

An Overview of Lawyer Well-Being: Common Lawyer Struggles, Resilience and Self-Care Techniques



Supreme Court of Wisconsin
OFFICE OF LAWYER REGULATION

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Today's Topics

- Lawyer Well-Being Studies
- National Task Force on Lawyer Well-Being
- What is Lawyer Well-Being
- Common Lawyer Struggles
- Self-Care Techniques
- Implementation Strategies

2016 COLAP Study on Practicing Lawyers

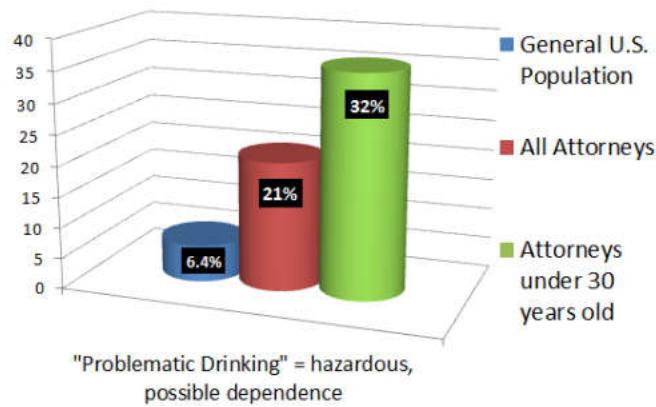


Lawyer Study – Mental Health

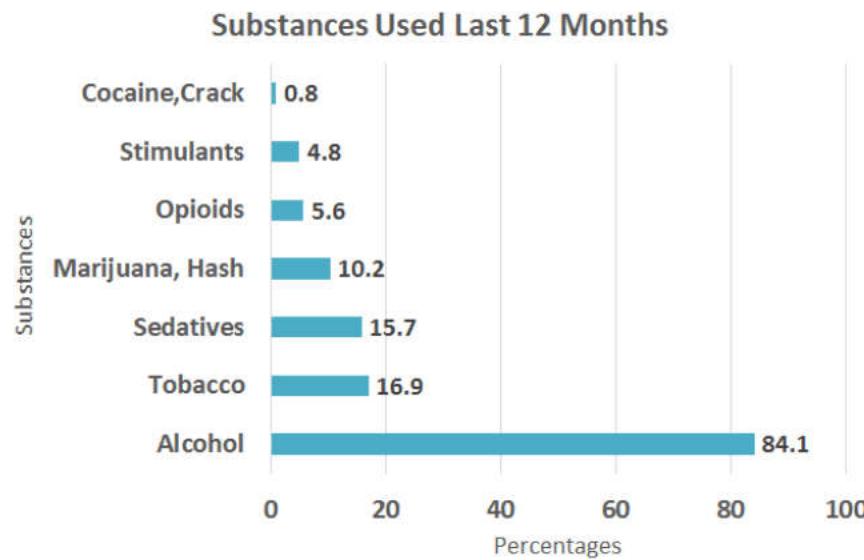
- 28% depression
- 19% severe anxiety
- 11.5% suicidal thoughts during career
- Males higher levels of depression than females
- Same inverse relationship
- Rates decrease as age increase
- Junior positions = higher rates

https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx

ABA CoLAP/Hazelden/Betty Ford Lawyer Study



https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx



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2023 ALM Intelligence and Law.com Study



Mental Health by the Numbers

A 2023 survey of nearly 3,000 lawyers conducted by ALM Intelligence and Law.Com revealed:

- **71.1% feel they suffer from anxiety**
- **38.2% feel they suffer from depression**
- **31.2% report having another mental health issue**
- >50% feel a sense of failure or self-doubt, lost emotion, felt increasingly cynical and negative, and had decreased satisfaction and sense of accomplishment
- >60% had physical or mental overwhelm or fatigue, felt moody or irritable, exhausted, or struggled concentrating



Mental Health by the Numbers

A 2023 survey of nearly 3,000 lawyers conducted by ALM Intelligence and Law.Com revealed:

- **63% thought mental health and substance abuse problems were worse in the legal profession**
- ~1/2 knew colleagues who were depressed or had another mental health issue
- **44% knew co-workers who struggled with alcoholism**
- **15% knew someone in the profession who died by suicide in the past two years**

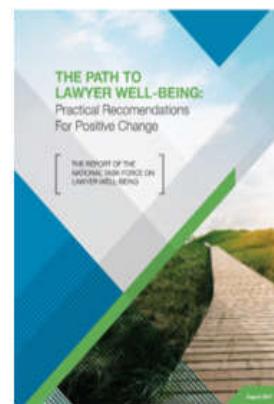
When asked about the source of their mental health struggles, lawyers blamed their firms and the nature of the professional itself.



