Running on Empty: Legal Professional Burnout (And How To Refuel)

Practical & Anecdotal Tips

James J. Eischen, Jr., Esq.

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James J. Eischen, Jr., Esq

- Jim Eischen is a California attorney with 30 years of experience representing commercial interests locally, nationally, and internationally. His clients have included life science companies, national healthcare enterprises, medical groups/physicians, software/IT companies, health plans, industrial enterprises, financial institutions, real estate developers/managers, and telecommunications conglomerates. He has extensive experience managing all facets of business representation, from formation to contractual relations and managing disputes and transitions.

- Since 2009, Jim has worked with clients in matters involving health care and privacy licensing and regulatory issues, including Medicare compliance and physician compensation and private direct fee business modeling and compliance. Jim has experience structuring physician practice purchase and employment structures, and assisting companies delivering wellness products or programs, to ensure reimbursement and privacy compliance.

- Graduated from the University of California at Davis School of Law in 1987.

- Professional Memberships: Chair, ABA Tort Trial & Insurance Practice Section Medicine and Law Committee, Vice-Chair, TIPS Health and Disability Insurance Law Committee, Dispute Resolution Committee, San Diego County Bar Association Law & Medicine Section and Attorney-Client Relations Committee, American Academy of Family Physicians healthcare compliance educator, presenter on healthcare regulatory compliance solutions for WorldLink and Concierge Today/DPC Today conferences throughout the US.

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Legal Professional Burnout

- Mental Health Stats: Cause For Alarm
- Legal Profession Burnout: What's Going On?
- Latest Insights Into Mental Function
- How To Refuel: Resources & Tips

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US MENTAL HEALTH STATISTICS

- “Over 41,000 people commit suicide annually in this country – twice the number of deaths from homicide. The vast preponderance of suicides occurs in people with an active mental disorder, especially depression. In addition, poisonings from alcohol and other drugs now exceed deaths from lung cancer, and suicide rates, which continue to rise, are on a path to do so as well.”

US NEWS & WORLD REPORT, Nov 4, 2015, Lloyd Sederer (Medical director of the New York State Office of Mental Health, adjunct professor at Columbia University’s Mailman School of Public Health and medical editor for mental health for the Huffington Post) http://www.usnews.com/opinion/blogs/policy-dose/2015/11/04/white-americans-are-dying-because-we-ignore-mental-health

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US MENTAL HEALTH STATISTICS

- 43.8 million adults experience mental illness in a given year
- 1 in 5 adults in America experience mental illness
- Nearly 1 in 25 (10 million) adults in America live with serious mental illness
- Depression is leading cause of disability worldwide, and major contributor to global disease burden

NAMI, https://www.nami.org/NAMI/media/NAMI-media/Infographics/GeneralMHFacts.pdf

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US MENTAL HEALTH STATISTICS

- 1 in 100 (2.4 million) American adults live with schizophrenia
- 2.6% (6.1 million) of American adults live with bipolar disorder
- 6.9% (16 million) of American adults live with major depression
- 18.1% (42 million) of American adults live with anxiety disorders

NAMI, https://www.nami.org/NAMI/media/NAMI-media/Infographics/GeneralMHFacts.pdf

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US MENTAL HEALTH STATISTICS

- Serious mental illness costs US estimated $193.2 billion in lost earnings annually
- Nearly 60% of adults with a mental illness didn't receive mental health services in prior year
- Approximately 10.2 million adults have co-occurring mental health/addiction disorders
- Approximately 26% of homeless adults staying in shelters live with serious mental illness

NAMI, https://www.nami.org/NAMI/media/NAMI-media/Infographics/GeneralMHFacts.pdf

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MENTAL HEALTH INITIATIVE



- Practicing lawyers exhibit clinical anxiety, hostility, and depression at rates that range from 8 to 15 times the general population
- 20 to 40 percent of law students suffer from clinical depression by the time they graduate
- Out of 104 occupational groups, lawyers rank the highest in depression
- Lawyers rank 5th in incidence of suicide
- Lawyers exhibit very high levels of substance abuse

http://www.americanbar.org/content/dam/aba/administrative/law_students/mhw-handbk.authcheckdam.pdf

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MENTAL HEALTH CHALLENGES AND LEGAL WORK

