

2021 ALA ANNUAL CONFERENCE & EXPO



Wellness in the Legal Community: Conversations and Tips on Stress and Burnout



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ALAnnualconf.org



MENTAL HEALTH SPOTLIGHT

Wellness in the Legal Community: Conversations and Tips on Stress and Burnout



LYNN'S STORY

Age 16, for the first time being able to name certain difficult, painful feelings as depression.

Following decades cycling between relatively stable, happy intervals and fairly dark, depressed periods

Age 54, spiraled all the way down (couldn't eat, breathe or sleep), became "pre-suicidal" and went to Shepard Pratt

Diagnosed with major clinical depression, generalized anxiety disorder, bipolar I, panic disorder, complex PTSD and binge eating disorder NOS

Age 55 (2010), back in the hospital, Director told me that I would never work again and that I should apply for Social Security Disability.

Age 56 got a job as a contract lawyer and kept working at recovery.



LYNN'S STORY

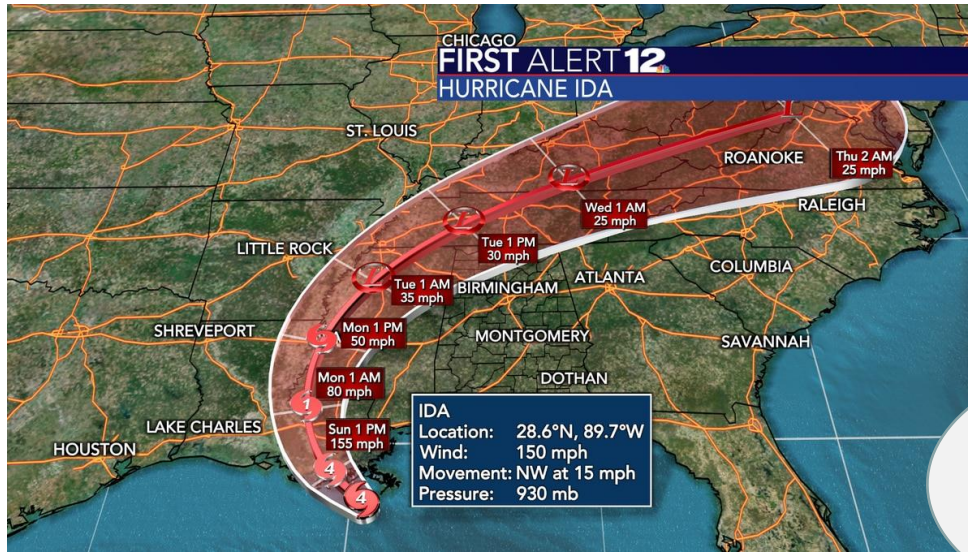
2011 accepted a job to work with the health care group I'm still with at BakerHostetler

2012 published *Southern Vapors* memoir about my mental health journey and fully disclosed to my group of 17 lawyers

Speaking about the book morphed into mental health advocacy, currently deeply involved with wellness initiatives for the State Bar of Georgia, ABA and BakerHostetler



IDENTIFYING THE PROBLEM



I don't have time to go to the bathroom because this project is so urgent.



COVID/Post-COVID Statistics

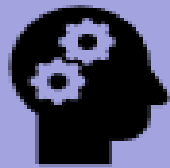
- Percentage of US adults reporting symptoms of anxiety or depression:
 - January – June 2019: 11%
 - December 2020 – June 2021: 42%
 - (<https://www.nature.com/articles/d41586-021-00175-z#:~:text=But%20by%20December%20the%20service,stress%20related%20to%20COVID%2D19>)
- The number of people looking for help with:
 - Anxiety – 93% increase from 2019-2021
 - Depression – 62% increase from 2019-2021
 - (<https://mhanational.org/issues/state-mental-health-america>)

More Statistics

- Changes in prescription medication:
 - 34.1% increase in anti-anxiety medication orders (over prior 12 months)
 - 18.6% increase in antidepressant medication orders (over prior 12 months)
 - 14.8% increase in sleep medication orders (over prior 12 months)
 - All of these numbers were steadily declining from 2015-2019
 - Anti-anxiety medications down 12% from 2015-2019
 - Sleep medications down 11.3% from 2015-2019
 - (<https://newsroom.cigna.com/americas-state-of-mind-use-of-mental-health-medications-increasing-with-spread-of-coronavirus>)

Lawyer Psychological Health

Study of 13,000 Lawyers in 29 States (Krill, Johnson & Albert, 2016)



Suicidal
Thoughts

11.5%



Anxiety

81%*



Problem
Drinking

21%



Stress

23%



Depression

28%

Why Workers in Law Are Susceptible



Triple ALA impact – this is who you work with, who comes to you/HR for help and could be you as well

