

Stress, Trauma, Burnout, and the Overlap with Discipline - *the Human Factor*

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Lawyers Concerned for Lawyers



LAWYERS CONCERNED FOR LAWYERS

Confidential Support for Legal Professionals



Who is LCL?



Lawyers Concerned for Lawyers



- Who we help –
 - Lawyers, judges, law students, other legal professionals, and families
- What we help with –
 - Substance use and mental health, cognitive, stress, burnout; anything that causes stress or distress
- Communications are **confidential**
- Services or Referrals –
 - Licensed professionals
 - Group support
- Peer support
- Education and public awareness

How LCL Can Help...

- Available Services:
 - 4 Free Counseling Sessions
 - Peer Volunteers (Maybe You?)
 - Treatment Center Visits
 - 24-hour hotline
 - Coaching
 - Referral to Community Services
 - CLE's, Outreach, Tabling & Education
 - Group Therapy & Support Group
 - Crisis Intervention
 - Someone to listen

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Partnership with The Sand Creek Group

- Up to 4 free counseling sessions; referrals
- Legal professionals and their families
- Resource website
 - www.sandcreekeap.com
 - Click on "Member Support Page"
 - When registering use the Company Code "lawyers"
- Contact Sand Creek directly at **651-430-3383** or toll-free: **1-888-243-5744**

LCL's One-Way Road with the OLPR

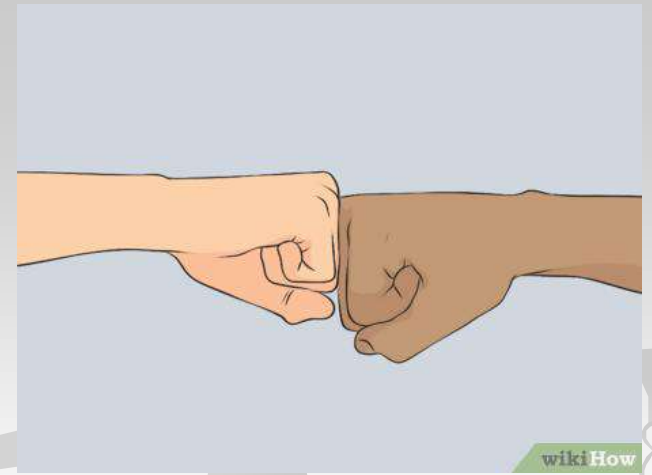
- Letters
- Calls from Director and Other Lawyers
- Courtesy Copies
- Informal Referrals
- Formal Recommendations
- ...but no confirmation of service utilization/cooperation.



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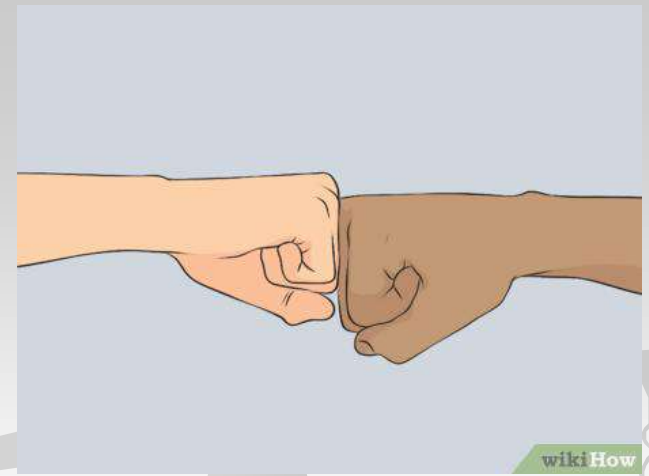
LCL's Discipline & Practice Group (D.A.P.)



- Started in June of 2018.
- Modeled after a similar group in Massachusetts.
- Named after the informal “fist bump” greeting used to show support, solidarity, and respect.
- Main focus is to connect lawyers that have been through similar situations and create a safe, non-judgmental space to openly discuss the personal and professional affects of ethical issues.
- This *is not* a place give/get/share legal advice.

LCL's Discipline & Practice Group (D.A.P.)

- Once a month.
- Participants are initially screened and are usually in the post-investigation phase.
- Want to assure they are at a good place where they can not only benefit from the group, but that the group can also benefit from their attendance.
- Sometimes the lawyer is not far along in the disciplinary process. Sometimes counseling or treatment take priority.