Attorneys are Suffering



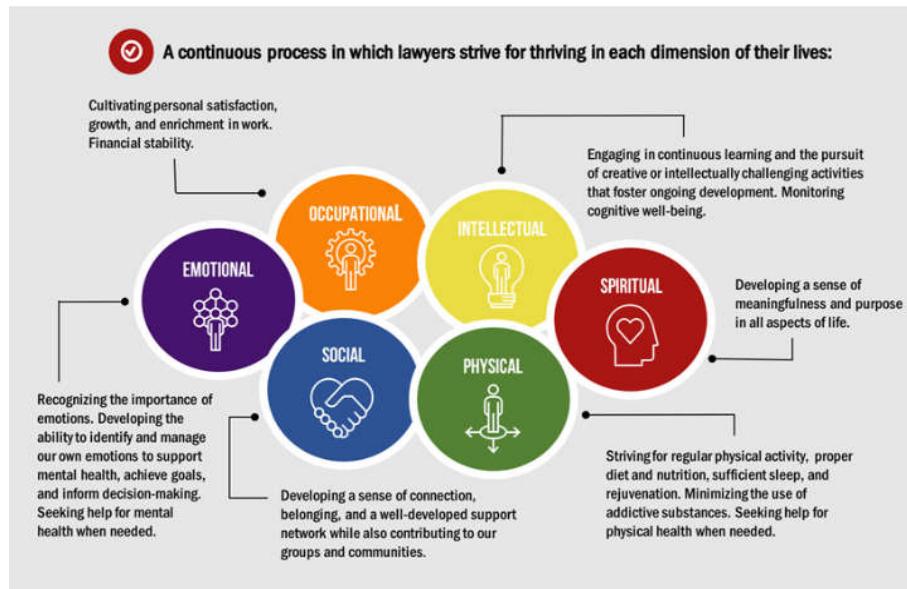
Lawyer Task Force Report: August 2017



What is Lawyer Well-Being?

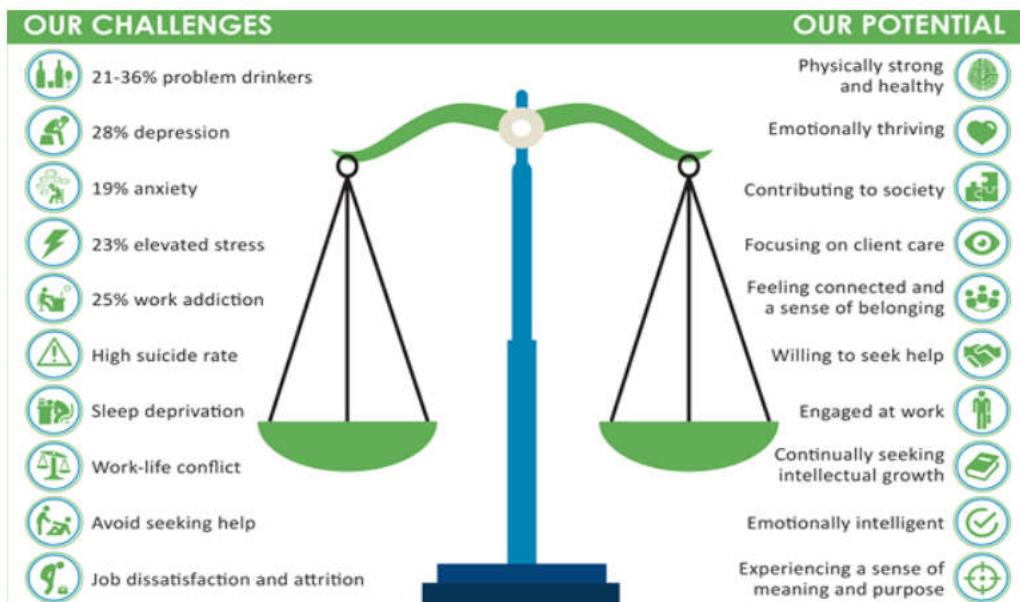
... a continuous process whereby lawyers seek to thrive in each of the following areas: emotional health, occupational pursuits, creative or intellectual endeavors, sense of spirituality or greater purpose in life, physical health, and social connections with others. Lawyer well-being is a part of a lawyer's ethical duty of competence. **It includes a lawyer's ability to make healthy, positive work/life choices to assure not only a quality of life within their families and communities, but also help them to make responsible decisions for their clients.** It includes maintaining their own long term well being.

What is Lawyer Well-Being?



Why lawyer well-being?

1. It contributes to the organizational success in law firms, corporate entities, and governmental agencies.
2. It influences ethics and professionalism.
3. It's the Right Thing to Do.



Ethical Concerns Related to Lawyer Well-Being



Misconduct Allegations Related to Well-Being

- SCR 20:1.3 - Diligence
- SCR 20:1.4 - Communication
- SCR 20:8.4(c) – Dishonesty
- SCR 20:1.16(a) – Withdrawal
- SCR 20:1.1 - Competence

Changes Around the Country

VERMONT



- Rule 1.1, Comment [9]
- A lawyer's **mental, emotional, and physical well-being** may impact the lawyer's ability to represent clients and to make responsible choices in the practice of law. Maintaining the mental, emotional, and physical well-being necessary for the representation of a client is an important aspect of maintaining competence to practice law. See also Rule 1.16(a)(2).

VIRGINIA



- Rule 1.1 Comment [7]
- A lawyer's **mental, emotional, and physical well-being** impacts the lawyer's ability to represent clients and to make responsible choices in the practice of law. Maintaining the mental, emotional, and physical ability necessary for the representation of a client is an important aspect of maintaining competence to practice law. See also Rule 1.16(a)(2).

