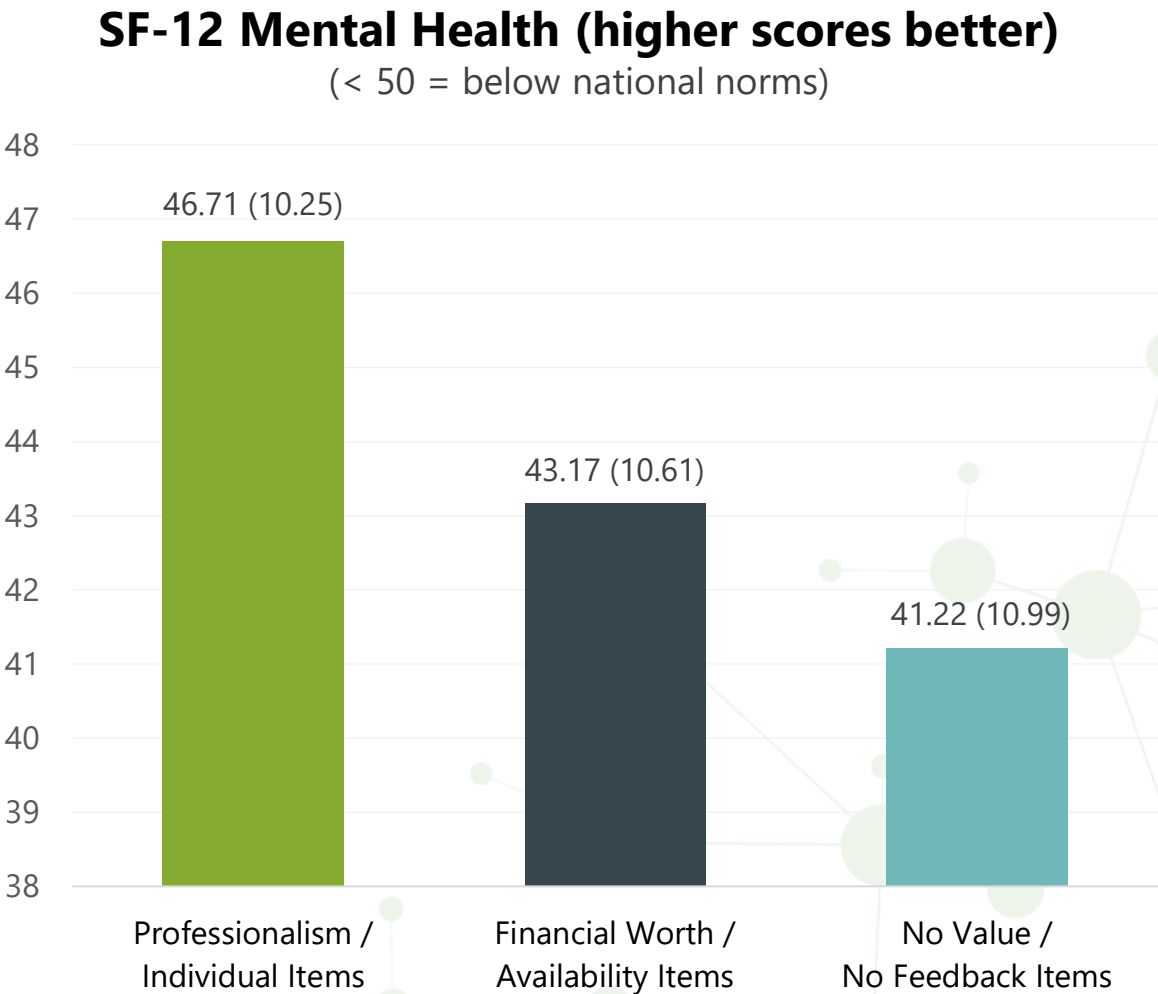
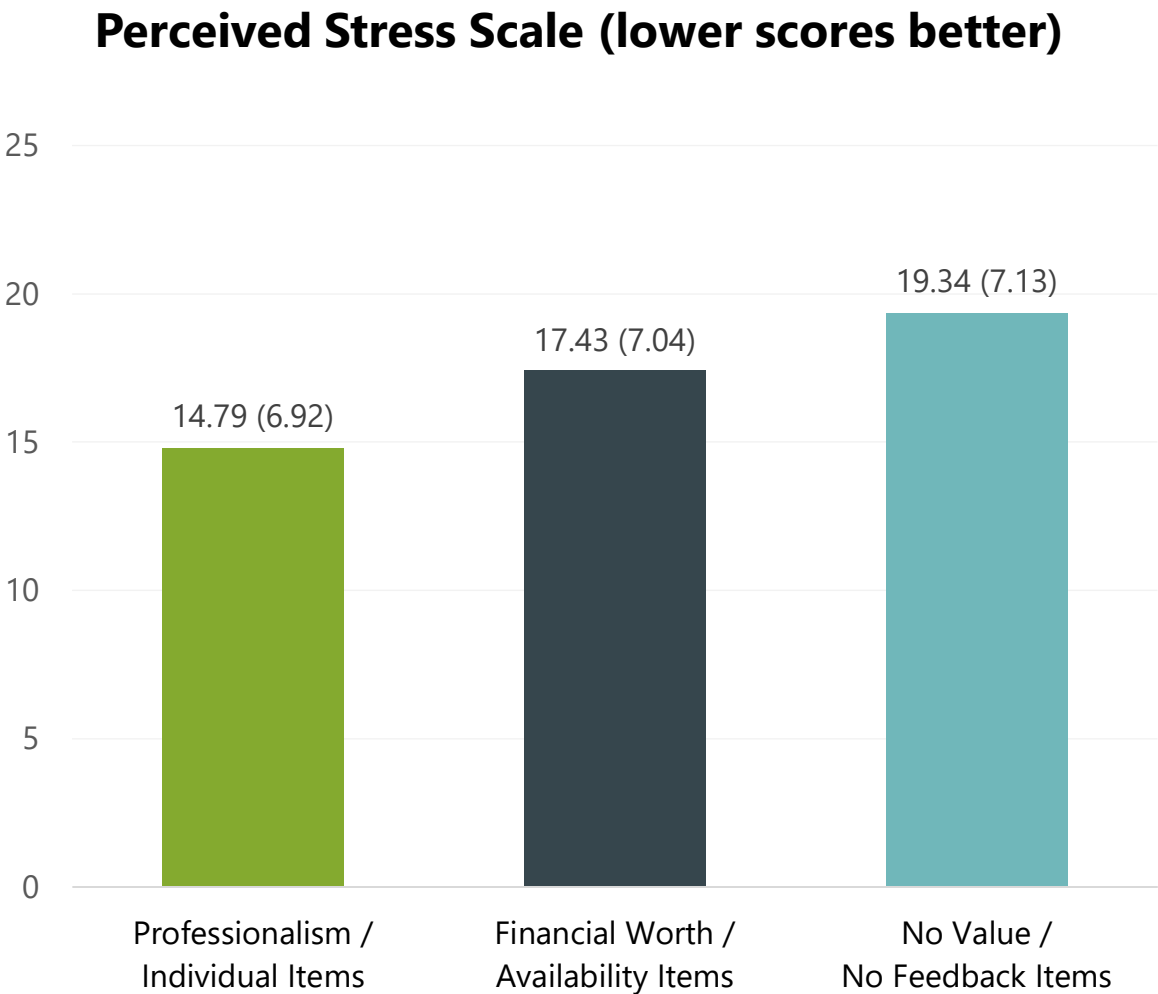
Abstract: Concerns about the well-being of lawyers are rising against the backdrop of a transforming legal profession, one which many observe to be operating more like a business in recent decades.