Common Perspectives:



- Shame & Embarrassment
 - For their actions
 - From the legal community
 - For loved ones that have to answer for them
- Fear & Uncertainty
 - About the ultimate outcome
 - About when the matter will be resolved
 - About job/income if they are unable to practice anymore
- Painful realization of mistakes/indiscretions and/or current issues
- Having to “constantly relive your worst day” (online and otherwise)

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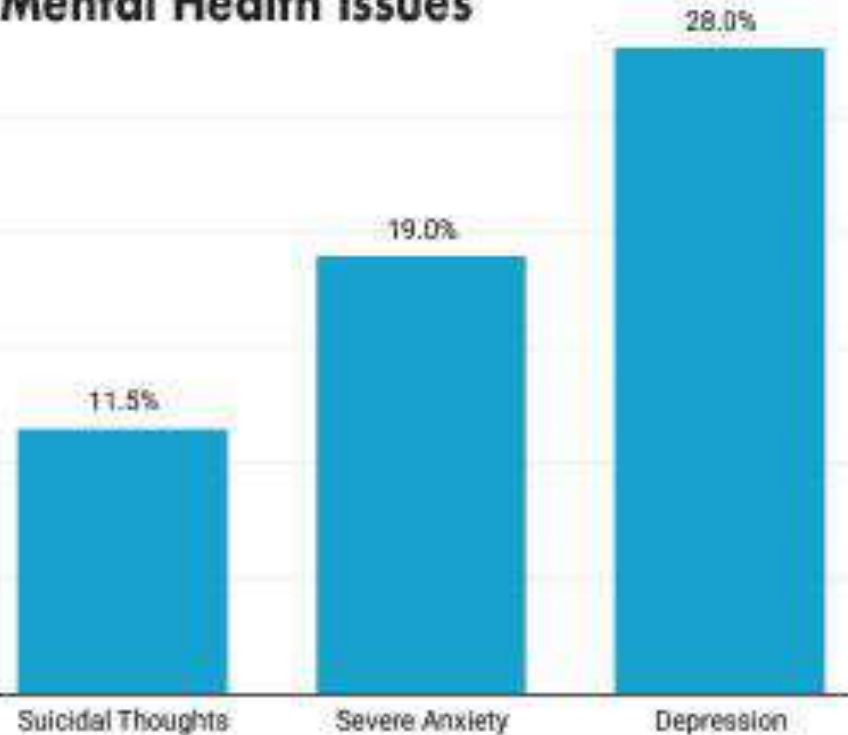
ABA 2021 Profile of the Legal Profession

Problematic Drinking



"Problematic drinking" is defined as Zones II, III and IV on the Alcohol Use Disorders Identification Test (AUDIT)

Mental Health Issues



Mental health issues are defined under the Depression Anxiety Stress Scales (DASS-21)

Impairment & Attorney Discipline



"These issues can have major consequences. Studies show that 25% to 30% of lawyers facing disciplinary charges suffer from some type of addiction or mental illness."

2021 Profile of the Legal Profession, (quoting "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys," J. Addict Med, January-February 2016)

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If Mental Health/Substance Use Issues are Present:

- Can play a main or contributing factor in the violation (Mayo Clinic):
 - Main symptom of Anxiety: Having the urge to avoid things that trigger anxiety.
 - Main symptom of Depression: Trouble thinking/remembering, concentrating, and making decisions.
 - Main Symptom of Substance Use Disorder: failing to fulfill major obligations at work due to repeated use.
- Symptoms are Physical Manifestations (behavior, conduct).
- In essence, some cases could result in the symptoms of a disease/disorder that are being disciplined.

Common Results:

- Keeping Issues Hidden (even though it could be used as mitigation)
 - Oftentimes, a lawyer has not come to grips with these issues.
 - Do not want others to find out (family, friends, coworkers, clients, legal community, anyone else that reads the public announcements)
 - Would rather face the consequences of the specific matter in front of the OLPR vs. opening up a totally different (and often bigger) can of worms (evaluations, counseling, treatment, etc.)
- Existing Issues can be exacerbated.
- Internal struggle knowing that there are other things going on, but feeling they have to keep them at bay until the OLPR issues are resolved.

Common Results:

- Sometimes, the ethical issue can be the “bottom” needed to realize how big the issue is.
- Trying to make the ethics experience worse to “scare them straight” rarely works.
- So, then what should you do?

Suggested Ways to Help Lawyers:

- If at all possible, call LCL before things get too bad.
- A “Respondent” is a Lawyer; a Lawyer is a Human. Treat them as such and not as just the subject of litigation.
- Kindness – These are your colleagues.
- Empathy - Treat them how you would like to be treated if you were in their shoes.
- Don't chastise, intimidate or embarrass them. You can still reach the same end result by being respectful, which will help the Respondent's view of the process and the overall reputation of the OLPR.

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What About You?



