Signs & Symptoms of Substance Use & Mental Health Issues Among Attorneys

Lita Abella, Sr. Program Analyst
The California Lawyer Assistance Program

Conference of Western Attorneys General Annual Meeting
June 19, 2019

Objectives to Understand:

• Discuss how substance use and mental health issues impair attorneys’ ability to perform legal services competently.
• Discuss the signs and symptoms of substance use,
  depression, addiction, anxiety, and stress.
• Understand how prevalent substance use and mental health issues are among attorneys.
• Understand how prevalent substance use and mental health issues are among attorneys.

Resources available:

• Discuss the California Lawyer Assistance Program and other
  resources available.

Mental Health Issues Among Attorneys
Signs & Symptoms of Substance Use &
How to join the interactive presentation:

1. Text the word Statebarlap (all one word) to 22333.
2. Once joined, you will get an auto-response confirming you have joined the presentation.
3. Text the word Statebarlap (all one word) to 22333.
The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys

First National Study on Attorney Substance Use, Mental Health Concerns

Almost 13,000 licensed attorneys and judges participated

Published in 2016

Which age group do you believe had the most problem drinkers?

- 30 and under
- 31-40 years
- 41-50 years
- 51-60 years
- More than 61 years

Attorneys Mental Health Concerns Among American
The Prevalence of Substance Use and Other
27% indicated hazardous, harmful, or disordered use of alcohol

30 or younger
31 - 40
41 - 50
51 - 60
61 - 70
71 +

Study Highlights

Reference: The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys by Patrick Krill et al. (2016)
Self report of mental health concerns over course of legal career:

- 61% reported anxiety
- 46% reported depression
- Males-higher level of depression
- Females-higher level of anxiety and stress
- 0.7% reported at least one prior suicide attempt
- 37% have received Mental Health services or treatment
- 7% received Alcohol or Drug Use services or treatment
- 11% reported suicidal thoughts
- 3% reported self-injurious behaviors
- 46% reported depression
- 61% reported anxiety

Why do substance use & mental health issues affect lawyers more than other professionals?

Starts in law school:

- Long hours of study, creates stress
- Like-minded perfectionists
- Intense competition

Reference: Drug and Alcohol Abuse in the Legal Profession, July 17, 2017, Indra Cidambi, M.D.

References: The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys by Patrick Krill et al. (2016)
Why do substance use & mental health issues affect lawyers more than other professions?

- Continues in the workplace:
  - Required to work long hours
  - In private practice, required to generate business
  - Required to keep up with unmanageable caseload
  - In private practice, required to generate business
  - Required to work long hours
  - Continues in the workplace:

References: Drug and Alcohol Abuse in the Legal Profession, July 17, 2017, Indra Cidambi, MD

Note: The image contains a word cloud with various keywords related to mental health and depression.
Depression

- Involves the body, mood, and thoughts
- Impacts socially, work, and relationships
- Average person goes 8 years without seeking help
- 2 out of 3 people do not seek help
- However, 80% can be successfully treated

High rates of depression and thoughts of suicide-often unrecognized-are at

stages of stress, substance use, addiction, and mental disorders, including

increasingly competitive and stressful profession. Studies show

“Lawyers, judges, and law students are faced with an

Lawyers, judges, and law students experience chronic stress

Too many lawyers and law students experience chronic stress

However, 80% can be successfully treated

2 out of 3 people do not seek help

Average person goes 8 years without seeking help

Impacts: socially, work, and relationships

Involves the body, mood, and thoughts

Depression
Signs of Depression

- Physical
  - Poor appetite/overeating
  - Low energy/fatigue
  - Sleep disturbances

- Psychological
  - Feeling hopeless
  - Low self-esteem
  - Self-critical thoughts
  - Feeling no value
  - Feeling no purpose
  - Recurring thoughts of death

- Emotional
  - Difficulty relating to people
  - Wanting to spend time alone
  - Easily irritated
  - Decreased trust in others
  - Decreased activities
  - Feeling sad/hopeless

- Social
  - Overreacting to situations
  - Excessive worrying
  - Excessive crying
  - Feeling sad/hopeless

- Professional
  - Making excuses to colleagues, superiors, clients, judge
  - Failing to answer phone, return calls, emails, open mail
  - Neglecting cases
  - Having trouble concentrating or remembering things
  - Missing deadlines
  - Decreasing productivity
  - Being overwhelmed
  - Procrastinating

Failed to meet professional obligations by:

Depression and Attorneys

- Neglecting cases
- Having trouble concentrating or remembering things
- Missed deadlines
- Decreasing productivity
- Being overwhelmed
- Procrastinating

The State Bar of California
Surprising Trend of Lawyer Suicides

Published January 21, 2014

2:47 minutes

https://youtu.be/Zel64_bqA
What is Addiction?