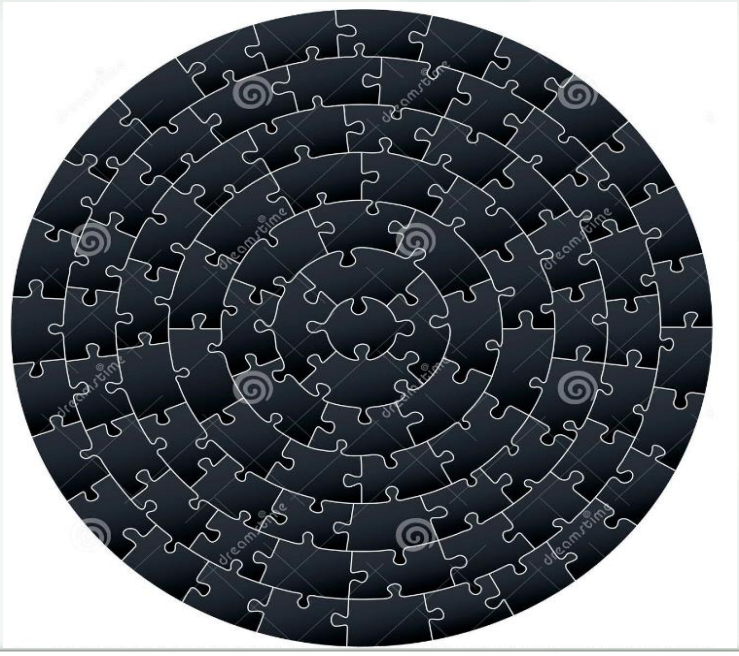
WHAT LEGAL PROFESSIONALS HANDLE

* Unforgiving deadlines
* Losses, uncertainties
* Disputed reality
* Cold analysis, hard truths
* Conflict
* Selling
* Pessimism as critical function
* Perfectionism (& procrastination)

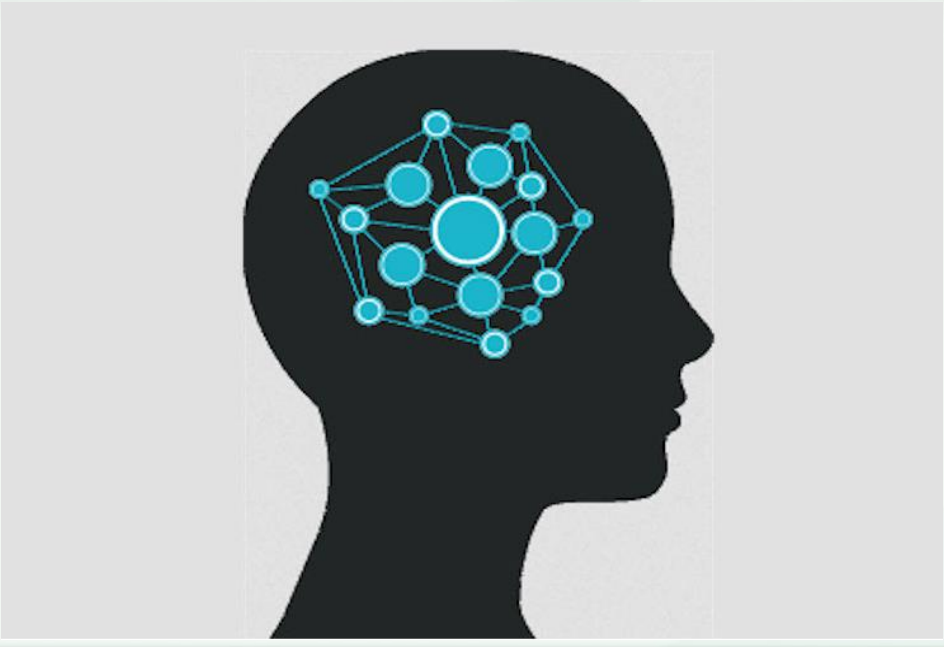
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Modularity of Mind

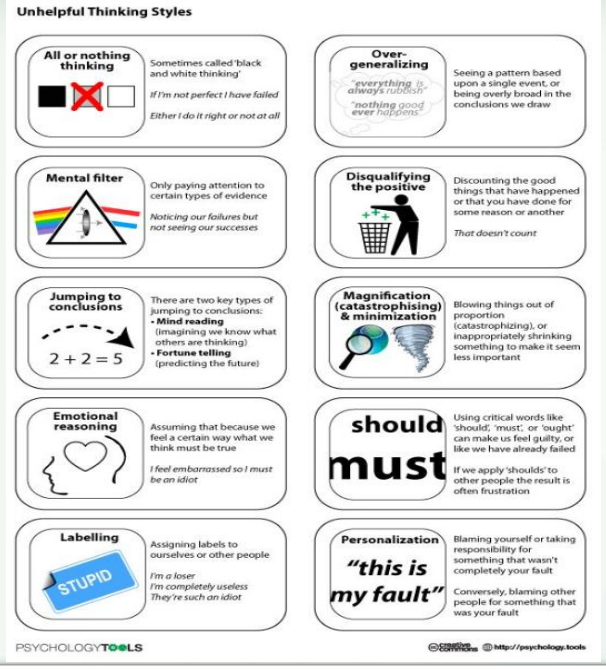
- Modularity of mind is the notion that a mind may, at least in part, be composed of innate neural structures or modules which have distinct established evolutionarily developed functions. https://en.wikipedia.org/wiki/Modularity_of_mind

