- Free information and literature
- Free evaluation by a healthcare professional
- Free assistance with interventions
- Peer support
- Lawyer/Judge/Law Student-only support group meetings
- LCL staff support

Our services are **free, confidential,non-judgmental** and **non-obligatory**

Lawyers Concerned for Lawyers of Pennsylvania

CONFIDENTIAL Helpline

1-888-999-1941

24 hrs./day, 7 days/week, 365 days/year

www.lclpa.org

No One Makes It Out Unscathed:

The Effects of Personal Trauma and Stress On Our Lives



What Is LCL ?

Lawyers Concerned for Lawyers of Pennsylvania, Inc. (LCL) is an independent, not-for-profit corporation.

Our mission:

To provide a caring peer assistance program to save the lives and restore the health and professional competence of Pennsylvania's judges and lawyers, members of their families, and law students who are at risk as a result of alcohol and drug use, gambling, depression or other serious mental illness. We carry out this mission through a combination of confidential helpline services, volunteer support and education.

What Is LCL ?

LCL IS

- a provider of **FREE** non-clinical services to Pennsylvania lawyers, judges, their family members and law students
- a 24 hour, **CONFIDENTIAL**, no strings attached Helpline and peer assistance program. LCL received 600 calls in 2018, 64% of which were self –referrals
- an organization that in 2018 offered 331 **LCL funded** mental health and substance abuse evaluations by 141 independent healthcare providers

What Is LCL ?

LCL IS

- a source for interventions. LCL assisted with 217 interventions in 2018, an increase of 22% over 2017.
- an Educational source that reached over 26,000 lawyers, judges and law students in 2018
- a paid staff of 6 and 280 unpaid peer volunteers who provide encouragement and support to PA lawyers, judges, their family members and law students in a **safe, non - judgmental** environment

What Is LCL ?

LCL IS <u>NOT</u>

- a reporting agency or affiliated with the PA Disciplinary Board as it relates to attorney or judicial misconduct cases.
- judgmental !!

We Protect Your Identity and Information

LCL does **not** report or disclose any identifying information to the Supreme Court, the Judicial Conduct Board, the Disciplinary Board, the Board of Law Examiners or any other agency of the Supreme Court; nor do we report or disclose any identifying information to the Conference of State Trial Judges, Pennsylvania Bar Association, local bar associations or any judicial or law related organization. We do not report any identifying information to anyone without your prior consent.

You may remain anonymous and still receive LCL services.

GUIDANCE FROM THE SUPREME COURT

Rule 8.3 (c) of the Rules of Professional Conduct addresses that concern by providing an exception to the duty to report: "The Rule does not require disclosure of information otherwise protected by Rule 1.6 or information gained by a lawyer or judge while participating in an approved lawyers assistance program."

Comment 7 explains: "… providing for an exception … encourages lawyers and judges to seek treatment through such a program. Conversely, without such an exception, lawyers and judges may hesitate to seek assistance from these programs, which may then result in additional harm to their professional careers and additional injury to the welfare of clients and to the public." (emphasis added)

ABA / Hazelden- Betty Ford Study

(Published February, 2016 *Journal of Addiction Medicine*)

Problematic Drinking*

- 6.4% of entire U.S. population
- **21%** of *all licensed attorneys*
- **32%** of all attorneys *under 30 yrs. old*

* Problematic drinking defined as hazardous, possible dependence

ABA / Hazelden- Betty Ford Study

(Published February, 2016 *Journal of Addiction Medicine*)

Depression, Anxiety and Stress Scale

- Depression – **28%** *of all attorneys*
- Stress – **23%** *of all attorneys*
- Anxiety – **19%** *of all attorneys*
- Higher rates among younger lawyers

"What's Wrong With Him/Her?"

1. Isolation; avoids interactions
2. Change in physical appearance; significant weight gain/loss
3. Mood swings; increased irritation
4. Lateness; absenteeism
5. Lots of excuses for unexplained issues
6. Missed deadlines
7. Red eyes; smell of alcohol
8. Disappearing at unexpected times



"What's Wrong With Him/Her?"