“What do you feel your employer values most about you?”



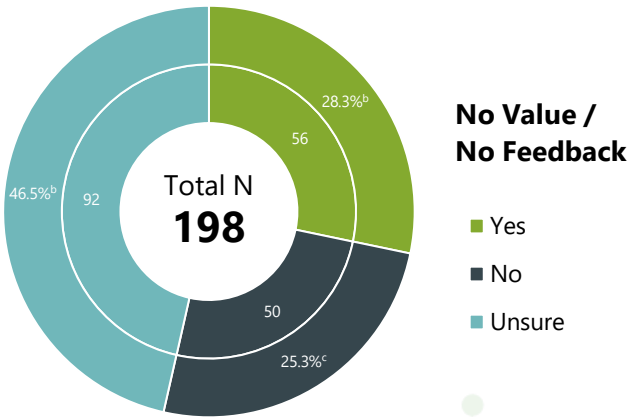
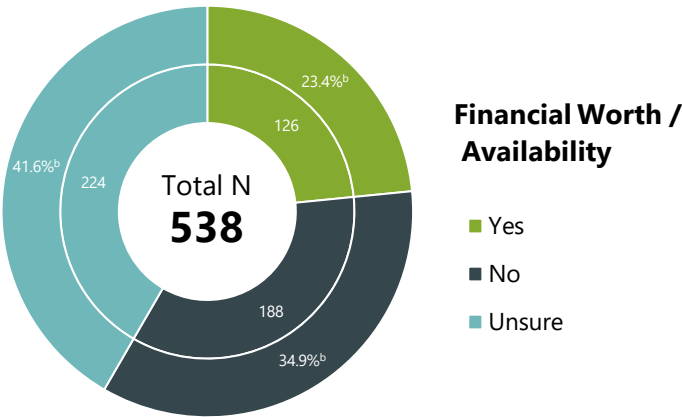
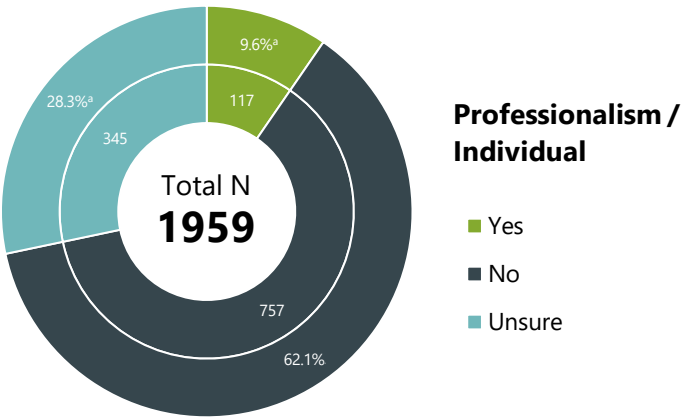
	Individual	
	N	%
Professionalism / Individual Items		
"My overall talent and skill as a lawyer"	566	28.9%
"Everything, they value my inherent worth as a human being"	470	24.0%
"My leadership abilities"	65	3.3%
"My professionalism and ethics"	48	2.5%
"My interpersonal or communication skills"	37	1.9%
"My intellectual and academic contributions to the profession"	35	1.8%
Total N	1,222	62.4%
Financial Worth / Availability Items		
"My productivity or the hours I bill"	361	18.4%
"My responsiveness and availability"	130	6.6%
"My ability to generate business"	48	2.5%
Total N	539	27.5%
No Value / No Feedback Items		
"I don't know—I get very little feedback"	132	6.7%
"Not much—my employer does not make me feel valued"	66	3.4%
Total N	198	10.1%

“What do you feel your employer values most about you?”

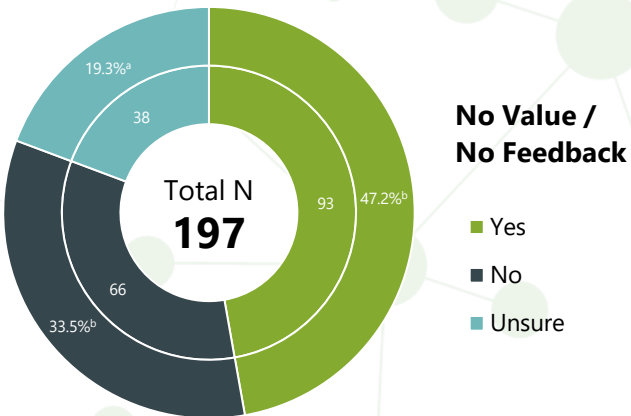
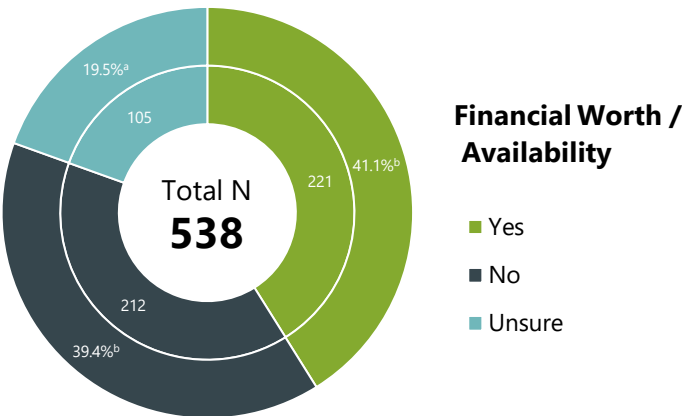
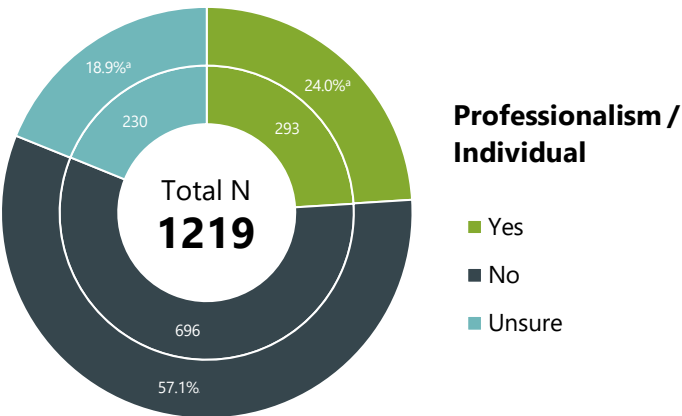


