DEPRESSION AND LAWYERS

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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, Madei & 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

ENVIRONMENT → PERCEPTION → COPING BEHAVIOR

- Eliminate, modify, or cope?
- Adaptive or maladaptive thinking & perceiving?
- Approach-based, adaptive or avoidance-based, maladaptive?
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

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