9. Lack of concentration/ confused thinking/ forgetfulness
10. Extended breaks/lunches
11. Looking/being tired all the time
12. Decrease in productivity
13. Client complaints; trust irregularities
14. Frequent somatic complaints
15. Unsteady gait; unexplained bruises, injuries



WHAT IS STRESS ?

- Psychological stress is composed of the following sequence of elements:

- STIMULUS
- THOUGHT
- EMOTION
- BEHAVIOR

WHAT IS STRESS ?

- The central nervous system perceives a dangerous situation and then immediately begins to appraise it. Those initial appraisals are **unconscious and internal**.
- Once we become aware of our thoughts, we make **conscious** judgments in other sensory forms (visual, auditory) **which are external**.

WHAT IS STRESS ?

- As the central nervous system recognizes the dangerous situation we immediately begin to experience "sympathetic" bodily responses – increase heart rate, sweating, faster breathing.
- The internal and external appraisals combine to produce an **emotion** (fear in this case)
- The emotion pushes the body to react (**behave**) externally

The thoughts and emotions are internal and subjective – part of the way we habitually respond to things – and are changeable, otherwise everyone would react in the same manner to a situation.





If we cannot interrupt or change the stimulus which produces the stress, then we must interrupt or change our appraisal of it.

HOW STRESSED ARE YOU ?

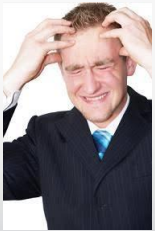
- My work requires me to do too much in too little time.
- I don't have enough time to spend with my family and friends or to pursue recreational and social activities.
- Competition is making it difficult to make a living.
- The people at my law firm or department lack collegiality – e.g., are cold, unfriendly or rude.
- My firm or department is mismanaged – e.g., not enough good clerical help, compensation or procedures are unfair.

HOW STRESSED ARE YOU ?

- My firm or department is too focused on profit.
- The physical environment is unpleasant.
- My work bores me.
- I'm not good at what I do.
- I'm not making a positive contribution to society or the lives of others.
- What I am doing doesn't deserve respect /get enough respect.
- I deal with too many unreasonable and difficult people.

HOW STRESSED ARE YOU ?

- I feel overly responsible for everything and everyone.
- I overanalyze things and am too cautious.
- I often feel depressed, defeated or hopeless.
- I often rely on alcohol or drugs to help me feel good.
- I think about quitting at least once a month.
- Occasionally, I think about suicide.



STRESS or DISTRESS ?

- Some stress is healthy. Positive stressors can energize and motivate a lawyer to be productive and creative problem solvers.
- A totally stress free life is not only unrealistic, it can actually be a harmful form of denial.
- We need to eliminate *distress.* Distress is harmful both physically and psychologically.
- Being "strong" or having "courage" and enduring distress is a sign of poor judgment or *fear* of change.

STRESS or DISTRESS ?

- Gradual, incremental increases in responsibilities, duties, pressures and demands at home and work combined with long work days and weeks is risky.
- We become unaware that we have lost balance in our lives.
- We stay busy and "stuff" our feelings.
- Even relaxing can cause us to feel distress.
- REMEMBER, DISTRESSED LAWYERS EVENTUALLY LOSE THEIR EFFICIENCY AND EFFECTIVENESS !!

HOW DO WE DEAL WITH STRESS ?

SURRENDER



Passive acceptance of stressful situations as being beyond your control and acceptance of negative consequences despite the ability to do something.

This behavior is driven by FEAR and HOPELESSNESS and can result in anxiety and depression disorders.

HOW DO WE DEAL WITH STRESS ?

FLEE

Removing ourselves from the source of the stress. However, some of these may only have short term, temporary effects, *unless practiced on a regular basis*.

1. Reduce work hours/ take a vacation.
2. Change departments in the firm.
3. Leave the firm or the practice of law.
4. Meditation/ Yoga
5. Breathing/ formal relaxation techniques



HOW DO WE DEAL WITH STRESS ?

FIGHT

These are the most difficult, but have the best long-term results

1. Engage in a healthy, REGULAR eating, exercise and sleep regimen.
2. Create a cultural change in the work environment which values relationships.
3. Actually DO something about "the hours"- maintain a realistic Work-Life balance.
4. Treat people in a civil, professional manner *at all times*.
5. Encourage friendships, communication, mentoring and reduce isolation.
6. Create an environment that encourages the sharing and discussion of stressors.