Legal profession and mental health

Does your workplace foster, reward, or normalize maladaptive behaviors?

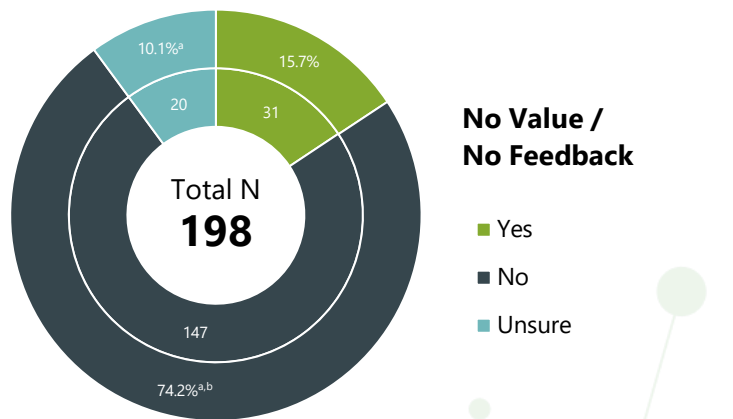
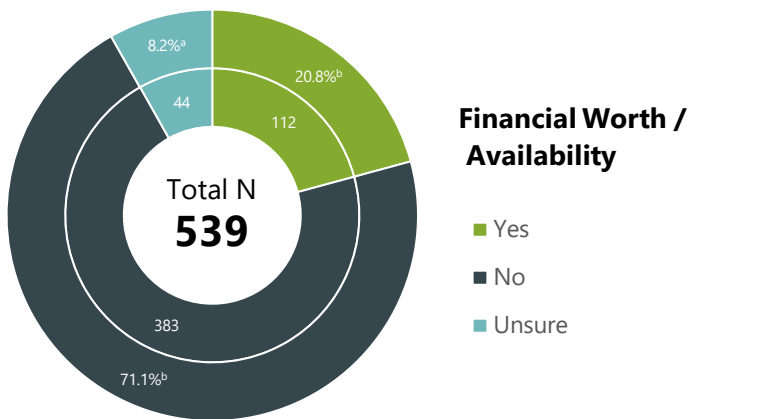
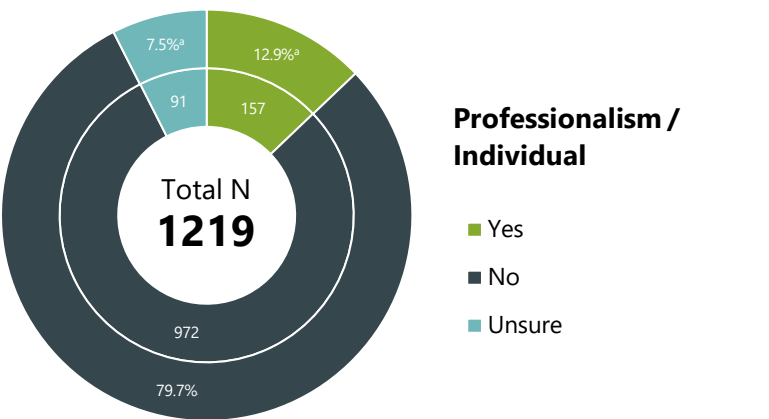


Has your time in the legal profession been detrimental to your mental health?