California: Rule 1.1 Competence

(Rule Approved by the Supreme Court, Effective November 1, 2018)

(a) A lawyer shall not intentionally, recklessly, with gross negligence, or repeatedly fail to perform legal services with competence.

(b) For purposes of this rule, "competence" in any legal service shall mean to apply the (i) learning and skill, and (ii) **mental, emotional, and physical ability reasonably* necessary for the performance of such service.**

...

Common Lawyer Struggles



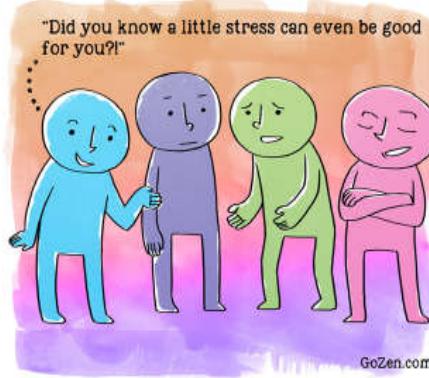
Stress



Good Stress?

Is all stress bad? **No**

Healthy Stress (Time Limited)



Stanford Study



Chronic Stress



When stressors are always present and you constantly feel under attack, the flight or fight reaction stays turned on.

Chronic Stress can cause:



Chronic Stress is also Linked to Health Conditions

- Anxiety
- Depression
- Digestive Problems
- Headaches
- Muscle Tension and Pain
- Sleep Problems
- Weight Gain
- Memory and Concentration Impairment
- Heart Disease, Heart Attack, High Blood Pressure and Stroke

<https://www.mayoclinic.org/healthy-lifestyle/stress-management/in-depth/stress/art-20046037>

Stress Can Lead to Addictions

- Gambling
- Drugs
- Internet
- Sex Addiction
- Eating disorders
- Shoplifting
- Chronic shopping

Trauma



Consequences of Working with Stress and Trauma

Significant consequences of working with stress and trauma.

Burnout:

- Happens over time in any work environment, based on exhaustion from work demands
- Specific to work culture/practices
- Increased risk for compassion fatigue

Compassion Fatigue (CF) (Originally coined in emergency rooms but expanded to a wide range of helping professions)

- CF occurs over time where a person loses the ability to have compassion toward the people who they are helping, typically people who are traumatized or suffering

Working with Stress and Trauma cont'd

Secondary Traumatic Stress (STS): Triggered by direct/indirect exposure to trauma

- Specific to those that work with the traumatized population, but does NOT meet full DSMV criteria of PTSD
- May or may not co-exist with compassion fatigue and/or Secondary trauma

Post-Traumatic Stress Disorder (PTSD): Triggered by direct/indirect exposure

- Must meet all the following DSMV criteria:
<https://www.brainline.org/article/dsm-5-criteria-ptsd>

Please note: A diagnosis of any mental health disorder can only be made by a licensed professional.

Why are lawyers so stressed?



WHY...Are Lawyers Different?
WHY...Are Times Different?

Depression: Signs and Symptoms

Signs: what you may see

- Weight change
- Withdrawn
- Irritable
- Change in self-care
- Personality change
- Tearful
- Indecisiveness
- Disorganization
- Negativity
- Forgetfulness
- Self-criticism

Symptoms: what you may feel

- Sadness
- Anxiety
- Low energy
- Sleep disturbance
- Appetite change
- Headaches
- Hopeless
- Helpless
- Thoughts of death and suicide

Anxiety: Signs and Symptoms

Signs: what you may see

- Physical tension
- Fidgeting/pacing
- Impatience
- Irritability
- Anger
- Missed deadlines
- Avoidant behavior

Symptoms: what you may feel

- Sadness/Anxiety
- Low energy
- Sleep disturbance
- Appetite change
- Somatic complaints/unexplained physical pain
- Helpless
- Thoughts of death and suicide

Something is going on if...

- You engage in compulsive use of a behavior or substance more than you want
- You have tried unsuccessfully to decrease or stop drinking/engaging in that behavior
- People around you have expressed concern
- You are secretive about your use or behavior

Danger Signs Leading to Ethics Violations

- Lack of communication with clients
- Lack of economic productivity
- Missing court-imposed deadlines
- Missing work, being late for work, or habitually leaving work early
- Client complaints
- Non-compliance with CLE

How Can Lawyers Become Resilient and Avoid Ethics Violations?



Resilience Defined

The ability to a substance to return to its usual shape after being bent, stretched, or pressed. The ability to be happy, successful, etc. after something difficult has happened. **Being resilient means that rather than letting traumatic events, difficulties, or failure overcome you or drain your resolve, you find a way to change your outlook, emotionally heal, and progress towards your end goals.**

www.bloomberglaw.com/document/XA4SG9K4000000

Promoting Self-Care

Self-care is “**the process of taking action to preserve or improve one’s own health.**” It means setting aside time to take care of your self despite having a hectic schedule.

