

IN SIGHT for Oregon Lawyers and Judges

IMPROVING THE QUALITY OF YOUR PERSONAL AND PROFESSIONAL LIFE

LOOKING FORWARD: IMPROVING OUR HEALTH AND WELL-BEING

The following is Part II of In Sight's June 2016 article

"National Study on Lawyer Substance Use and Mental Health"

The 2015 landmark study jointly undertaken by the American Bar Association and Hazelden Betty Ford Foundation (ABA-Hazelden Study) presented a revealing picture of the prevalence of substance use and other behavioral health conditions within the U.S. lawyer population. The study, surveying nearly 13,000 practicing lawyers, was published in early 2016 in the Journal of Addiction Medicine.¹

Summary of Primary Findings

Over 20% of lawyers surveyed scored at levels consistent with problematic alcohol use, over twice that of the general U.S. adult population.

- Problematic alcohol use was highest among younger lawyers: 32% among lawyers aged 30 or younger; 25% among those aged 31 through 40, with modest declines thereafter.

- Comparing work environments, the study reported problematic alcohol use was highest in private law firms (23%). Within those firms, there were clear correlations between firm positions and levels of problematic use: 31% among junior associates, 26% among senior associates, 24% among junior partners, and 19% among senior partners.

- Solo practitioners reported problematic alcohol use levels of 19%. Lawyers in other types of practices (government, corporate in-house, non-profit, etc.) reported

rates between 17% and 19%.

Rates of depression were reported at 28%, more than three times that of the general U.S. adult population. Reported rates of anxiety (19%) and stress (23%) were also considerably higher than that of the general U.S. adult population.

- Attorneys reporting problematic alcohol use also tended to report higher levels of depression, anxiety, and stress when compared to those screening within the normal range for alcohol use.

- Rates of depression, anxiety, and stress were reported highest among younger and newer lawyers, a pattern also seen for reports of problematic alcohol use among these lawyers.

A Clarion Call

The ABA-Hazelden Study and the attention it received within the profession and from the national media have created a clarion call for responsive action by the various institutions, organizations, and regulatory bodies within our profession. Among those best positioned to play leading roles in helping to improve the health and well-being of our lawyers are law schools, law offices/firms, and professional legal associations. It will take a coordinated effort, and the Oregon Attorney Assistance Program is committed to working with these groups to improve the health and well-being of lawyers and law students. Let's look at how we might work together for the benefit of our local legal community.

Law Schools

In its 2015 publication, Substance Abuse and Mental Health Tool Kit for Law

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Students, the ABA noted that, on entering law school, law students have clinical stress and depression rates consistent with national averages, but those rates sharply increase during their first year of law school. Thereafter, the rates of law students grappling with substance abuse and mental health problems increase dramatically.²

Referencing a 2014 national law student survey, the ABA further reported:

- 22% reported binge drinking at least twice in the past two weeks;
- 17% screened positive for depression; and
- 20% reported they had thought seriously about suicide sometime in their life; 6% reporting thinking seriously about suicide in the prior 12 months.³

The OAAP is committed to improving the well-being of Oregon law students and is available to partner with law schools as they serve their students. We can brainstorm ways in which we can work together. The following are just some of the actions law schools might consider as we seek to address the concerns raised by the ABA Hazelden Study:⁴

- Promote anonymous and confidential support groups for law students;
- Offer health, wellness, and self-care information as an integrated part of students' curricula;
- Increase coordination of services between university counseling departments and the OAAP;
- Utilize OAAP as resources for presentations to faculty and students and for referrals for students needing help; and
- Address the social stigma and fear of consequences that discourage many law students from getting help.⁵

Law Offices

The ABA-Hazelden Study made clear there are startlingly high levels of problematic alcohol use, depression, anxiety, and stress in our profession. Our newer and younger lawyers appear to be at especially high risk and, as is the case with law students, many lawyers avoid getting needed help because of social stigma and fear of professional consequences.

As with law students, the OAAP is also committed to the well-being of Oregon lawyers and is available to work together with law firms as they seek to address the findings of the study.

Here are some possible approaches law offices might consider:

- Provide health and wellness resources to lawyers in their work environments;
- Provide training to law office management, attorneys, and staff to recognize signs of impairment and health-related problems;
- Consider what role alcohol plays in social gatherings and professional events;
- Establish effective response protocols for when someone is concerned about a colleague;
- Help to reduce the stigma that often accompanies lawyers' behavioral health challenges and prevents them from getting needed help;
- Establish protocols to assist lawyers needing treatment or recovering from behavioral health conditions; and
- Become familiar with the resources available through the Oregon Attorney Assistance Program.

Professional Organizations

Oregon has a variety of professional associations, both affiliated and not affiliated with state and local bars organizations. These associations can play an important leadership role in addressing the behavioral health issues that disproportionately affect our profession. The OAAP reaffirms its commitment to the Oregon legal community and is available to work alongside these organizations toward our common goal of lawyer wellness. Here are some approaches to consider:

- Be cautious about how alcohol is used in the advertising of conferences, retreats, and social events;
- Provide a variety of non-alcoholic beverage alternatives to attendees at conferences, retreats, and social events;
- Include presentations and speakers addressing lawyer health, wellness, and self-care issues at continuing legal education events and conferences;
- In membership publications, include articles that address lawyer health, wellness, and self-care issues; and
- Include wellness information and a resource table at conferences and retreats.

Conclusion

The ABA-Hazelden Study has resulted in a national discussion and a definite call to action. Its findings have dramatically underlined the fact that today's levels of depression, anxiety, stress, and problematic alcohol use within our profession are so significantly elevated that they simply cannot be ignored. Past efforts to address these issues have not been sufficient.

In this article, we have addressed only a few of the actions that might be considered by law schools, law offices, and law-related professional associations in collaboration with the OAAP. Many other entities will need to be part of a coordinated effort to address the challenges we face, including actions by bar regulatory agencies; bar admission offices; disciplinary departments; lawyer assistance programs; and various other state and national institutions, entities, and organizations. If we are to improve the health and well-being of our lawyers and law students, it will likely come only as the result of a systemic and sustained effort by all sectors of our profession.

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