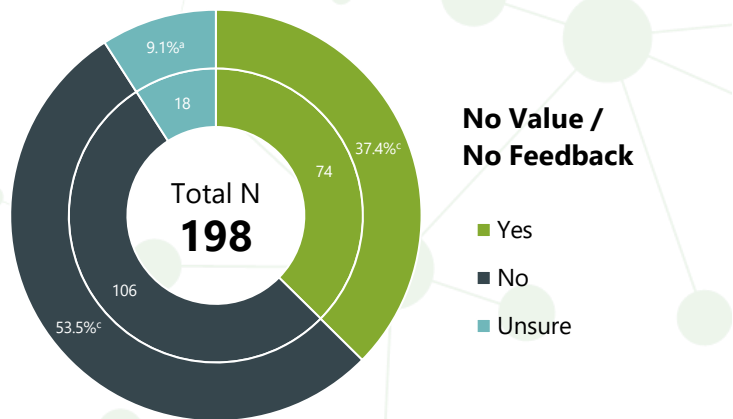
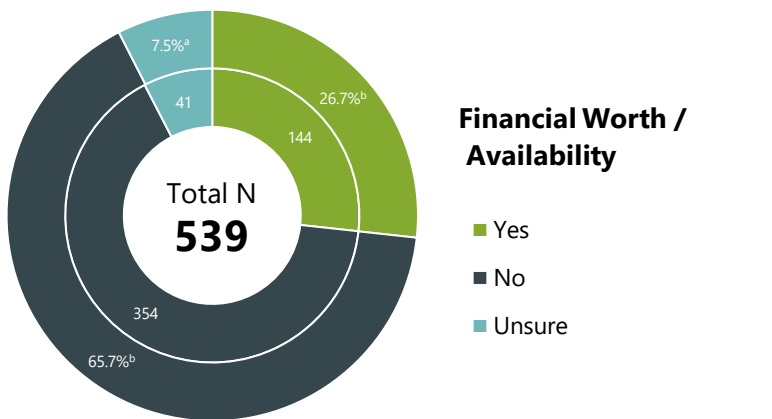
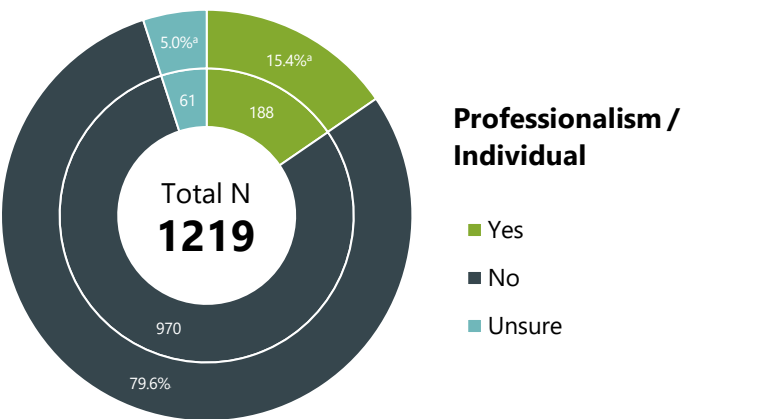


Legal profession and mental health

Has your time in the legal profession caused your use of alcohol and/or other drugs to increase?



Are you considering leaving, or have you left, the profession due to mental health, burnout, or stress?