AUTHENTIC AND SUSTAINABLE SELF CARE



Why Lawyers Resist Self-Care



Stigma



Help Seeking Behaviors- Two Common Barriers

- Not wanting others to find out they needed help



- Concerns regarding privacy or confidentiality

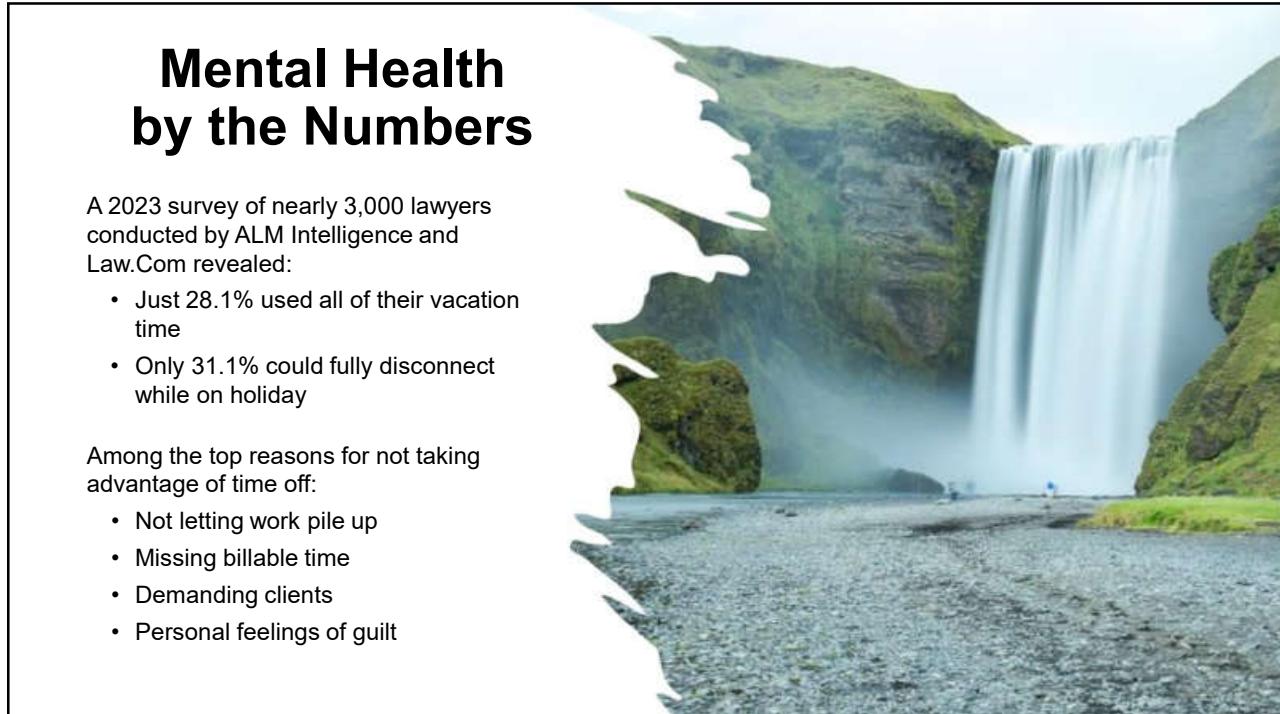
Mental Health by the Numbers

A 2023 survey of nearly 3,000 lawyers conducted by ALM Intelligence and Law.Com revealed:

- Just 28.1% used all of their vacation time
- Only 31.1% could fully disconnect while on holiday

Among the top reasons for not taking advantage of time off:

- Not letting work pile up
- Missing billable time
- Demanding clients
- Personal feelings of guilt





LACK OF UNDERSTANDING
How to recognize symptoms that can lead to impairment

FEAR
Of adverse reactions by others whose opinions are important

LEGAL CULTURE
Mixed messages about the need for well-being; fear of negative repercussions

DENIAL
Avoidance of mental, physical, and emotional problems leads to more trouble eventually