- Time constrictions
- Perfection requirements or is anything ever perfect
- Fear of omission
- Number and intensity of responsibilities
- Over-identification with the job:
Not “I failed,” but “I am a failure.”
- Imposter Syndrome

The Perfectionist	↔	The Optimalist
Journey as a straight line	↔	Journal as an irregular spiral
Fear of failure	↔	Failure as feedback
Focus on destination	↔	Focus on journey and destination
All or nothing thinking	↔	Nuanced, complex thinking
Defensive	↔	Open to suggestions
Faultfinder	↔	Benefit finder
Harsh	↔	Forgiving
Rigid	↔	Adaptable, dynamic

Ben-Shahar, T. (2009) *The Pursuit of Perfect: How to Stop Chasing Perfection and Start Living a Richer, Happier Life*



Stigma/ Impact on Access and Use of Care

Stigma is so fundamental that it is embedded in our language: “nut job, crazy, insane, mental, hysterical, nuts, deranged, psycho, certifiable, out of his/her mind, unhinged, off his/her rocker, stark raving mad, sicko, have you lost your mind, are you deranged?”

National Institute of Mental Health: “Research shows that mental illnesses are common in the United States, affecting tens of millions of people each year. Estimates suggest that only half of people with mental illnesses receive treatment.”

<https://www.nimh.nih.gov/health/statistics> (August 2021)



WHAT TO LOOK **AND LISTEN** FOR

Listening is key (especially post COVID and new remote work options)



“Most people do not listen with the intent to understand; they listen with the intent to reply.”

- Stephen R. Covey

*The 7 Habits of Highly Effective People:
Powerful Lessons in Personal Change*



Good Listening

- Don't listen so that you can respond and fix it (which you can't and will frustrate all concerned). Listen to be present to that person's distress.
- DO NOT FLINCH
- Don't hide from their pain, don't dramatize it and don't inject your own pain or experience into the conversation unless invited [DON'T MAKE IT ABOUT YOU].
- IF invited, strike a balance between support and over-sharing/burdening.

Identifying Stress, Depression, Anxiety and Substance Abuse CHANGES

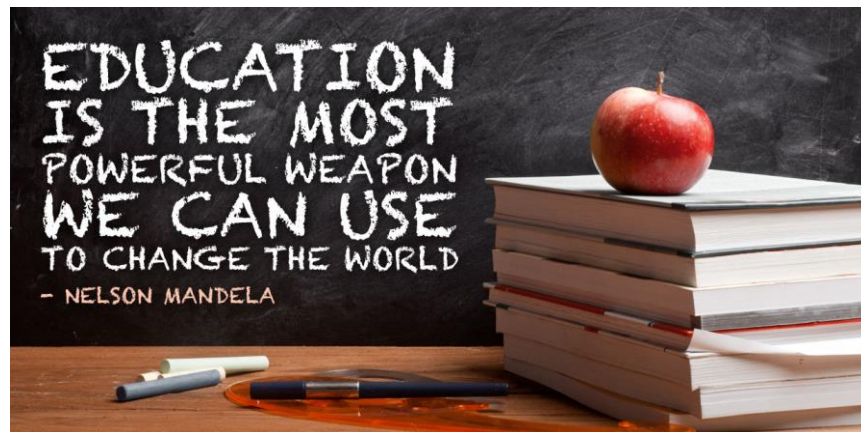
- More withdrawn
- Less talkative
- Not paying attention, distracted, inward focused
- Unexplained changes in schedule, erratic schedule, erratic absences
- Visible agitation in relating personal anecdotes
- Visible (even if minimal) lack of self care
- Hopelessness
- Isolating
- Displaying low self esteem
- Taking risks (because nothing matters)

Subtleties to Watch For

- Disconnect between what your colleague says and what he/she means
Often people are afraid to ask for help, so they try to connect in ways that don't make sense
 - Lynn: "I really shouldn't be driving this car."
 - Translation: "I am not okay; I need help."
- Denial vs. a last rebellious gasp
 - Sharp pushback against an offer to help does not mean that you shouldn't try again. Sometimes an aggressive pushback indicates that the person is at the tipping point of accepting help. Sometimes it indicates entrenched denial. There is no way to know other than reaching out again

Suicide Awareness and Prevention

- Robin Williams
- Kate Spade
- Anthony Bourdain





Suicide Warning Signs

**Hotline: 1-800-273-8255/Text Home
to 741741**

Warning signs are indicators that a person may be in acute danger and may urgently need help.