Takeaways and Next Steps

Key Takeaways for Employers

This research is highly instructive and *actionable*

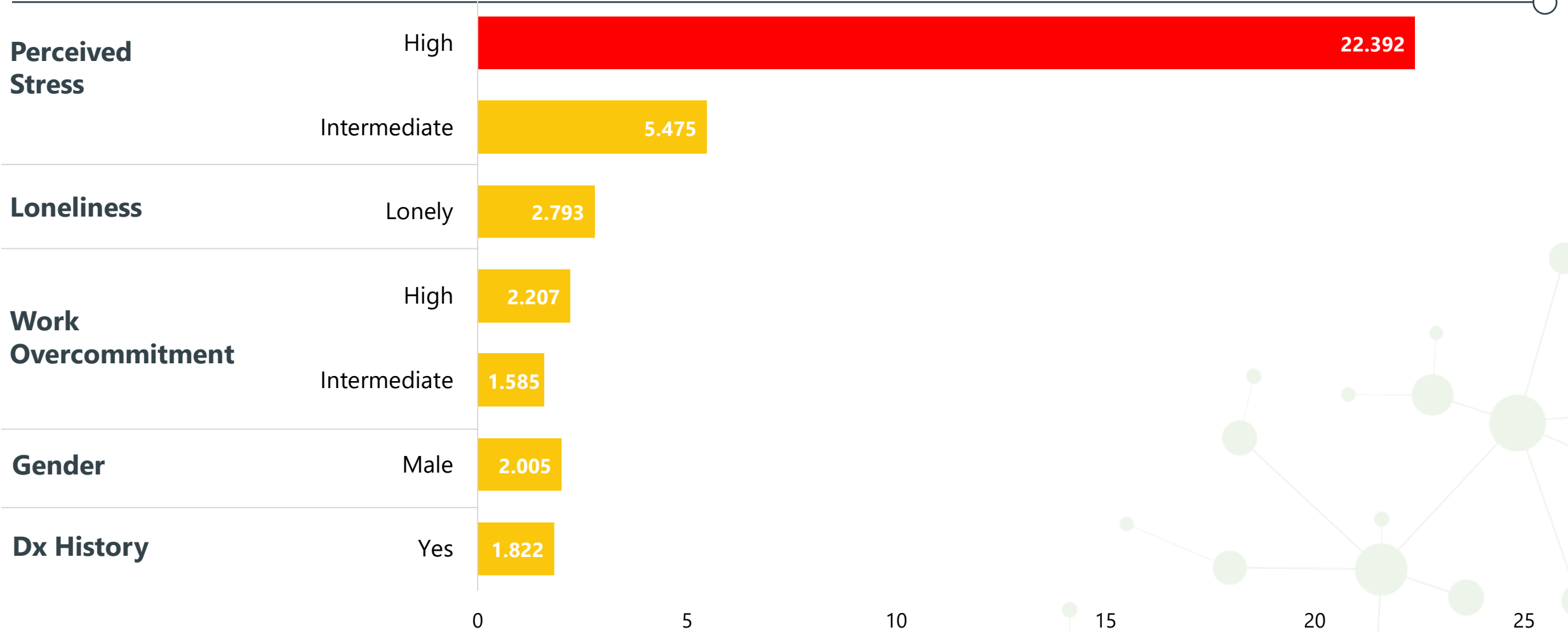
- 01** These findings provide novel insight into the relationship between a primary focus on productivity and the mental health/wellbeing problems in legal employment environments.
- 02** Younger lawyers, women, non-white attorneys more likely to be part of the financial or no feedback groups/less healthy groups.
- 03** The larger the firm, the more likely lawyers are to feel most valued for their financial and productivity contributions and, consequently, report worse health.
- 04** Feeling like you're in a primarily transactional relationship with your employer doesn't lead to the best mental health outcomes. Push back against that feeling and perception.
- 05** Making lawyers feel more valued for their skill or humanity rather than productivity or responsiveness may improve well-being, mitigate unwanted turnover & reduce healthcare costs.

Next Steps and Helpful Responses

Lift the hood, identify low-hanging fruit and achievable fixes now

- 01** Make sure your leaders, managers, supervisors see and understand the research.
- 02** Examine every touch point at which the organization has an opportunity to convey that you value the talent, skill, and humanity of your lawyers. Make them feel seen for something other than their billable hours or productivity.
- 03** Evaluation/progression processes, feedback and mentoring all directly implicated.
- 04** Don't view accountability to productivity targets and feeling highly valued as a professional or human being in binary terms.
- 05** Ask yourself why lawyers at your firm or organization would feel most valued for their productivity or responsiveness, or that they don't feel valued or get enough feedback to know what you value about them.

New Research Published in February: Predictors of suicidal ideation among lawyers.



Areas to Focus On Going Forward



Fostering and Reestablishing Connection



Prioritizing Mentoring and Peer Support



Encouraging and Promoting Civility, Empathy, Professionalism



Providing access to educational resources and trainings. Helping to teach lawyers and legal professionals about wellbeing and self-care.