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Ways to Practice Self-Care

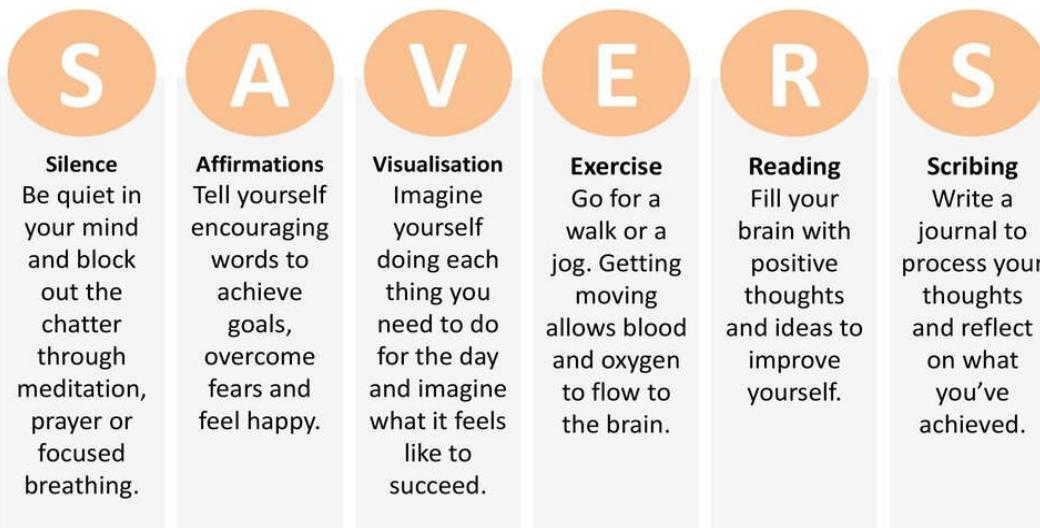
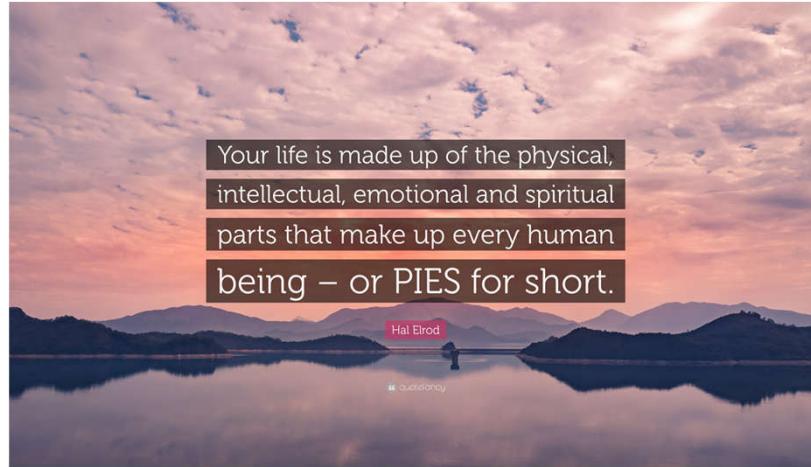


Myths About Self-Care

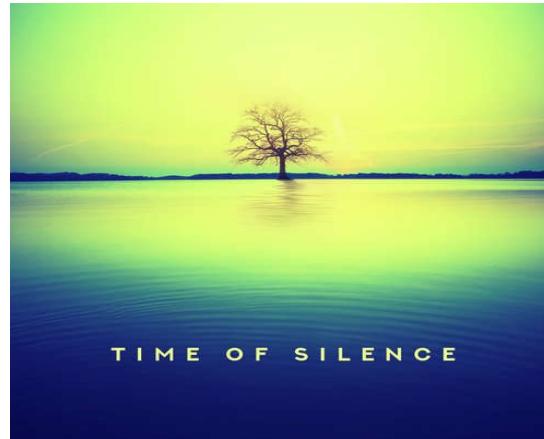
- Self-care is selfish
- Self-care takes up too much time
- Self-care is indulgent and too expensive
- Self-care should be earned

According to the National Institute on Mental Health:

Self-care means **taking the time to do things that help you live well and improve both your physical health and mental health.**



Silence



“If you want to immediately reduce your stress levels, to begin each day with the kind of calm, clarity, and peace of mind that will allow you to stay focused on what’s most important in your life, and even dance on the edge of enlightenment.”

- Hal Elrod

Silent Activities

- **Meditation**
- **Mindfulness**
- Prayer
- Reflection
- **Deep Breathing**
- Gratitude

Meditate

Meditating regularly has been proven to relieve stress, improve learning, and increases the volume of brain associated with attention and memory.



Health Benefits of Meditation



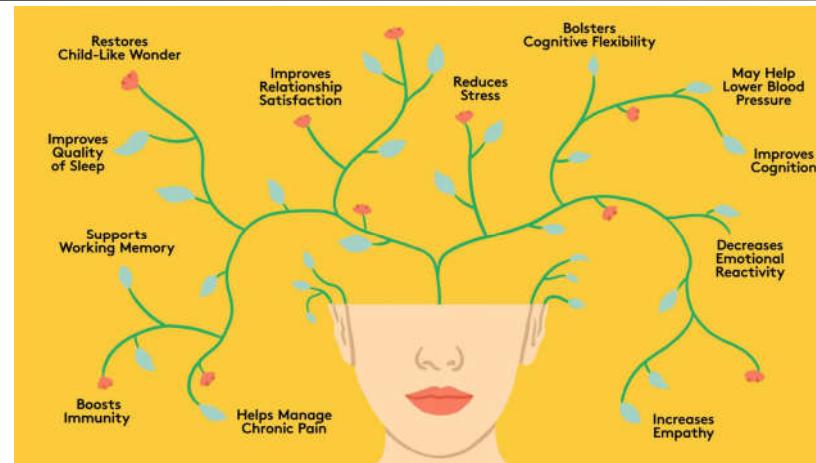
Mindfulness

“Meditation and mindfulness are not one in the same. You don’t have to meditate in order to be mindful. **Mindfulness is a nonjudgmental awareness of thoughts, sensations, surroundings, and emotions.**”

-Deepak Chopra



Health Benefits of Mindfulness



<https://newsinhealth.nih.gov/2021/06/mindfulness-your-health>

How can I incorporate mindfulness?

