



PROGRAM MATERIALS

Program #31167

July 15, 2021

The Impaired Lawyer - A Call for Action

Copyright ©2021 by

- **Brian S. Quinn, Esq. - Lawyers Concerned for
Lawyers**

**All Rights Reserved.
Licensed to Celesq®, Inc.**

Celesq® AttorneysEd Center
www.celesq.com

5255 North Federal Highway, Suite 100, Boca Raton, FL 33487
Phone 561-241-1919



The Impaired Lawyer -

A Call for Action



THE IMPAIRED LAWYER – A CALL FOR ACTION

Presented by Brian S. Quinn, Esquire

Lawyers Concerned for Lawyers of PA, Inc.

Brian S. Quinn, Esquire is a licensed attorney in Pennsylvania who currently serves as the Education and Outreach Coordinator for Lawyers Concerned for Lawyers of Pennsylvania, Inc., a Lawyers Assistance Program established in 1988 for the purpose of helping lawyers, judges and law students recover from alcoholism, drug addiction and mental health disorders.

Mr. Quinn obtained his undergraduate degree in 1970, his law degree in 1973 and a certificate in Drug and Alcohol counselling in 2012, from Villanova University. Prior to his role with Lawyers Concerned for Lawyers, he was a private practitioner for over 40 years and has also worked in the field of Alcohol and Drug Counseling in suburban Philadelphia.

Mr. Quinn has written articles and made presentations on lawyer wellness to law firms, state and local bar associations, professional groups and CLE providers on both a national and international level.

- 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 A LAP ?

Our mission at LCL of PA :

To provide a caring peer assistance program to save the lives and restore the health and professional competence of judges and lawyers, members of their families, and law students who may be facing mental health and/or substance use challenges. We carry out this mission through a combination of confidential helpline services, volunteer support and education.

We Protect Your Identity and Information

*LAP's do **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.

***CHECK YOUR STATE'S RULES OF PROFESSIONAL CONDUCT**

GUIDANCE FROM THE COURT

Most state Rules of Professional Conduct address that concern by providing an exception to the duty to report:

- ABA Model Rule 8.3: Reporting Professional Misconduct
- (a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.
- (b) A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.
- (c) **This Rule does not require disclosure of information otherwise protected by Rule 1.6 or information gained by a lawyer or judge while participating in an approved lawyers assistance program.**

GUIDANCE FROM THE COURT

Comment 5 “... 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)

THE PROBLEMS





Lawyers were at an increased risk to develop alcohol, substance use and mental health disorders prior to COVID-19 related issues.

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 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
- 75% know a colleague with anxiety



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 an extended leave



What Causes Depression ?



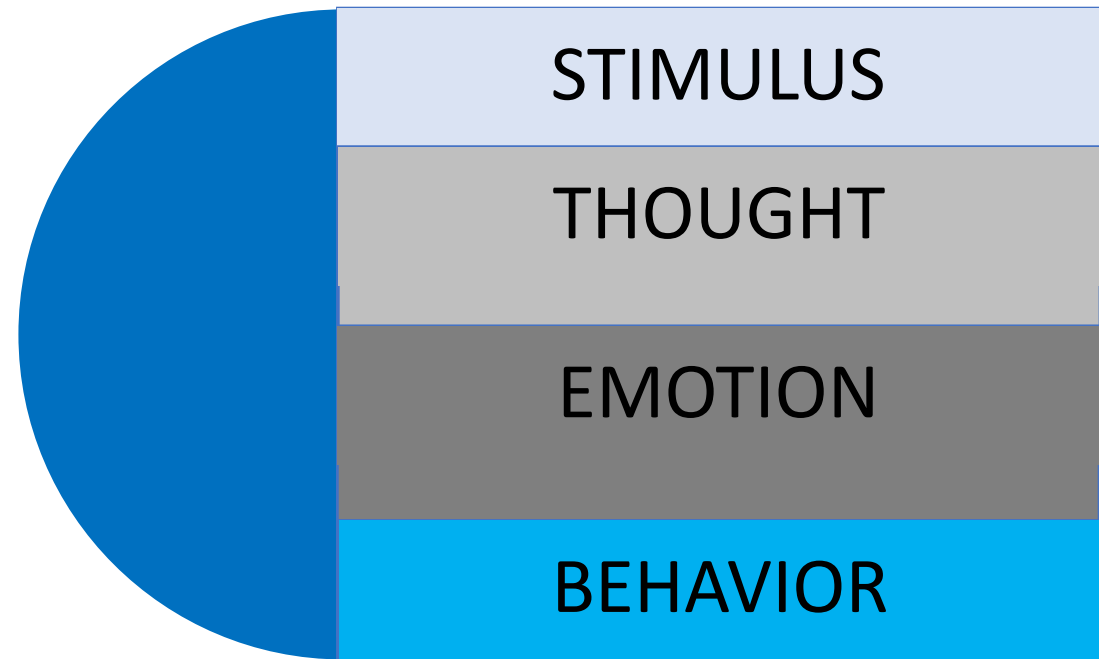
Depression has many possible causes, including faulty mood regulation by the brain, genetic vulnerability, stressful life events, medications, and medical problems. It's believed that several of these forces interact to bring on depression.

“AM I DEPRESSED ?”

- Flat, apathetic, sad, and/or irritable mood most days
- Decreased pleasure and/or loss of interest
- Feelings of worthlessness, excessive/inappropriate guilt
- Feelings of helplessness, hopelessness
- Recurrent thoughts of death or suicide
- Increased use of substances to cope (i.e., alcohol, marijuana, opiates, stimulants, etc.)Insomnia or hypersomnia
- **Social or occupational distress/isolation**

WHAT IS STRESS ?

