

YOU AND THE LAW?



OR, YOU AND THE LAW?



DID YOU KNOW...

- Research demonstrates significantly increased levels of psychological distress in students after beginning law school (Benjamin, Kaszniak, Sales & Shanfield, 1986; Elwork, 2007)
- Estimated that 40-75% of disciplinary actions taken against lawyers related to mental health or substance dependence concerns (Elwork, 2007)
- Lawyers are almost four times more likely to experience depression than non-lawyers (Flores & Arce, 2014)
- Lawyers rank fourth highest in number of suicides by profession (CDC, 2014)
- Lawyers reported the highest rates of depressive symptomology in a study of more than 100 occupations (Eaton, Madel & Garrison, 1990)
- Certain personality traits may predispose law students/lawyers to higher levels of distress (Elwork, 2007)
 - Type A Personality
 - Tendencies toward Perfectionism
 - Task- and Logic-Oriented;
 - Tendency to Minimize or Negate Importance of Emotion
 - Cynicism, Skepticism

CHARACTERISTICS OF “THE LAW” THAT MAY GENERATE DISTRESS

- Ambiguous nature of the law
- Adversarial, competitive culture of the law profession
- “Jurisprudence” - Pessimism, suspiciousness, and mistrust as adaptive in legal context, but not so in life outside the law
- Isolating nature of appellate practice
- 60+ hour working weeks (i.e., high job demand)
- Low decision latitude
- Law as a zero-sum game (i.e., for every gain by one side there is a corresponding loss on the other) (Seligman, Verkuil, & Kang, 2001)
- What others might you add?

COSTS OF DEPRESSION IN PRACTICING LAWYERS

- For Lawyers:
 - Feelings of overwhelm and inability to manage caseloads/practices as usual
 - Increased risk of ethical/professional missteps
 - Increased risk of malpractice claims/dissatisfied clients
 - Disrupted relationships with colleagues and professional networks
 - Isolation from colleagues, communication breakdowns, increased irritability/forgetfulness
 - Overall, professional impairment
- For Clients:
 - Less effective representation
 - Increased monetary expense
 - Increased levels of stress and psychological discomfort
 - Increased doubt in the effectiveness of the legal system
 - Unjust legal outcomes/results (Gehan, 1998)



HOW DO I KNOW IF I'M DEPRESSED?

- Flat, apathetic, sad, and/or irritable mood most days
- Significantly decreased motivation levels
- Lethargy/fatigue
- Anhedonia – decreased pleasure and/or loss of interest
- Significant difficulties with concentration/memory (i.e., psychomotor retardation or agitation)
- Significant change in eating habits, appetite, and/or weight
- Insomnia or hypersomnia
- Feelings of worthlessness, excessive/inappropriate guilt
- Feelings of helplessness, hopelessness
- Social isolation/withdrawal
- Recurrent thoughts of death or suicide
- Increased use of substances to cope with depressive symptomology (i.e., alcohol, marijuana, opiates, stimulants, etc.)

HOW MIGHT I KNOW THAT A COLLEAGUE IS STRUGGLING WITH DEPRESSION?

- **Decreased productivity/impaired performance**
 - Late/past-due briefs
 - Unreturned phone calls
 - Missed appointments, appearances in court, work-days
 - Changes in appearance and/or grooming
- **Significant changes in interpersonal style/patterns**
 - Increasingly isolated, irritable, forgetful, pessimistic
 - Increased difficulties with decision-making
 - Talking about hopelessness, helplessness, death or suicide (i.e., increased morbid ideation/rumination)

PREVENTING DEPRESSION

- **Self-Care and Continual Assessment is Necessary**
 - Engage in proactive, approach-based vs. avoidance-based coping
 - Practice effective stress and time management
 - Monitor and gently challenge distorted perceptions/cognitions
 - Stay interpersonally connected – interpersonal isolation is a strong risk factor!
 - Practice self-compassion (www.self-compassion.org)
 - Mindfulness practice for lawyers is highly effective!

TREATING DEPRESSION

- **Depression is highly treatable with professional help**
 - Treatable in over 80% of cases in which professional help is sought
 - Consultation/collaboration with mental health professional is necessary and strongly recommended
 - Early detection and treatment is key!



WHAT RESOURCES ARE AVAILABLE?

- **The Mindful Lawyer**
 - www.themindfullawyer.com
- **NC Lawyer Assistance Program (www.nclap.org)**
 - Entirely separate from the Disciplinary Department of the State Bar
 - Provides confidential assistance to distressed lawyers
- **BarCARES**
 - Confidential, short-term assessment and intervention (three free sessions with a mental health professional)
 - Effective July 2013: The NC Bar Association BarCARES Program offers a one-time, three-session assessment/referral to any NCBA member who resides in a non-covered BarCARES area and has never utilized BarCARES services previously ... regardless of whether or not they are currently covered by health insurance. Eligible NCBA members should call 1-800-640-0735 (HRC Behavioral Health & Psychiatry, PA) to schedule their three free sessions.