- Assuming modular mind theory represents an accurate insight into human mental function: improved clarity poses real challenges, but with feasible solutions

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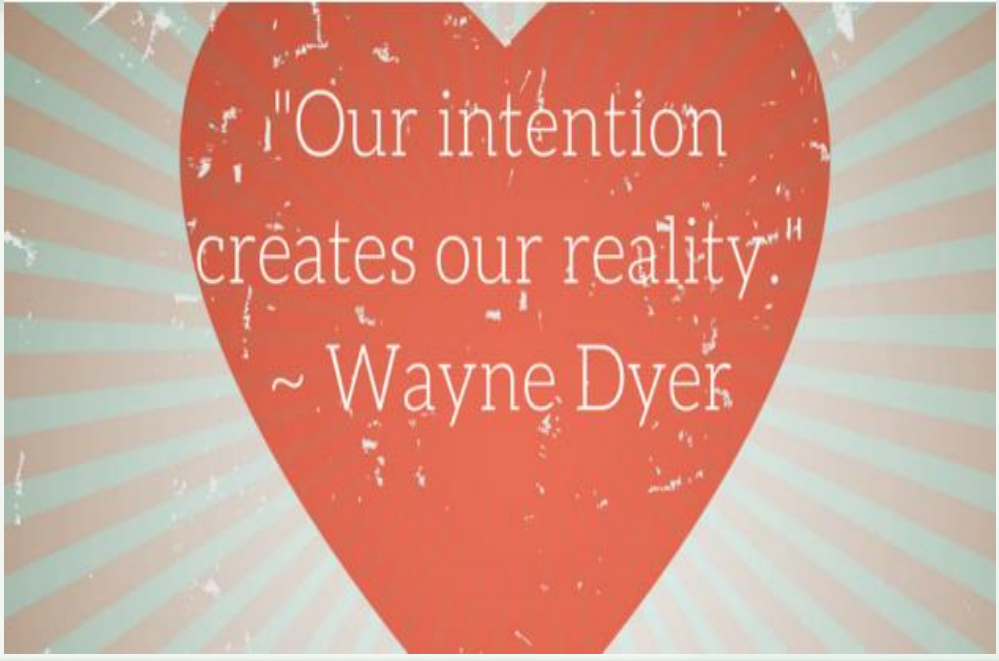
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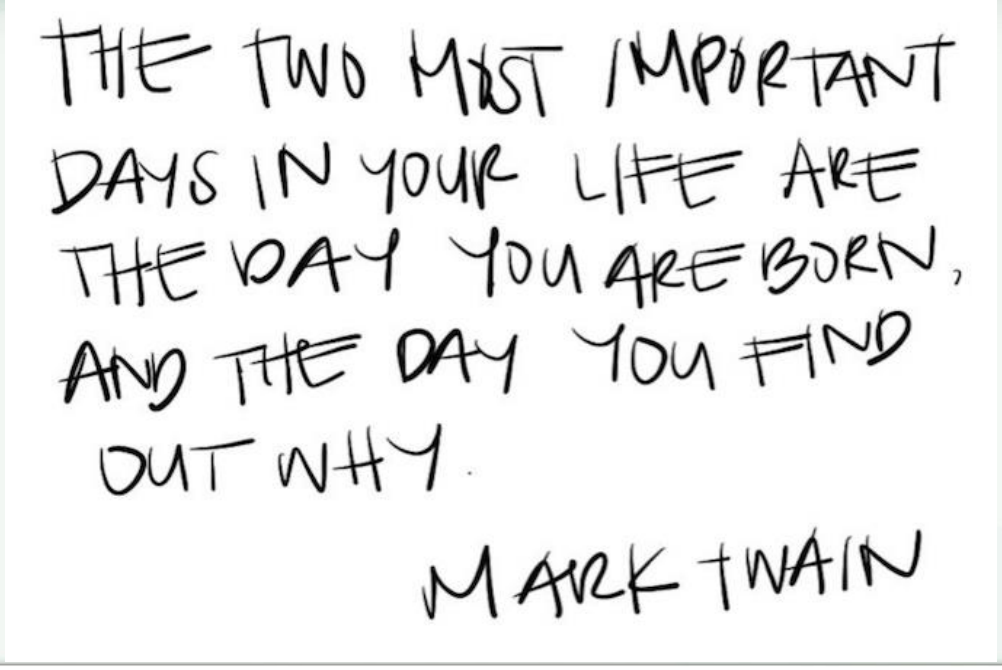