BURNOUT



WHAT IS BURNOUT ?

- **Fatigue, no matter how much someone rests** or sleeps. An exhaustion that runs deeper than sleep deprivation, and it cannot be cured by a few days off.
- **Cynicism** about life or a feeling that **nothing a person does really matters**. Burned out people are generally **disengaged** .
- A sense of **inefficacy**. Burned out people feel like they are exerting significant effort, but are not making any progress or gaining any recognition.
- Burnout syndrome is **not a medically recognized condition**, thus there is no clear diagnosis or treatment. It is often misdiagnosed as anxiety, fatigue or depression.

WHAT IS BURNOUT ?

- Constant anxiety
- Feeling overwhelmed
- Changes in personality
- Irritability
- Pessimism
- Obsessive thoughts
- Feelings of inadequacy and dread



WHAT IS BURNOUT ?

- Sleep disturbances
- Difficulty concentrating
- Fatigue
- Disengagement
- Depression
- Sense of helplessness
- Lost or diminished motivation
- Heart palpitations.



STRESS vs. BURNOUT

- Stress is short-term, with an end in sight.
- Burnout is stress built up over time that creates a cycle of negative emotions and withdrawal.
- Stress may have positive short-term effects - think “fight or flight”.
- Burnout is only negative—it overwhelms you, drawing you deeper and deeper into exhaustion.

STRESS vs. BURNOUT

Stress	Burnout
You put in too much effort	Little or no imput
Emotions are strong	Emotions flatten out
Causes hyperactivity	Causes a helpless feeling
Less energy	Less motivation and hope
Can lead to anxiety	Can lead to depression
Physical consequences	Emotional consequences
Higher chances of early death	Higher chances of hopelessness

EFFECTS OF BURNOUT

- Less efficient
- Waste more time
- Self destructive tendencies
- Doing the bare minimum becomes a challenge
- Work quantity and quality declines
- Negative attitude towards those around you
- The feeling no one cares
- Unrelieved, may harden into a fixed element of your outlook
- Left unattended, can contribute to challenges to ethical duties, particularly communication and diligence

QUICK STRESS-BUSTERS

- Pause – lean back- give your eyes a rest for a couple minutes.
- Take three deep breaths and imagine your muscles relaxing from head to toe.
- Be mindful. Focus on the immediate present. Enjoy the moment.
- Stretch. Walk around your office or go outside.
- Maintain a sense of humor about yourself.
- Vary your routine. Don't get trapped in a rut.
- Prioritize at work and home and manage your time effectively.
- **ASK FOR HELP**. Talk it out with someone you trust.

QUICK STRESS-BUSTERS

- Meditate and/or pray. CONSISTENT stress reduction occurs with only 10 minutes of daily meditation
- Unplug from social media when acutely stressed.
- Exercise.
- Eat a healthy diet.
- Cultivate a positive attitude.
- Sleep 8 hours/ night when possible.
- Avoid overuse of alcohol or prescription drugs. These short term "fixes" just mask the problem and can lead to negative health and social consequences.

DEALING WITH BURNOUT

If you are burned out, it's good to:

- Recognize the situation and the signs that led to it
- Reverse the tide
- Reduce your stress load
- Seek support
- Find resilience



TRAUMA



What is Trauma ?

"Individual trauma results from an event, series of events or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has long lasting adverse effects on the individual's functioning and mental, physical, social, emotional and spiritual well-being."

Substance Abuse and Mental Health Services Administration a.k.a. SAMHSA

Trauma need not involve actual physical harm to oneself:

- An event or series of events that overpowers one's ability to cope
- Witness to trauma
- Learning about a loved one's trauma
- Repeated exposure to actual traumatic events and/or traumatized individuals (vicarious trauma)



Trauma must be addressed and processed emotionally, physically, cognitively and spiritually to prevent and/or treat negative long term impact on a survivor.