The Lawyer Brain and Stress

- Perfection
- Pessimism
- Isolation
- Uncertainty
- Vicarious trauma



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Defining Trauma

Trauma is the unique individual experience of an event, series of events, or set of circumstances:

- The individual's ability to integrate their emotional experience is overwhelmed; and
- The experience is physically or emotionally harmful or threatening and has lasting effects on the individual's functioning and physical, social, emotional, or spiritual well-being.
- Direct, secondary, and vicarious

Chronic Stress → Burnout

Burnout emerges when the demands of the job exceed a person's ability to cope with the stress. (Maslach)

Your body is waiting for some cue that you are safe from threat. Denying, ignoring or suppressing our stress response results in chronically activated stress response.

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Empathy and Mirror Neurons

- When observing others, “mirror cells” in our brain activate to reproduce the actions of another and produce emotions expressed by the other person.
- This unconsciously helps us understand intentions of others. We can feel empathy, predict actions of another, and bond socially.
- Suppression of empathy does not eliminate it. Empathy will be moderated by a sense of fairness.

Empathy Distress Fatigue



- Empathy is “with”
 - Feeling their feelings
 - Distress and withdrawal
 - Trauma is a trigger
- Compassion is “for”
 - Concern and wish to help
 - Positive feelings are triggered

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Empathy Distress in Lawyers



- The cumulative physical, emotional, and psychological effects of being continually exposed to traumatic stories and events while working in a helping capacity.
- Don't show weakness. Deny, defend, and deflect vulnerability - while staying emotionally detached at all times.

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Impact in Lawyer Regulation

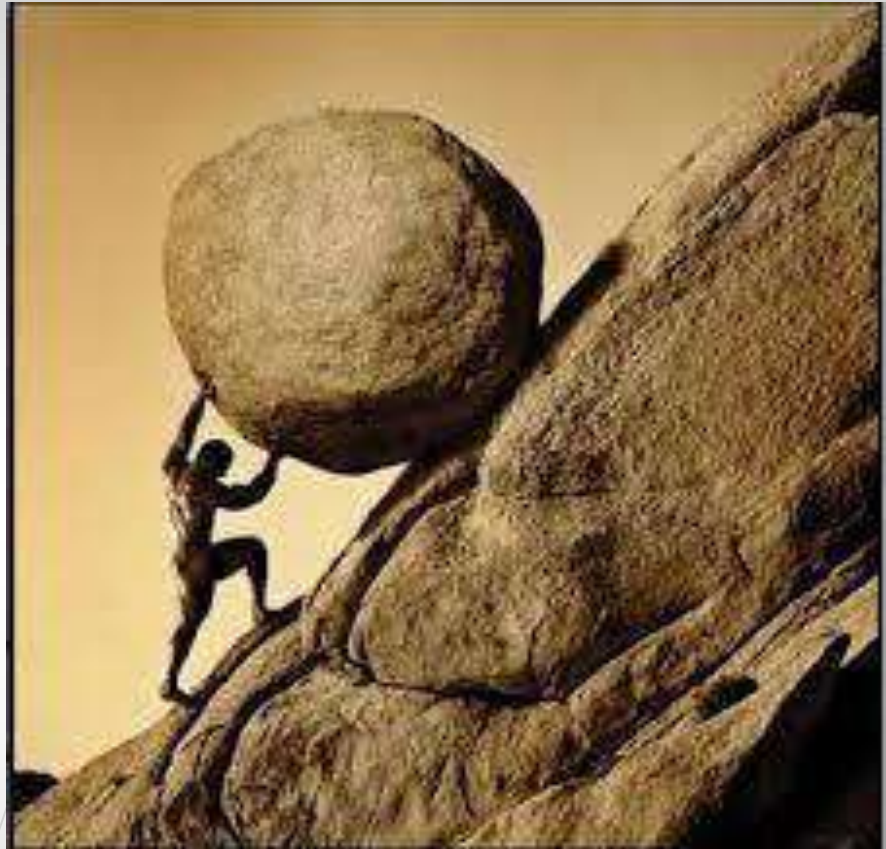


- Stress response may be triggered by the circumstances, petitioner, or the respondent.
- May impact how the respondent, facts are viewed.
- May have impacted the respondent's behavior.
- Other mental health concerns, or your own trauma, may be involved.

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Building Resilience



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Resilience Benefits

- Immunity
- Lower mental illness risk
- Better physical health
- Greater optimism, fewer feelings of isolation
- Improved trust
- Reduced perceptions of pain and threat

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How Does Resilience Bolster Competence?

- Can better tolerate stress, uncertainty, adversity
- Speeds recovery after setbacks, losses
- Diminished -
 - Anxiety
 - Depression
 - Substance Use
 - PTSD

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SHOW VULNERABILITY (COURAGE)

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THERE IS
HELP *and*



THERE IS
HOPE

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