Start small (2-3 minutes per day)

Integrate mindful moments into your day:

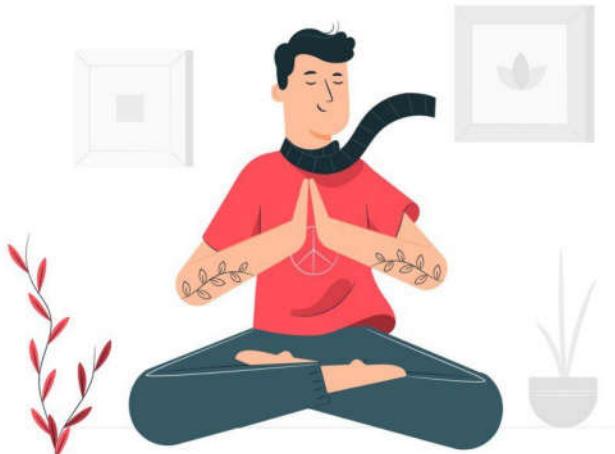
- Take mindful breaths while smelling your morning coffee
- Eat mindfully, savoring every taste of food
- Take a mindful walk, focusing on your breath, your surroundings, and each step you take
- Listen carefully when people speak to you
- Meditate/do breathing exercises
- Journal

Breathing

Breath work can **help you quell your stress response**. When your body engages in a “fight or flight” response, it prepares to confront or avoid danger. Breath work can help you feel calmer and more relaxed.



Physical Benefits of Breathwork



<https://www.webmd.com/balance/what-is-breathwork>

Emotional Benefits of Breathwork

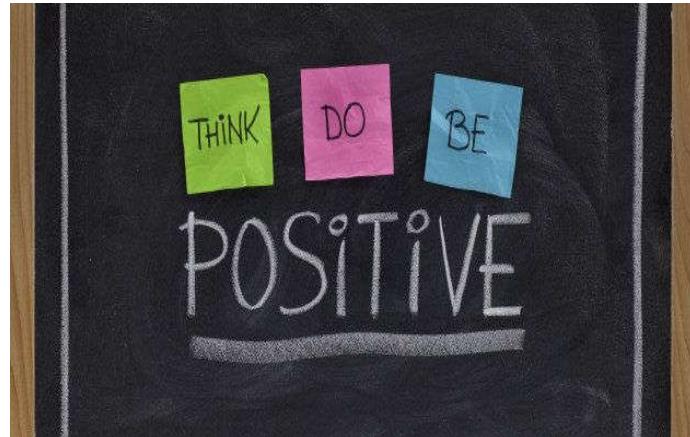


Best Apps for Meditation/Mindfulness/Breathing

- Best Overall: **Calm**
- Best Budget: **Insight Timer**
- Best for Sleep: **Headspace: Meditation & Sleep**
- Best for Beginners: **Ten Percent Happier Meditation**
- Best Guided: **Buddify**
- Best For Focus: **Unplug**
- Best Selection: **Simple Habit**

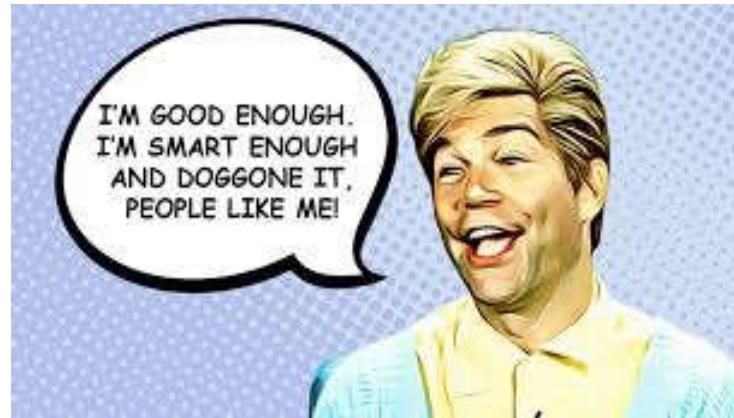
Or, use the **Apple Phone/Watch Health App**

Affirmations



“It is the repetition of affirmations that leads to belief. Once that belief becomes a deep conviction, things begin to happen.”

- Muhammad Ali

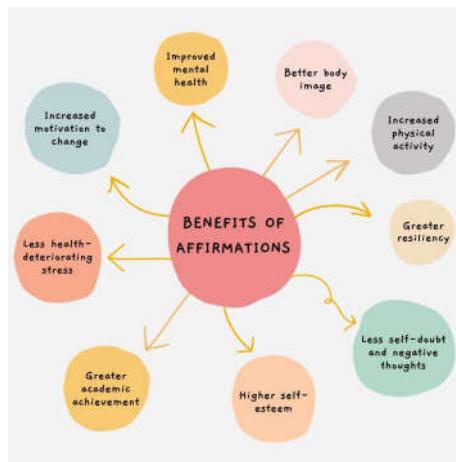


What are Affirmations?



Put simply, they are positive phrases or statements used to challenge negative or unhelpful thoughts.