- Talking about wanting to die or to kill oneself;
- Looking for a way to kill oneself;
- Talking about feeling hopeless or having no purpose;
- Talking about feeling trapped or being in unbearable pain;
- Talking about being a burden to others;
- Increasing the use of alcohol or drugs;
- **Sudden swing from hopeless to carefree**



“Everything I Know about Suicide”
by Lynn Garson

[included in your materials]

<https://www.law.com/americanlawyer/2021/05/05/a-lawyers-thoughts-on-and-of-suicide/>



ADDRESSING THE PROBLEM



EDUCATION: Dispelling a Myth

Asking someone directly if they are thinking or planning on self-harm is not a bad idea; in fact, it is a good idea. It will not put a thought into someone's head that wasn't already there or push them over the line. It may save their life.

EDUCATION: Dispelling another Myth

Mental illness/substance use disorders are readily curable – the person just needs to stop dwelling on their problems so much, make him or herself get up and about. They need to stop using and/or take meds and maybe go to rehab for a week or 10 days..

Recovery from mental illness/substance use disorders, even suicidality, is possible, but it is not linear and it is not quick. While thinking a person “should be better by now” after a long course of treatment seems logical, it is erroneous. It often took decades to get sick; expecting recovery in 3 weeks or 3 months or even 3 years is unrealistic.



Understand Framework for Resources/Continuum

Wellness[prevention] -->

Mental health support[intervention]-->

Suicidal ideation[crisis]

Recognize each stage and act accordingly, i.e. self-help strategies that are great for wellness no longer work when we need proactive and external mental health support

Many people have the propensity to overuse self-help even when it is no longer appropriate



Give Yourself and Others Permission To Be Less Than 100% Effective

Some things are easier than they were in February 2020 and some things are exponentially more difficult.

- Remote vs not remote
- If remote, you can't look someone in the face and see the struggle
- Extra stress for people of color.

Granular Approach

- The traditional answers are nothing new: yoga, meditation, mindfulness, exercise, nutrition, sleep, but true burnout means you're likely not able to take large chunks of time that you normally need for these things to work optimally.
- Commit to doing the smallest of things: 1 minute of breathing, 2 minutes of stretching, 5 minutes of a meditation app. Anything to break the stress buildup.
- When you get overwhelmed, STOP. Take a few minutes. Have a ritual.

Mindfulness

Mindfulness fosters cognitive and emotional flexibility, which are important factors for resilience and optimism.

Videos:

- **All It Takes Is 10 Mindful Minutes**
- **The Art of Stillness**
- **The Practice of Mindfulness**
- **The Mindful Way Through Depression**
- **Mindfulness and Healing**
- **Mindfulness in Schools**
- **How Mindfulness Meditation Redefines Pain, Happiness, and Satisfaction**

Resources

- Community Support Groups (12 step)
- Employee Assistance Program (+ LAP)
- Groups (depression and bipolar support alliance <https://www.dbsalliance.org/>)
- Accountability Buddy
- Clubhouse
- Apps – Insight timer, Calm, Talkspace Headspace, Sanvello
- Dinner Party <https://www.thedinnerparty.org/>
- Leadership

On-Line Information from Reputable Groups, e.g.,

- ***Separate what is in your control from what is not.***
- ***Do what helps you feel a sense of safety.***
- ***Get outside in nature--even if you are avoiding crowds.***
- ***Challenge yourself to stay in the present.***
- ***Stay connected and reach out if you need more support.***

<https://afsp.org/taking-care-of-your-mental-health-in-the-face-of-uncertainty/>



And For A Little Humor...

Sex. How many of you are on Tinder, Bumble, Grindr, etc. swiping away? You are better off for it. Having sex consistently is as important as anything mentioned on this list. Find time to date, socialize and have sex. Psychologist Dr. Andrew Goliszek says, "Sex is a great way to relieve stress. The benefits include release of endorphins and other hormones that elevate mood, and exercise, which itself is an effective stress reliever."

<https://abovethelaw.com/2019/06/stressed-out-6-tips-to-help-manage-being-a-lawyer/?rf=1>



“OUT OF THE BOX” TIPS FOR COMBATTING STRESS AND BURNOUT

- Find peace in unusual places:

“In Brussels, Doctors Are Literally Prescribing People Trips to Museums to Help Them Cope With Pandemic-Related Stress”

https://news.artnet.com/art-world/art-stress-relief-2004852?utm_content=from_www.artnet.com&utm_source=Sailthru&utm_medium=email&utm_campaign=9/2%20US%20Afternoon&utm_term=US%20Daily%20Newsletter%20%5BAFTERNOON%5D

- Scroll through YouTube and choose a video that transports you – travel, animals, fashion, whatever works for you
- Keep a puzzle at your desk for breaks