STRESS MANAGEMENT INCLUDES:

- Making a COMMITMENT to Well-Being
- Identifying Sources of Stress
- Identifying Helpful Coping Strategies
- Implementing Self-Care Plan



IDENTIFYING SOURCES OF STRESS:

1ST LEVEL → ENVIRONMENTAL

- DEMANDS/STRESSORS THEMSELVES
- CAN THESE BE CHANGED?

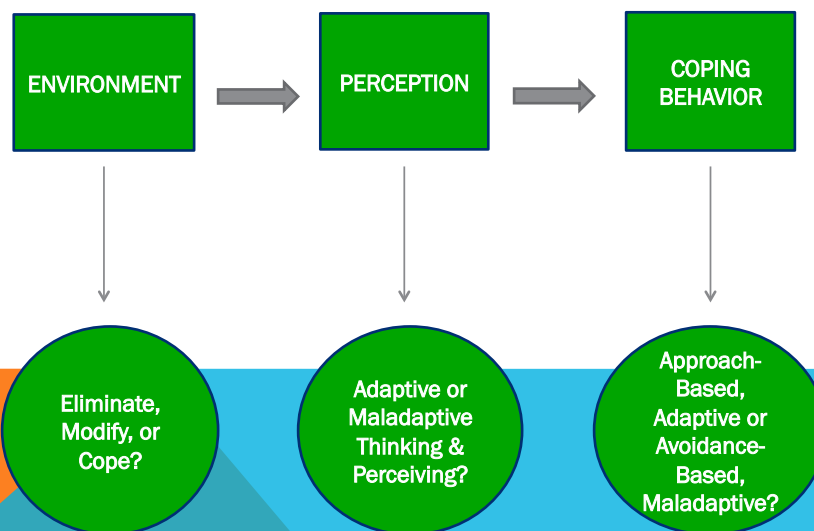
2ND LEVEL → PSYCHOLOGICAL

- PERCEPTION OF STRESSORS

3RD LEVEL → BEHAVIORAL

- COPING STRATEGIES USED IN RESPONSE TO STRESSORS

STRESS MANAGEMENT



POSITIVE COPING STRATEGIES

Management of Environment

- **Decide: Eliminate, Modify, or Cope?**
- **Time Management/Planning**
 - SMART Goal-Setting
- **Avoid Burnout & Overload Through Assertive Communication & Boundary Maintenance**

POSITIVE COPING STRATEGIES

Management of Perception

- **Stress = "Threat or Challenge?"**
- **Cultivate Supportive Relationships**
 - Work to shift perception of fellow lawyers toward "teammates with shared sense of purpose" vs. "untrustworthy competitors"
- **Create Own Sense of Purpose/Meaning**
 - Have a self-defined purpose
 - Actively constructing positive meaning from experiences as lawyer
- **Recognizing Distorted Thinking**
 - Avoid All-or Nothing-, Catastrophic, What If Thinking
 - Recognize Emotional Reasoning
- **Engaging in Helpful, Compassionate Self-Talk**
 - Speak to yourself as you would to a cherished friend experiencing a similar struggle
 - Increase rewarding language, decrease punitive language
- **Maintaining Humorous, Balanced Perspective**
 - Even when difficult, attempt to find humor
 - Remember that your fellow lawyers are human beings too!
- **Optimistic vs. Pessimistic Explanatory Style**

POSITIVE COPING STRATEGIES

Management of Behavior

- **Planning for Rest & Rejuvenation**
 - Lack of sleep hinders cognitive processes and functioning!
- **Applying Relaxation Techniques**
 - Progressive Muscle Relaxation, Guided Imagery
- **Practice Approach- vs Avoidance-Coping**
 - Avoidance reinforces anxiety, which increases level of threat perceived
- **Utilize Mindfulness Techniques to Cultivate Sense of Acceptance**
 - Non-judgmental acceptance of self, others, and factors that cannot be changed
- **Physical Exercise & Nutrition**
 - Exercise leads to bushy dendrites!

POSITIVE COPING STRATEGIES – THE POWER OF MINDFULNESS

- **Mindfulness = Non-judgmental, accepting awareness of the present moment**
- **Changes the way you relate to experience**
- **Produces positive changes in brain structure and function**
- **Associated with:**
 - enhanced immune & physical functioning,
 - reduced stress,
 - increased sense of well-being,
 - decreased emotional reactivity,
 - enhanced cognitive functioning
- **Mindfulness resource for lawyers:**
 - www.themindfullawyer.com