- Complex condition
- Brain disease
- Compulsive substance use
- Despite harmful consequences
- Intense focus on using substance(s)
- Takes over their life
- Use even when it will cause problems
- Compulsive substance use
- Brain disease
- Complex condition
- However:
  - People can recover
  - Lead normal, productive lives

Types of Addictions:

- Alcohol
- Drugs
- Internet Addiction
- Gambling
- Sex Addiction
- Eating Disorders
- Shoplifting Addiction
- And many others
- Video Game Addiction
- Cell Phone Addiction

Reference: American Psychiatric Association
Substance Use
A former drug court judge is disbarred for stealing cocaine from evidence locker

By Debra Cassens Weiss, January 19, 2018

The Pennsylvania Supreme Court disbarred a former drug court judge who pleaded guilty to stealing cocaine from an evidence locker in his courtroom.

The judge took the cocaine for his own use for over a year and tried to cover it up by substituting substances such as baking powder, the Pennsylvania Supreme Court said.

Former drug court judge is disbarred for stealing from evidence locker

Family knew something was wrong but never suspected drugs

Vicodin, Tramadol, Adderall, cocaine, Xanax, crystal meth, various pills, and syringes

Ex-wife found drugs in victim’s home after death

Left in state of heavy stress from work

Very competitive; worked 60/hours per week for 20 years

Lived in state of heavy stress from work

Ex-wife found the victim dead

A high-powered Silicon Valley attorney had a web of drug abuse in his profession.

The lawyer, The Addict

(July 15, 2017), New York Times
Signs of Anxiety

Physical

• Sleep disturbances
• Restlessness
• Lack of concentration
• Increased smoking/alcohol/drug consumption
• Tension
• Aggression/irritability
• Overeating/restriction
• Difficulty concentrating/indiscipline
• Compulsive shopping
• Irritability
• Exaggerated feelings

Psychological

• Aggressiveness
• Irritability
• Compulsive shopping
• Difficulty concentrating/inability to focus
• Over/undereating
• Fear/panic
• Over/underestimating
• Difficulty recognizing yourself
• Overthinking

• Sexual problems
• Sweating
• Tighness
• Shortness of breath/chest pain
• Shaking hands/fainting
• Headache
• Vomiting
• Muscle
• tension
• Swelling of mouth/throat
• High blood pressure
• Headaches
• Stomach/abdominal problems
• Fatigue
• Dysphoria or faintness
• Dizziness or faintness

Anxiety

In Yourself
When attorneys struggle, the profession as a whole suffers. The humanitarian, business, and ethical cases for addressing the problem are significant:

- Negative individual employee performance
- Low morale
- Malpractice lawsuits
- Disciplinary investigations
- Low morale
- Negative individual employee performance
- High turnover
- High healthcare costs
- Poor customer satisfaction
- Negative employer image
- Poor delivery of quality, effective client service

Legal employers should:

- Acknowledge the issues
- Assess the workplace's culture, philosophy, and goals
- Evaluate the workplace's policies, protocols, practices
- Provide education, training, guidance, and support
- Change
- Track the progress
- Develop a Health and Wellness Program
Legal employers should implement the ABA pledge:

1) Provided "enhanced and robust educational opportunities" to lawyers and staff on topics related to well-being, substance-use disorders, and mental-health distress.

2) Disrupted the status quo of drinking-based events by de-emphasizing alcohol.

3) Partnered with outside entities committed to reducing substance-use disorders and mental-health distress.

4) Provided confidential access to addiction and mental health experts and resources to all employees, including free, in-house self-assessment tools.

5) Enacted a leave policy for substance-use and mental-health problems that includes a defined back-to-work policy.

6) Promoted and encouraged help-seeking and self-care.

7) Highlighted adoption of the well-being pledge.


Stress

Your child is sick and needs to be picked up from school.

Where is the revised pleading?

Opposing counsel left 5 messages for you.

Your witnesses are in the waiting room.

The deposition is tomorrow.

Did you file the motion?

Here are 7 boxes of discovery that need to be reviewed.

Did you file the motion?
Healthy v. Unhealthy Stress

What are your stressors?
Healthy v. Unhealthy Stress

- Unhealthy Stress

How Do We Respond to Stress?

- Stress hormones/adrenaline
- Muscles tense
- Pupils dilate
- Heart beats faster
- Raises blood pressure
- Immune system slows
- Liver releases glucose
How Do We Respond to Stress?

- More oxygen is needed
- Breathe more quickly
- Digestive system shuts down
- Mouth becomes dry
- Hypertension
- Can lead to:
  - Heart disease
  - Other illnesses

Can lead to:

- Other illnesses
- Heart disease
- Hypertension

How do we respond to stress?
How do you deal with stress?

Published May 16, 2013

https://youtu.be/8yKp5aMknkb

42 seconds

Williamson County Attorney | Mental Health Awareness
How to Manage Your Stress

Stressed Out

Published April 16, 2013

3:16 minutes

https://youtu.be/8L3mPeeiQk0
### What You Can Do to Stay Happy and Healthy

- Know the signs and symptoms of substance use and mental health issues
- Ask for help, if needed
- Get enough sleep
- Exercise
- Eat right
- Stay positive!

