

# Colorado Task Force on Lawyer-Well Being

*September 12, 2018, 12:00p.m. – 4:00p.m.*

*Stress in the Legal Profession and Defining “Well-Being”*

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## **My Intention:**

- 35-years' experience clinical working with attorneys, judges, law students
- Asked to share what I have seen in my office
- The meaning of well-being, and the stresses of law practice.
- My intention; to align us all around our noble task, of saving lives.
- And, perhaps to get you thinking like a doctor
- It is not, by any means, to get you to become my patient or client

## What is Well-Being?

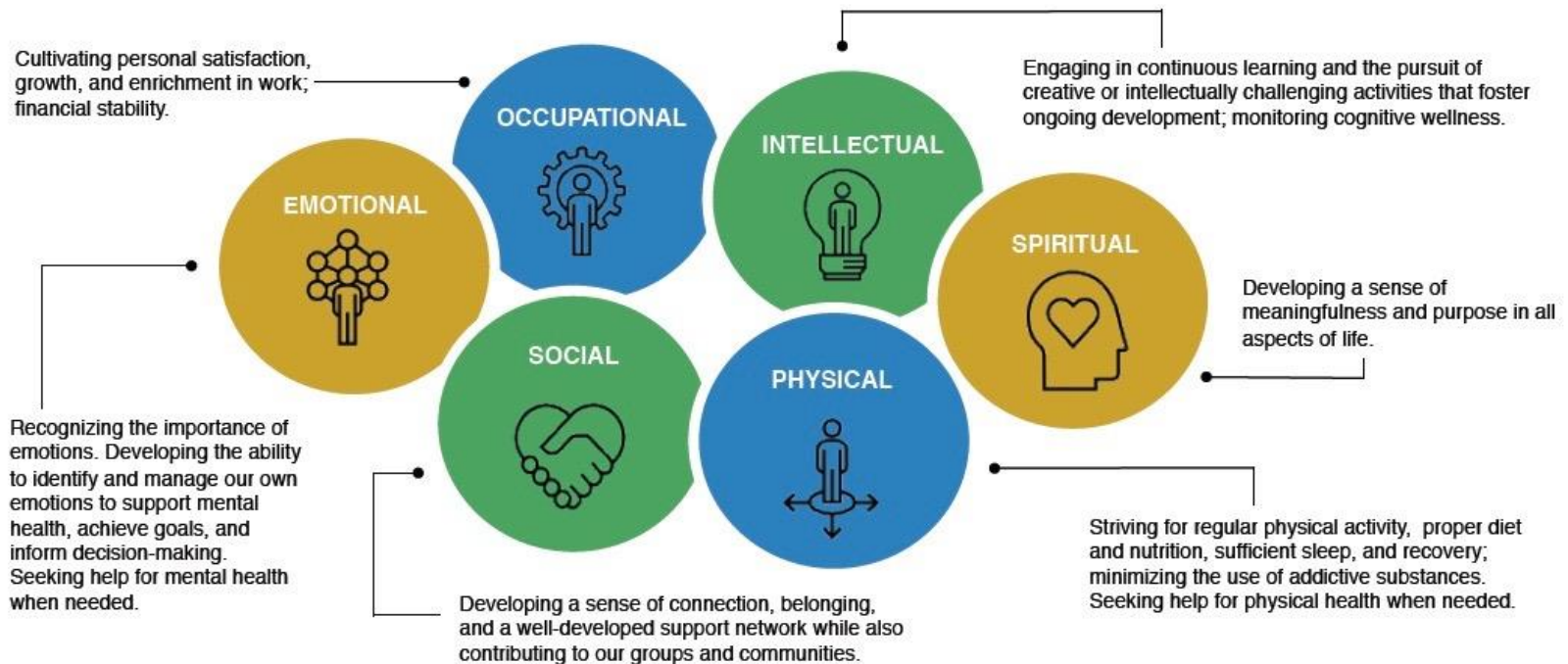
- Justice Marquez has convened this group and tasked us with improving attorney well-being, we need to grapple a bit with what that really means.
- Might want to consider a definition accessible to study and intervention
- Many definitions
- Ongoing process in all life dimensions
- NOT just absence of disease