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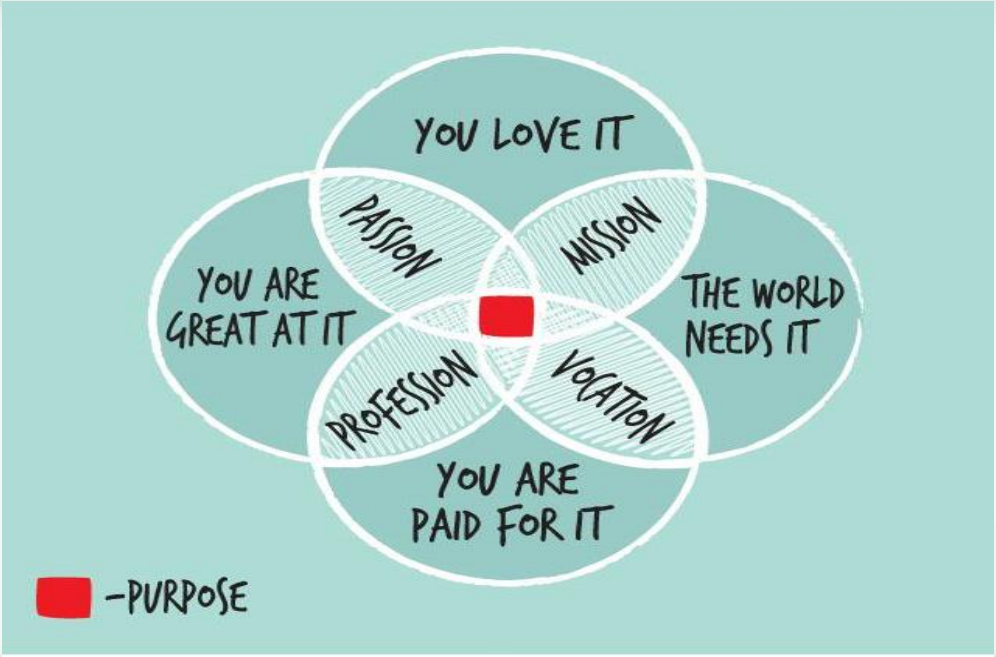
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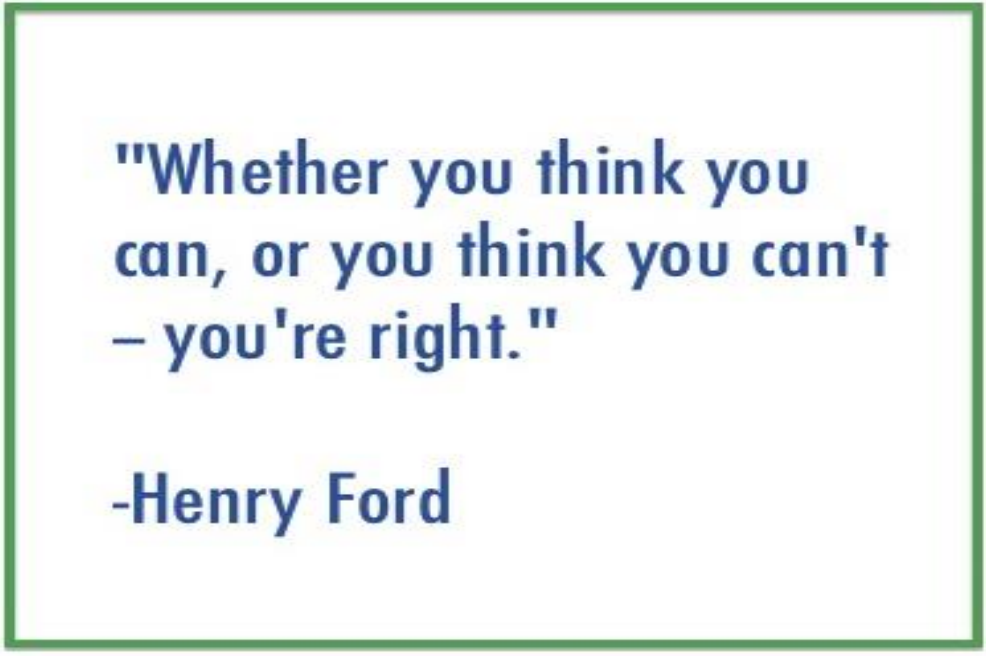
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Top 14 Ways Attorneys Can Avoid Burnout from the Stress of Practicing Law