#### How Many Hours Sleep Do You GET During the Work Week?

<table>
<thead>
<tr>
<th>Sleep Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 or more hours each night</td>
</tr>
<tr>
<td>7 hours each night</td>
</tr>
<tr>
<td>6 hours each night</td>
</tr>
<tr>
<td>5 hours each night</td>
</tr>
<tr>
<td>4 or less hours each night</td>
</tr>
</tbody>
</table>

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**Stress and Anxiety for Yoga**

What you can do to stay happy and healthy.

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The State Bar of California
How much sleep do you need?

As you can see from the data presented by the National Sleep Foundation, both young adults and adults need 7-9 hours of sleep per night. School age children need 9-11 hours, and teens require 8-10.

Exercise

People who exercised had 40% better mental health — even when they controlled by BMI, physical health, and sociodemographic factors like age and race.

Sample 1.2 million Americans, 18 and older

Study from The Lancet Psychiatry, Aug. 2018

Activity didn’t matter; just exercise alone

3 to 5 times/week

30-60 minutes/day

As you can see from the data presented by the National Sleep Foundation, both young adults and adults need 7-9 hours of sleep per night. School age children need 9-11 hours, and teens require 8-10.
Even a 20-Second Exercise 'Snack' Can Improve Fitness

- Improve health
- Increase endurance
- Eliminate excuses
- Can be done in office building
- Improve fitness

What happens if you don’t sleep, exercise, and eat right?
What you can do to stay happy and healthy

Ask for help if you need it!

California’s Lawyer Assistance Program

- Support law students, bar applicants, and attorneys in their rehabilitation and competent practice of law
- Enhance public protection
- Maintain the integrity of the legal profession
- Assists participants in dealing with
  - Mental health issues
  - Substance use issues

49
Business and Professions Code section 6234

- The LAP is confidential
- Confidentiality is absolute unless waived by the participant
- Information cannot be disclosed as part of a civil proceeding, a disciplinary proceeding, or a public records request
- Unless referred by the Committee of Bar Examiners or State Bar Court
- Or mandated reporting by health care professional

Orientaion & Assessment

- Change
  - How to better utilizing their law degree to make a positive career
  - Particippants who find their current employment unsatisfying
  - Assisting participants who have difficulty finding meaningful work
  - Participants in stress, burnout, relationship challenges and grief
  - 2 free one-on-one sessions w/local therapist
  - 2 free one-on-one counseling sessions w/career counselor

Short Term Counseling

- Weekly group meetings
- Treatment/Recovery Plan
- 3 free counseling sessions with group facilitators
- Confidential free assessment with clinical rehabilitation coordinators
- Participants who struggle with poor self esteem, anxiety, and depression
- Participants who have difficulty making career decisions
- How to better utilizing their law degree to make a positive career

Bar Court

- Unless referred by the Committee of Bar Examiners or State Bar Court

a disciplinary proceeding, or a public records request

- Information cannot be disclosed as part of a civil proceeding

- Confidentiality is absolute unless waived by the participant

- The LAP is confidential

Business and Professions Code section 6234
Support LAP (Voluntary)

• Support of Clinical Rehabilitation Coordinator (CRC)
• Weekly group meetings with other participants
• No reporting, no evidence of your participation
• Fees: group participation, individual therapy, drug testing if needed

Monitoring LAP (Mandatory)

• Support of Clinical Rehabilitation Coordinator (CRC)
• Monitoring or verification requirement related to admission or discipline

Fees: Group participation, individual therapy, drug testing if needed
Weekly group meetings with other participants Evidence of participation documented Long term structure Imposed by Office of Chief Trial Counsel, State Bar Court, Committee of Bar Examiners, or other entities

Published January 24, 2014

California’s LAP Participants

https://youtu.be/-Nz4Mk4tnu8?list=PLAZ8VCsFP03oIw2Oq6nb-OksdR-dK5kI

5:06 minutes
Contact LAP

www.calbar.ca.gov/LAP

Email: LAP@calbar.ca.gov

(877) LAP-4-HELP or (877) 527-4435
(213) 765-1190

Locations of LAP-Clinical Rehabilitation Coordinators
865 S. Figueroa St., Los Angeles, CA 90017
180 Howard St., San Francisco, CA 94105
Other tenants in building
(Not in State Bar building, next door in TCW building)

Resources to Him/her?

If you knew a co-worker that had substance use/mental health issues, would you provide information about available options?
Other Resources

ABA Commission on Lawyer Assistance Programs (CoLAP), articles, podcasts
https://abacolap.wordpress.com/author/abacolap/

The Other Bar-Recovery for California Lawyers
https://otherbar.org/

Employee Assistance Programs (EAP) with your employer
https://abacolap.wordpress.com/author/abacolap/

Albert Lama
NAAG Deputy Executive Director and NAGTRI Center for Leadership Development
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
202.326.6266
alama@naag.org
Thank you.

Lita Abella
Sr. Program Analyst

Lita.Abell@calbar.ca.gov
(213) 765-1165

The State Bar of California

Anonymous Feedback on the Lawyer Assistance Program