Prioritize Connections in 2023 and Beyond



We are hard wired to need relationships; belonging



Critical to your brain's feeling of happiness



Physical touch releases oxytocin



Positive people are key



Benefits of Connection



- ✓ Longer life
- ✓ Improved immune system
- ✓ Reduced depression and anxiety
- ✓ Overall better functioning and well-being
- ✓ Reduced cardiovascular disease
- ✓ Reduced perceptions of pain and threat
- ✓ **How do YOU make them?**

Combating Isolation and Loneliness



- ✓ Acknowledge if you are lonely (name it to tame it)
- ✓ Facetime or schedule Zoom calls with friends, family, or loved ones
- ✓ Smile at strangers (micro-connections; smiling release endorphins)
- ✓ Cognitive behavior therapy (CBT). Don't be alone with your thoughts
- ✓ Spend time in nature (mitigates the effect of low social connectedness)
- ✓ Read or listen to audiobooks
- ✓ Livestream fitness classes

Help Others



Helping: a mutually beneficial behavior

- When you do something good for someone else, the pleasure centers in your brain light up and endorphins are released that give you a sensation referred to as a “helper’s high.”
- Altruists in the workplace are more likely to help fellow employees, be more committed to their work and be less likely to quit, research shows. And these workplace altruists enjoy an important benefit themselves — they are happier than their fellow employees.
- Taking a little bit of time out of our day to help a new attorney find their way in the profession can counteract some stress and negativity that naturally accompanies law practice.

The Importance of Empathy

Empathy means a willingness to understand someone's perception and experiences even if you don't share them

Studies have shown that work environments with empathetic supervisors and leaders have:

- ✓ Lower levels of workforce stress
- ✓ Higher levels of motivation
- ✓ Higher levels of worker job satisfaction and engagement
- ✓ Higher levels of innovation



Five simple questions to hack your empathy:



I think we all have empathy. We may not have enough courage to display it.



- Maya Angelou

01

What is going on for this person right now?

02

What might they be feeling?

03

Have I ever felt this way and what was it like?

04

What is important to them and what do they want?

05

How can I help?

What about empathy for ourselves?

Powerful way to overcome effects of our negativity bias

Self-compassion means:

- Accepting we will not always excel, win, or be perfect
- Going easy on unproductive self-criticism
- Being as gentle with ourselves as with a friend
- Forgiving ourselves once a mistake is corrected

“

There's almost no one whom we treat as badly as ourselves.

”

- Kristin Neff



Being gentle with our self makes the way for being gentle with others



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TRANSFORMING THE LEGAL PROFESSION

Let's Talk About You:

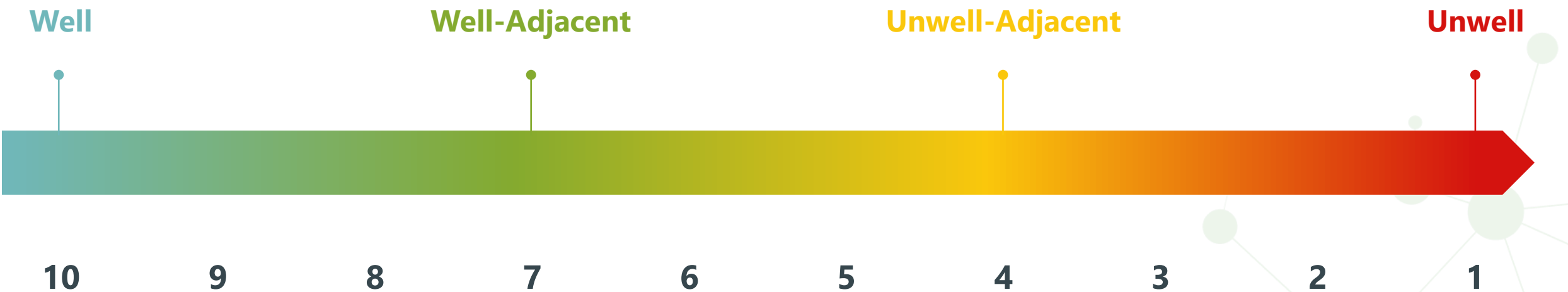
Assessing & Protecting Well-Being





Self-Assessment

Where are **you** on the continuum?



Taking Inventory and Building a Self-Care Plan

Three Things We Need:



Structure



Support



Accountability

What Else Helps?