Benefits of Positive Affirmations



<https://www.happierhuman.com/benefits-affirmations/>

Hal Elrod's 5 Simple Steps to Affirmations

- 1. What You Really Want** – Clearly articulate what you want to improve in your life?
- 2. Why You Want It** – What is your why? What drives you?
- 3. Whom Are You Committed To Being To Create It**
- 4. What You're Committed To Doing** to Attain It
5. Add Inspirational Quotes and Philosophies

This could mean:

- a sticky note attached to your mirror or your computer screen
- a notecard taped to your car's dashboard
- a voice memo on your phone that you listen to whenever you want
- writing the same positive statement a set number of times
- repeating your affirmations aloud in the mirror, shower, or car

Visualization



Ordinary people believe only in the possible. Extraordinary people visualize not what is possible or probable, but rather what is impossible. And by visualizing the impossible, they begin to see the possible.

- Cherie Carter-Scott

What is Visualization?

The practice of seeking to generate positive result in your outer world by using your imagination to create mental pictures of specific behaviors and outcomes occurring in your life.

Benefits of Visualization



<https://drgiamarson.com/the-benefits-of-visualization/>

Steps to Visualization

1. Get Ready – close your eyes, clear your mind, and get ready
2. Visualize what you really want
3. Visualize who you need to be

Exercise



Why Exercise?

Exercise can produce the same physiological responses that ignite the stress response such as breathlessness, rapid heart rate and increased perspiration.

Exposing yourself to these responses in a more positive controlled context can help you better be able to handle your stressors.

Benefits of Exercise



Get Moving

It sets you on active for the whole day.

1. You move more during the day.
2. It promotes better brain function.

30 minute workout in the morning = better focusing, decision making, organizing, and planning

Ways to Keep You Motivated

- Go for a walk with your dog (or someone else's)
- Sign up for a yoga class
- Join a gym and sign up for classes
- Join a run/walk club
- Get your friends involved

Stretching



Walking



Biking



Running



Yoga



Gym Exercise Class



Soccer



Basketball League



Tai Chi



Gardening



Reading

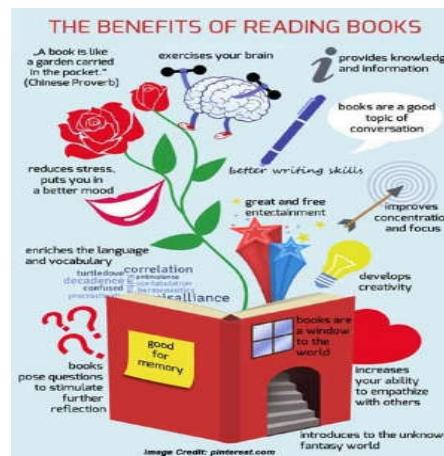


Reading is to the Mind what Exercise is to the Body and Prayer is to the Soul. We Become the Books We Read.

- Matthew Kelly

The Miracle Morning, Hal Elrod, Ch. 6, pg. 85-87

Benefits of Reading



<https://www.healthline.com/health/benefits-of-reading-books#lengthens-lifespan>

Scribing



Whatever it is that you write, putting words on the page is a form of therapy that doesn't cost a dime.

- Diana Raab



Benefits of a Gratitude Journal



Gratitude

Increased gratitude = ↑ energy ↓ depression ↓ anxiety ↓ envy

1. **Journal:** 1x a week, 6 weeks, write down 3+ things you are grateful for = ↑ happiness (can download an app that will remind you)
2. **Appreciative Art:** engage in to express gratitude (paint, collage, clay)
3. **Gratitude Photo Collage:** sharing pictures depicting things that make us grateful increases enjoyment of them
4. **Gratitude Letter:** write a letter and share it (in person or in mail); postal carrier, bus drivers) - 15 min / 1x a week / 8 week period = ↑ happiness
5. **Gratitude Jar:** invite co-workers to drop notes of gratitude in a jar that are read out loud 1x a week

Implementation Strategies



The Morning Reset



“Your first ritual that you do during the day is the highest leveraged ritual, by far, because it has the effect of setting your mind and setting the context, for the rest of your day.”

- Eben Pagan

The Miracle Morning, Hal Elrod, Ch. 4, pg. 41

Which do you want to be in the a.m.?



What is the Morning Reset?

- The beginning your day an opportunity to prime your day for success, to feel energized and happy.
- Starting a morning routine is the fastest and strongest tool to help set your brain to a motivated and productive day.
- A morning ritual builds the perfect mindset to fuel your next 12 hours.

Why Should I Have a Morning Routine?

“Win the morning win the day” - Tim Ferris

- High performers establish habits to help them do their best throughout their day
- You are setting up your day before it even starts
- The importance of small wins right away in the morning
- You put yourself in a peak physical, mental and emotional state every morning

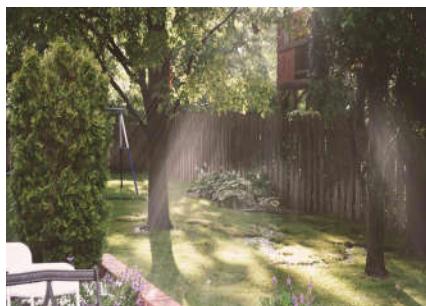
Let in Daylight

Daylight provides our bodies with energizing cortisol and testosterone which naturally peaks in the morning. Exposing yourself to daylight right away in the morning “switches on” your brain and helps keep you alert during the day.