## Well-Being According to the CDC

- No consensus around a single definition.
- At minimum, positive emotions and moods (e.g., contentment, happiness), absence of negative emotions (e.g., depression, anxiety), satisfaction, fulfillment, positive functioning.
- Judging life positively, feeling good.
- For public health purposes, physical well-being (e.g., feeling very healthy and full of energy) critical.
- Researchers from different disciplines have examined many different aspects of well-being
- <https://www.cdc.gov/hrqol/wellbeing.htm#three>

## Defining Lawyer Well-Being

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



<sup>12</sup>P. L. Rock, J. P. Roiser, W. J. Riedel, A. D. Blackwell, *A Cognitive Impairment in Depression: A Systematic Review and Meta-Analysis*, 44 PSYCHOL. MED. 2029 (2014); H. R. Snyder, *Major Depressive Disorder is Associated with Broad Impairments on Neuropsychological Measures of Executive Function: A Meta-Analysis and Review*, 139 PSYCHOL. BULL. 81 (2013).

<sup>13</sup>C. Smeraldi, S. M. Angelone, M. Movalli, M. Cavicchioli, G. Mazza, A. Notaristefano, & C. Maffei, *Testing Three Theories of Cognitive Dysfunction in Alcohol Abuse*, 21 J. PSYCHOPATHOLOGY 125 (2015).<sup>14</sup>The WHO's definition of "health" can be found at: <http://www.who.int/about/mission/en>. The definition of "mental health" can be found at: [http://www.who.int/features/factfiles/mental\\_health/en/](http://www.who.int/features/factfiles/mental_health/en/).

## **A Bio-Psycho-Social Model**

- Model commonly used in medicine; health of body, mind and spirit.
- Encompasses other dimensions in a neat package. Also called the biological, psychological and social or bio-psycho-social model.
- Burnout involves energy depletion in those 3 dimensions
- Exhaustion no matter how much rest, physical energy depleted
- Compassion fatigue, cynicism and sarcasm, emotional reserves depleted
- Purposelessness, Meaninglessness, What's the point, spiritual depletion.

## The Crisis Data

- According to the NIMH; Nearly one in five U.S. adults lives with a mental illness (44.7 million in 2016).
- Suicide rates have been rising in nearly every state.
- In 2016, in CO, highest rate ever (1,156) suicides
- More than 3 people died by suicide every day in 2016
- More than half of people who died by suicide do not have a known diagnosed mental health condition at the time of death.

## Life and Death Problems

- Americans facing unprecedented levels of distress, mental illness, substance abuse/overdose and suicide.
- Life and death problems! Nothing soft about them.
- It is what we are here to impact.
- Data for lawyers, law students and judges paint a grimmer picture.
- Over 1/3 attorneys are dealing with depression, anxiety, extreme stress, and misuse of alcohol. For law students, the numbers are higher.
- Suicide significantly higher rate in the legal profession



## **To Be a good lawyer, One must be a healthy lawyer.**

- The escalating levels of anxiety, depression, substance misuse etc. is incompatible with a sustained legal profession
- The problem is rampant and not isolated to a few individuals
- We need to acknowledge, destigmatize, and implement change
- Multifactorial issue, but escalating distress is undeniable

## What do I hear in the privacy of my office?

- An attorney, in my office for her first coaching session, states; “I love the law, but I hate my job. I think I am going to quit and go back to graduate school for education.”
- The Executive Director of a large law firm uses her session to process the recent suicide of a senior partner in the firm, and how to deal with the attendant issues.
- A judge shares recurrent nightmares that his judgments have caused more harm than benefit to families that come before him.

## **Does Stress Cause Depression/Anxiety/Burnout?**

- Normal Stress - increase in hormones like cortisol, and activation of the sympathetic nervous system
- Humans are highly resilient, and can self-heal/recover from episodic stress
- Each genetic/epigenetic/ environment experiences stress differently
- Extreme and Persistent Stress - stress hormones stay elevated, nervous system stays aroused, having toxic effects, including breakdown/depression/anxiety/burnout for all

## **Burnout as a Response to Extreme Stress**

- First identified and defined by Christina Maslach
- A 22-question survey called the MBI (Maslach Burnout Inventory)/Gold Standard tool
- Revealed three main symptoms
- Exhaustion (too tired to recover)
- Cynicism/Sarcasm/Compassion Fatigue
- Feeling of Meaninglessness/Don't Care/ What's the use?
- “Burnout Out” looks a lot like Depression!