MORE “OUT OF THE BOX” Tips

- Take up witchcraft (don't ask me, I'm only the messenger)
<https://www.welcometothejungle.com/en/articles/how-to-overcome-burnout-strange-and-unique-ways>
- Learn something completely new, even if it's only via 5-minute increments on YouTube

Look at Leadership

- Creating a safe environment for all members if the organization to come forward without fear of penalty (achieving status change/loss of job)?
- Modelling, ie, hosting speakers for lunch programs, initiate wellness programs, model and reinforce the importance of taking a break, taking a moment to interact with colleagues, etc.?
- Displaying emotional intelligence?
- Introduce leadership to the ABA Wellbeing Pledge
- ABA Well-Being Pledge and encourage your employer to sign
https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_working_group_pledge_and_campaign.PDF



ENCOURAGE LEADERSHIP TO USE TECHNOLOGY TO HELP

If you have cloud-based email, ask your organization to enable the feature that pops up a bubble for emails sent after a certain hour asking whether the email really needs to be sent right now

Suggest that everyone in your organization be taught the “delay” function for email



Some Institutional Wellness Best Practices

- Where there is an OSHA sign in your workplace, put an EAP and an LAP poster next to it.
- During orientation for new lawyers and staff, speak about EAP and include information in the packets. *Note: EAPs presently are very overloaded. For lawyers at this time, consider promoting LAPs (and check on their availability to staff)*
- Have a representative of your EAP/LAP come speak about their services.
- Include the National Suicide Prevention Lifeline (**1-800-273-TALK[8255]**) and the Crisis Text Line (**text Home to 741741**) in your Firm Directory and phone list and inform your colleagues and staff of it.
- Foster a culture of watching out for each other.

Emotional Intelligence

“EI arguably accounts for as much as 80 percent of an individual’s workplace success, more than raw intelligence and expertise combined. Studies at Harvard and elsewhere have shown that high IQ does not necessarily translate into high productivity, while the ability to “get along with people” has been found to be more critical than intelligence, decisiveness or job expertise in achieving bottom-line results. This indicates that emotionally intelligent partners will be among your strongest performers.”

https://www.americanbar.org/publications/law_practice_home/law_practice_archive/lpm_magazine_articles_v33_is5_an_22.html (July/August 2007 issue)



Best Practices specific to administrators such as HR

- Build a reputation as someone who is passionate about the wellbeing of your colleagues (ie, establish trust)
- Know through and through FMLA, state law, EAP and anything else your employer offers for employees struggling with mental health/substance use issues
- Cultivate a relationship with the people with “boots on the ground” in your organization's EAP (and LAP)

More Best Practices specific to administrators such as HR

- Encourage your employer to focus on wellness
- Do not contribute to stigma. (One way can be to watch the language you use.)
- Get training on how to respond to someone who is struggling or in crisis - it's not intuitive. (Mental Health First Aid)
- Above all model respectful and supportive behavior.

TAKEAWAYS

- Your reputation as a caring and supportive person is the single most important thing you can establish.
- Many people have the propensity to overuse self-help even when it is no longer appropriate. Be aware that lawyers in particular who end up in your office likely have already pushed the envelope as far as it will go.
- Responding to someone who is struggling is not intuitive for everybody. If you need help on that, get it.

MORE TAKEAWAYS

- Recovery from mental illness/substance use is possible, but it is not linear and it is not quick, and typically there is not a cure.
- Normalizing the conversation takes practice and a willingness to tolerate discomfort. These are not easy conversations at best, and at worst you are talking to someone who is depressed, anxious and/or agitated.



ABA Well-Being Pledge

1. Provide enhanced and robust education to attorneys and staff on topics related to well-being, mental health, and substance use disorders.
2. Disrupt the status quo of drinking-based events:
 - Challenge the expectation that all events include alcohol; seek creative alternatives.
 - Ensure there are always appealing nonalcoholic alternatives when alcohol is served.
3. Develop visible partnerships with outside resources committed to reducing substance use disorders and mental health distress in the profession: healthcare insurers, lawyer assistance programs, EAPs, and experts in the field.
4. Provide confidential access to addiction and mental health experts and resources, including free, inhouse, self-assessment tools.
5. Develop proactive policies and protocols to support assessment and treatment of substance use and mental health problems, including a defined back-to-work policy following treatment.
6. Actively and consistently demonstrate that help-seeking and self-care are core cultural values, by regularly supporting programs to improve physical, mental and emotional well-being.
7. Highlight the adoption of this well-being framework to attract and retain the best lawyers and staff.



Q & A



Thank you!