Therapy
(talk, light, aroma)



Regular Exercise



Social Support



Nutrition



Laughter



Skill Building



Stress Management



Sleep

Grow Toward the Light



Daisies face the sun after opening in the morning, and they follow the sun throughout the day.

Phototropism is the growth of an organism in response to a light stimulus.

Don't Wait For a Perfect Time (hint: it does not exist)



- ✓ Don't convince yourself another time will be better. Take steps, even small ones, to protect your well-being **now**.
- ✓ The idea of hunkering down, powering through, or gritting it out may **seem** like a wise strategy for your career.
- ✓ BUT it can be terrible for your health and well-being and will always return like a boomerang.

“He who begun has half finished. Dare to be wise; begin.”

— Horace, in “The Epistles” (circa 20 BCE)

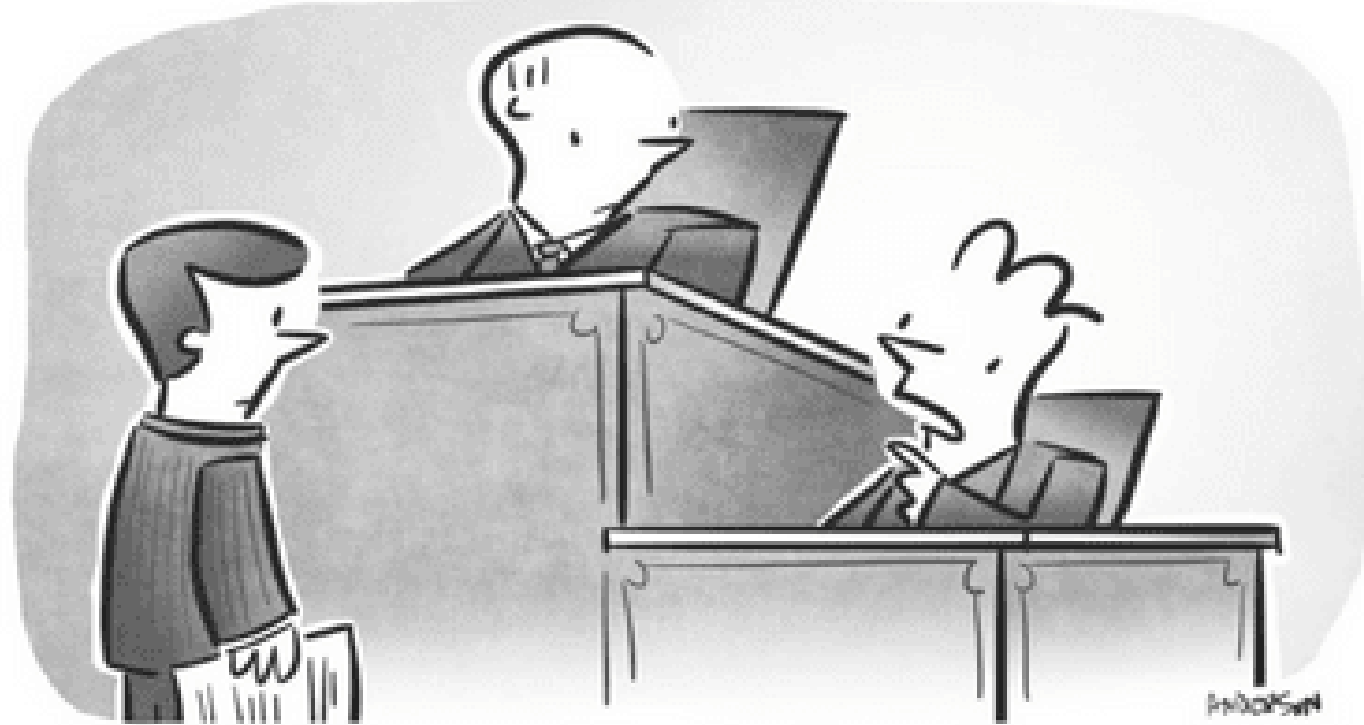
End of Week Check In

These questions are helpful to transition out of the week and into the weekend,

helping you to ground yourself, create some breathing space and restore your perspective before Monday comes back around.



Don't Forget to Laugh



"Would you mind banging the gavel just once?
This is my first time in court and I'd like to
have the full experience."



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THANK YOU!

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