Top 14 Ways Attorneys Can Avoid Burnout from the Stress of Practicing Law

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Summary: *Attorneys face massive amounts of stress on a daily basis due to the nature of their work. Here are 14 ways attorneys can avoid burnout from practicing law.*

Excessive stress is taking its toll among lawyers everywhere, especially in metropolitan areas. Unless stress is managed with the same care and sensitivity as a client's pressing problem, dire consequences can ensue.

http://www.bcgsearch.com/article/900044563/Top-14-Ways-Attorneys-Can-Avoid-Burnout-from-the-Stress-of-Practicing-Law/

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Top 14 Ways Attorneys Can Avoid Burnout from the Stress of Practicing Law

- Emotional exhaustion, disconnection, feeling ineffective?
- Work hours & effectiveness
- Take a breather & take a break, exercise
- Get help!

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How lawyers can avoid burnout and debilitating anxiety

How lawyers can avoid burnout and debilitating anxiety

Posted Jul 01, 2015 06:00 am CDT

By Leslie A. Gordon

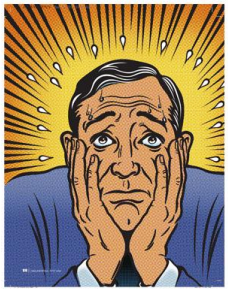


Illustration by Jeff Dionise

http://www.abajournal.com/magazine/article/how_lawyers_can_avoid_burnout_and_debilitating_anxiety

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How lawyers can avoid burnout and debilitating anxiety

- Perfectionism & Pessimism
- Avoiding Anxiety: Take Action
- Focus On Present Moment (And What We Can Control)
- Health
- You Have Choices To Make

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Another great article:

How to Recognize and Prevent Lawyer Burnout

By Kate Mangan on September 9th, 2016



https://lawyerist.com/94605/recognize-prevent-lawyer-burnout/

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How to Recognize and Prevent Lawyer Burnout

- "A disease of disengagement…."
- "Our Personalities and Our Profession Put Us at High Risk…."
- Take Time To Recharge
- Find Or Create More Meaning
- Forget Perfection
- Self-Awareness & Manage Energy

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Burnout: Avoidable, Not Inevitable

Burnout: Avoidable, Not Inevitable

Volume 38 Number 3

By
Meloney C. Crawford and Douglas S. Querin

About the Authors

Meloney C. Crawford joined OAAP as an attorney counselor in 1999. She is certified as an alcohol and drug counselor and gambling addiction counselor. She is past president of the Addiction Counselor Certification Board of Oregon and continues to serve on its board of directors.

Douglas S. Querin, JD, MA, was in private civil practice as a trial lawyer for over 25 years. He is currently an attorney counselor with the Oregon Attorney Assistance Program where he counsels lawyers, judges, and law students on mental health, addiction, and stress-related issues.



Burnout. you've probably heard the term many times, and possibly used it yourself to express boredom, fatigue or annoyance, as in "Not another feature article about incredibly successful lawyers. I'm burnt out on this stuff!" But those casual references fall short of describing the genuine distress that lawyers with burnout experience. It's a condition that profoundly impacts their professional and personal life.

First, let's determine what burnout is not. It's not merely stress, although continuing, unrelieved stress can lead to burnout. It's not ennui, although people experiencing burnout become disenchanted about work that they once found fulfilling and engaging. And, while an intense workload may be linked to stress, an individual in the extreme stages of burnout stops being productive—they've stopped in their tracks. Psychologist, author and speaker Joan Borysenko, Ph.D., recently published a book on the topic titled, *Fried: Why You Burnout and How to Revive*.

http://www.americanbar.org/publications/law_practice_magazine/2012/may_june/burnout-avoidable-not-inevitable.html

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Burnout: Avoidable, Not Inevitable