## What Does Burnout Look Like?

- Tired all the time, sleep problems, forgetful, trouble concentrating, low immune system, angry, irritable, lack of joy, only see the negative, lonely, isolated, disconnected, depressed, hopeless, impaired performance, lack of motivation or caring
- Associated with job and relationship failure, serious depression and anxiety issues, addiction, major health conditions, heart attacks.

# DYING FOR A PAYCHECK



How Modern Management Harms  
Employee Health and Company  
Performance—and What  
We Can Do About It

**JEFFREY PFEFFER**

STANFORD GRADUATE SCHOOL OF BUSINESS

## What's Work Got to Do With it?

- “According to the Mayo Clinic, the person you report to at work is more important to your health than your family doctor.” Bob Chapman, CEO of Barry-Wehmiller
- According to an article in the American Journal of Public Health, cited in the book, “most workplace exposures have health effects comparable to, or even greater than exposure to secondhand smoke!”

## The National Task Force on Lawyer Well Being Recommends Medical Research on Burnout

- What are the main drivers of burnout?
- 1/3 of burnout cases fall within individual purview/control
- 2/3 of burnout cases fall within the scope/domain of the workplace
- **Physician Well-Being: The Reciprocity of Practice Efficiency, Culture of Wellness, and Personal Resilience** (published in the New England Journal of Medicine Catalyst 042617) was a seminal article....



....The many drivers of both burnout and high professional fulfillment fall into three major domains: efficiency of practice, a culture of wellness, and personal resilience. Efficiency of practice and a culture of wellness are primarily organizational responsibilities, whereas maintaining personal resilience is primarily the obligation of the individual ... Each domain reciprocally influences the others; thus, a balanced approach is necessary to build a stable platform that will drive sustained improvements in ... well-being and the performance of our...systems.

## **National Task Force Report**

# **Our Call to Action is to Begin Shifting the Balance from Toxicity to Well-Being!**

- Identify stakeholders
- Identify the role each can play in reducing the level of toxicity/incivility in our profession
- End stigma
- Emphasize well-being as indispensable to competence

## **National Task Force Report**

# **Our Call to Action is to Begin Shifting the Balance from Toxicity to Well-Being!**

- Expand education on well-being/mental health issues
- Change the tone of the profession one step at a time (i.e. CLE for Well-Being Training)

## **National Task Force Report**

# **Our Call to Action is to Begin Shifting the Balance from Toxicity to Well-Being!**

- Identifies 13 strategies for all stakeholders to participate in change:
- Acknowledge problems and take responsibility, rather than turn a blind eye to health problems
- Engage in profession-wide action plan
- Encourage leaders to demonstrate personal commitment to well-being

## **National Task Force Report**

# **Our Call to Action is to begin Shifting the Balance from Toxicity to Well-Being!**

- Facilitate/destigmatize help-seeking behaviors
- Build relationships with lawyer well-being experts
- Foster collegiality and respectful engagement throughout the profession
- Enhance Lawyers' Sense of Control
- Provide High Quality Programs on Lawyer Distress & Well-Being....etc.

## Resource on Workplace Support for People with Depression

- **Is Manager Support Related to Workplace Productivity for People with Depression: A Secondary Analysis of a Cross-Sectional Survey from 15 Countries** (British Journal of Medicine)
- <https://bmjopen.bmj.com/content/8/6/e021795>
- Article shows the importance of manager support in decreasing lost days from work in people with prior depressive episodes

## As a Doctor I Would Add

- Think; symptoms (problems), precipitants (causes), treatment(s) (interventions)
- Measure the Problem: surveys etc. to determine depression, anxiety, burnout, extreme stress etc.
- Consider causes, i.e. incivility of practice, stigma, unsustainable hours etc.
- Trial interventions to improve the condition
- Evaluate treatment efficacy by measuring improvements in the symptoms

## A Closing Quote

“I've learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel.” *Maya Angelou*

*If we, as a task force, transform the way students, lawyers and judges feel, such that they "judge their lives more positively", we will have saved many lives!*