Get Outside

Getting out into nature first thing can pump your breaks on stress.



60 minutes / 6 minutes

Morning Routine Life SAVERS

- 🙏 Silence: Sit in purposeful silence
- 💡 Affirmation: Recite your purpose
- 🎯 Visualization: Envision your goals
- 💪 Exercise: Move your human body
- 📘 Reading: Learn something new
- 📝 Scribing: Practice being grateful

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The 20/20/20 Formula

DECONSTRUCTION

MOVE

- Exercise, Learn, Hydrate, Breath Deeply

REFLECT

- Journal, Meditate, Plan, Pray, Contemplate

GROW

- Review Goals, Read Books, Consume Audiobooks, Listen to Podcasts, Study Online

Start your day with this formula and spend 20 minutes to each phase.
Your life will change if you continuously practice it for 3 months.

Exercise Snacks



Daily Happiness Habits

When you pick up one of these habits, you can tip your brain away from your genetic set point of stress and negativity and start to perceive more positivity making it easier and easier for you to choose happiness.

EXERCISE
Do 15 minutes of fun, mindful cardio at least three times a week.

JOURNALING
Take 2 minutes to remember your most meaningful experience in the past 24 hours and write down a few bullet points about it on a napkin, in a journal, or on your phone.

SHARE THE LOVE
For two minutes write a short email or text message praising or thanking one person in your life.

GRATITUDE
Think of three new things that you're grateful for (and why).

MEDITATE
For two minutes watch your breath go in and out.

Which of these practices would you like to incorporate into your daily life? Why?

Calm

Sleep



Why do we need sleep?

- Sleep = Superpower
- Sleep is linked to physical and mental health and enhances our performance.
- If you do not get enough sleep, it impairs your cognitive functions.
- Sleep impacts your competence, diligence, ability to communicate, and decision making abilities.

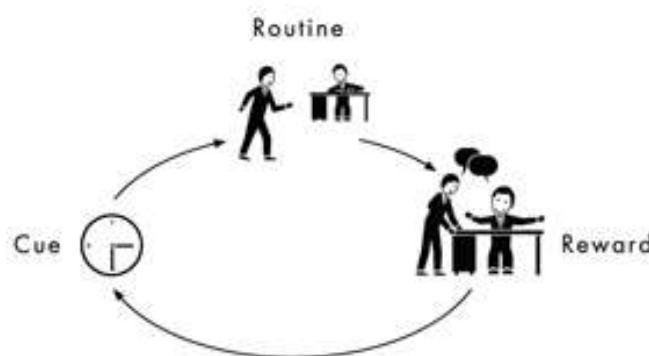
Poor Decision Making

- Without sleep you look through your fearful or primal lens; you may make poor decisions, ones you wouldn't ordinarily make on a full nights sleep.
- You will perceive others you deal with in a fear based mindset.
- You are more likely to make problematic ethical decisions and act in a selfish manner.

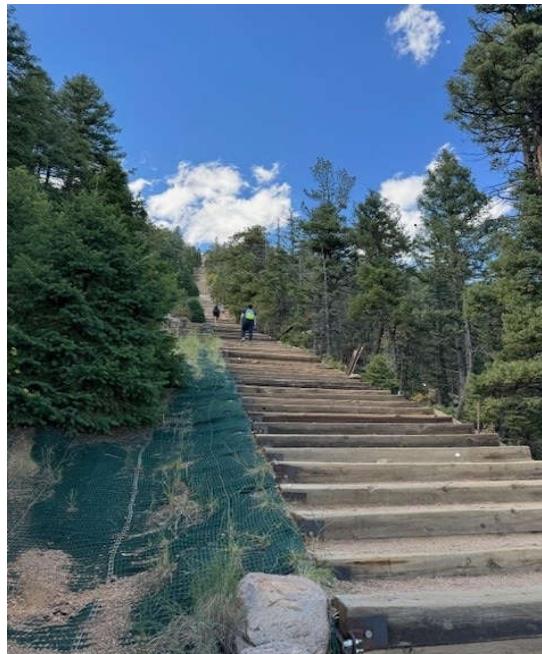
Tips for a Good Night's Sleep

- Stick to a regular sleep schedule
- Avoid caffeine and nicotine before you sleep
- Avoid alcohol
- Avoid electronics
- Turn down the temperature
- Develop a healthy routine before you go to sleep

Habit Loop









Don't be afraid to ask for help!

WisLAP
Wisconsin Lawyers Assistance Program

24-Hour Helpline
(800) 543-2625

Services are free and confidential.

WisLAP Services

wisbar.org/wislap

- Initial evaluation
- Referrals
- Consultation
- Peer assistance
- Outreach
- Intervention

Whether it's for your needs or someone else's, mental health professionals are available 24/7, 365 days a year to answer your call.

They can recommend appropriate resources and programs — including support groups, treatment programs, or their network of 150+ trained attorney peer volunteers.

Questions?



Supreme Court of Wisconsin
OFFICE OF LAWYER REGULATION

Julie M. Spoke
Deputy Director - Intake