Psychological stress is composed of the following sequence of elements:



WHAT IS STRESS ?

- The central nervous system perceives a dangerous situation (***stimulus***) and then immediately begins to appraise it. Those initial appraisals 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 begin to 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 us 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.
- Gradual, incremental increases in responsibilities, duties, pressures and demands at home and work combined with long work days and weeks is risky.

We become unaware that we have lost balance in our lives !!

*“Balance is the key.
Balance is everything.”*



What is Anxiety ?

Anxiety, noun

A feeling of worry, nervousness, or unease, typically about an imminent event or something with an uncertain outcome



A woman with long brown hair is sitting at a desk, looking down at a laptop. She is wearing a brown and white striped shirt. In the background, there are white horizontal blinds covering a window. A small potted plant is on the desk to the left of the woman.

What is Worry ?

Worry is a habit. Nearly everyone worries occasionally – it's a normal response to problems and the unknown

A thought escalates into a story – “our” story in which we play out hypothetical scenarios in our imagination.

These thoughts are often in the form of a “What if” question.

Productive worry vs. Unproductive worry

Productive – Identifying problems and using effective problem solving strategies.

vs.

Unproductive - Worrying as a way of coping with problems we can't change. It adds worry and anxiety to an already unpleasant experience.



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.

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.

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


- Always on call to solve other's problems
- Conflict driven and adversarial profession
- Emotional detachment
- Win-lose, black-white, often rigid thinking
- Perfectionism
- Excessive self-reliance



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

- High expectations and accountability
- Lack of work-life balance
- 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.





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

1. Shame and Embarrassment - STIGMA
2. Denial
3. Cunning, baffling, insidious diseases
4. 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



- 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.



The Conspiracy of Silence

- 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.



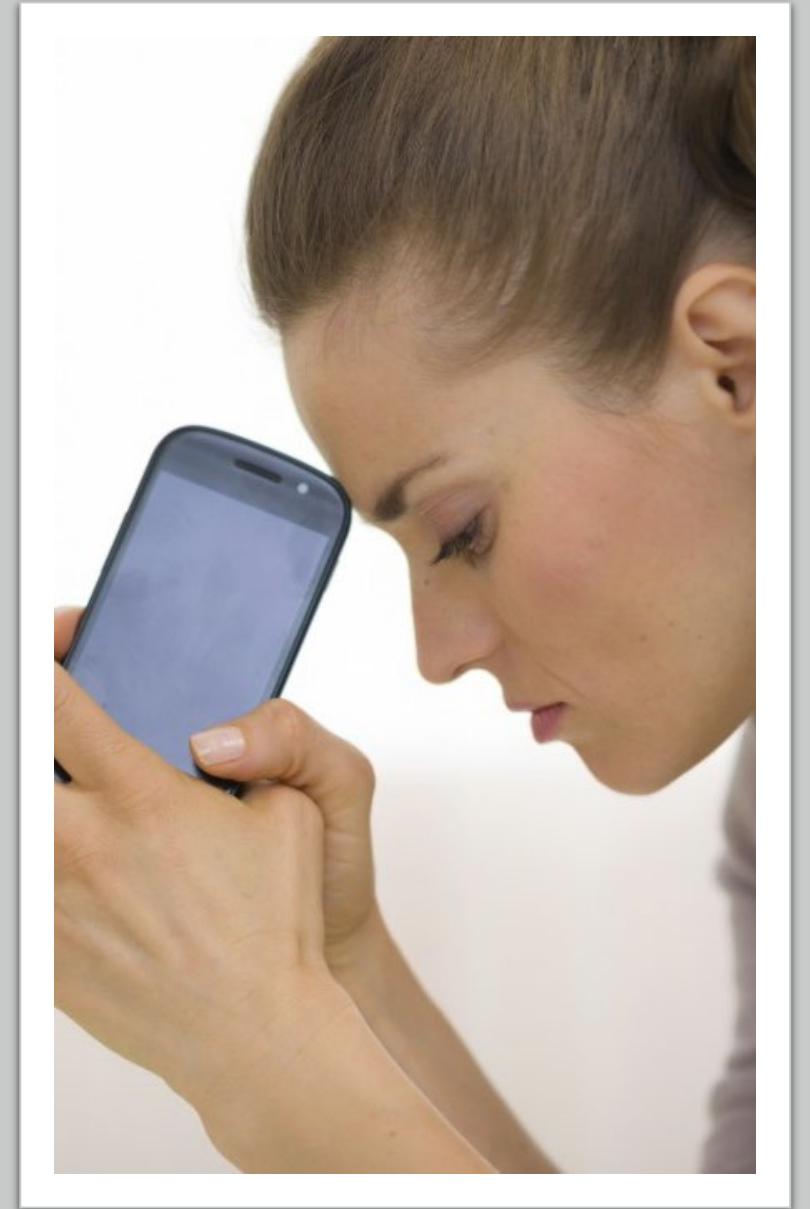


To Call LAP...or Not to Call

- 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 LAP...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.



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. Maintain a “you’re 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



Why Wait ??

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.

The Sun WILL Rise Tomorrow !!



The Impaired Lawyer – A Call For Action

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 at the following:

Brian S. Quinn, Esq., Education and Outreach Coordinator

LAWYERS CONCERNED FOR LAWYERS of PA, INC.

(717) 460-3385

brian@lclpa.org