- “Can’t do what needs doing….”
- List what gives meaning to your life
- Stay in touch with friends
- Schedule vacations in advance
- If you need help, get help

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Lawyers With Lowest Pay Report More Happiness



https://well.blogs.nytimes.com/2015/05/12/lawyers-with-lowest-pay-report-more-happiness/?register=google

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Lawyers With Lowest Pay Report More Happiness

- More focus on day-to-day happiness?
- Do we focus on wrong rewards?
- We need to feel: competent, autonomy, connection with others
- Less cynicism, more purpose, and find the right fit

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The Real Reasons for Big Law's Mental Health Problem



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The Real Reasons for Big Law's Mental Health Problem

- The "lawyer personality"
- Treating symptoms rather than disease?
- Income inequality: less equity partners, radical income variance, less upward career mobility
- The Sally Yates story about her father, versus some big firms hiring mental health professionals: tackling the problem

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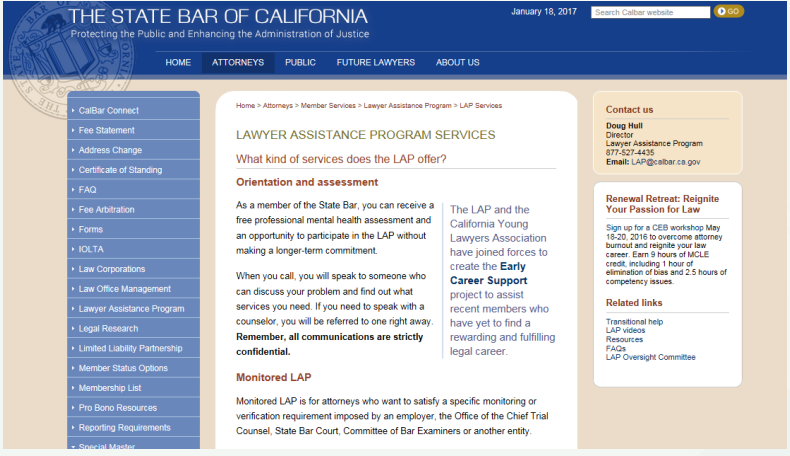
Lawyer's Assistance Program



http://www.calbar.ca.gov/Attorneys/MemberServices/LawyerAssistanceProgram.aspx

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Lawyer Assistance Program Services



http://www.calbar.ca.gov/Attorneys/MemberServices/LawyerAssistanceProgram/LAPServices.aspx

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Lawyer's Assistance Program

- Fully confidential
- Two (2) free sessions with therapist experienced and trained to help attorneys—take the offer if you need it!
- Support groups, other services

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A Law Student's Guide To Being a
Happy, Healthy and Honorable Lawyer



- "How you react to situations, the responses you make to questions and the choices you make in your life, determine the type of lawyer you will become and influence your professional and personal satisfaction with life."

http://www.americanbar.org/content/dam/aba/migrated/lsd/mentalhealth/happy.authcheckdam.pdf

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A Law Student's Guide To Being a Happy, Healthy and Honorable Lawyer

TIME FOR FRIENDS….
TIME FOR FUN….
BE NICE….
LEARN TO PRIORITIZE….
BE HONEST, EVEN WHEN IT HURTS….
BE PART OF A TEAM….
FAMILY/FRIENDS COMES FIRST….
PROTECT YOUR HEALTH….
NEVER CHEAT & LEARN HOW TO LOSE (& WIN) WELL….

[http://www.americanbar.org/content/dam/aba/migrated/lsd/mentalhealth/happy.authcheckdam.pdf]

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Booklist

- Barking Up The Wrong Tree by Eric Barker (*Mental Health*)
- The Undoing Project by Michael Lewis (*Psychology/History*)
- How Not To Die by Michael Greger, MD with Gene Stone (*Diet*)
- Thanks For The Feedback by Douglas Stone and Sheila Helen
- Give And Take by Adam Grant (*Enlightened Biz Strategies*)
- F*ck Feelings by Michael M. Bennett, MD, and Sarah Bennett
- The Meaning Of Human Existenence by E.O. Wilson
- Abundance by Peter Diamandis
- Rethinking Positive Thinking by Gabriele Oettingen
- Twelve Steps To A Compassionate Life by Karen Armstrong
- Why Buddhism Is True by Robert Wright (*Not Religious!*)

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Apps

- MyFitnessPal
- Moodnotes
- Streaks
- Strides
- Gratitude
- Well-reviewed (*but have not used*):
  - Headspace
  - What's Up

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Thank You,
Now Refuel!

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