TYPES OF TRAUMA

VICARIOUS- aka Secondary Traumatic Distress (e.g. lawyers, first responders)

CHILDHOOD – Adverse Childhood Events (ACE) study

CULTURAL & MASS (e.g., 9/11, war-torn countries)

COMMUNITY (e.g., school shootings)

HISTORICAL (e.g., Holocaust, slavery)

INTERGENERATIONAL (e.g., epigenetics and behavioral)

INTERPERSONAL (e.g., sexual assault, domestic violence)



TYPES OF TRAUMA

Big "T" Trauma

Marked by a significant event (e.g., accident, death of loved one)

Little "T" Trauma

Living long periods of time in a stressful environment; does not have to occur in combat or as an actual physical trauma (e.g. 25% of population are adult children of alcoholics)

Complex Trauma

Often a mix of big "T" and little "T" and/or if additional traumatic events occur before the prior event can be processed; survivors have poorer overall outcomes

TRAUMA is one of the West's most urgent public health issues and can affect all aspects of a person's life throughout their lifetime.

- 70 -85 % of the population has experienced a potentially traumatic event (PTE) over their lifetime. Effect on well-being varies by individual & responses exist along a continuum.
- At least 80% of clients in MH clinics have a trauma history (Breslau & Kessler,2001)
- **A history of trauma exposure, <u>even in the absence of a traumatic stress reaction</u>, independently increases the risk of Substance Use Disorder (SUD).**
- 8% of trauma survivors develop PTSD (Kilpatrick et al.,2013)
- Can lead to engagement in high-risk and/or self-injurious behaviors

WHAT DOES IT MEAN TO BE TRAUMA –INFORMED ?

A program, organization or system is trauma- informed if it :

- ***Realizes*** the widespread impact of trauma and understands potential paths for recovery; understands the physiological and behavioral impact trauma has on clients;
- ***Recognizes*** the signs and symptoms of trauma in clients, families, staff, and others involved with the syste;
- ***Responds*** by fully integrating knowledge about trauma into policies, procedures, and practices; and
- ***Seeks*** to actively prevent *re-traumatization* (e.g. triggering the client)

PSYCHOLOGICAL EFFECTS OF TRAUMA

Depression
28% of Lawyers

PTSD
6% of pop.

Anxiety
61% of lawyers by report

SUD/AUD
21% of lawyers

ADHD
12.5% of lawyers

PHYSICAL EFFECTS OF TRAUMA

- Irritable Bowel Syndrome (IBS), chronic constipation
- High blood pressure, stroke, heart attack
- Fibromyalgia, chronic fatigue, chronic pain
- Tension headaches, migraines
- Panic attacks, hyperventilation, asthma
- Skin rashes- itching



COGNITIVE EFFECTS OF TRAUMA

- **View of the world** – "People can't be trusted." "The world is a bad place."
- **View of the future** – Sense of dread or 'other shoe' dropping
- **View of self** ("I am incompetent, unworthy, bad, shameful, etc.")
- **Memory and attention**
- **Triggers** – sensory reminders of traumatic events
- **Flashbacks**

COGNITIVE EFFECTS OF TRAUMA

- **Amnesia** for parts or all of traumatic event
- **Emotional dysregulation** – difficulty regulation emotions (anger, anxiety, sadness and shame)
- **Low distress tolerance**
- **Minimization**
- **Avoidance**
- **Hypervigilance**



BEHAVIORAL EFFECTS OF TRAUMA

- Re-enactment - hypersexuality in abuse survivors; abusive relationships
- Self-harming (e.g. cutting, self-mutilation)
- Self-destructive behaviors (e.g. substance misuse)
- Restlessness & irritability
- Stealing compulsively
- Lack of boundaries
- Fear of intimacy
- Can become a perpetrator

In a state of persistent stress response, you are constantly fighting off potential 'attacks' and 'enemies' – no time to develop coping skills, self-nurturing and self-care, intimacy, relationships,etc.

VICARIOUS TRAUMA IN LEGAL PROFESSIONALS

- Compassion Fatigue', 'Secondary Traumatic Stress' (STS)
- Cumulative effect of listening to clients' stories, gruesome testimony and photos-dealing w/ traumatized people
- Distorted view of him/herself, the world and others
- Exists on a continuum
- Esp. in family law & criminal defense attys and judges in specialty courts and those on bench >6 yrs. *(Jaffe 2009) (Levin 2011)*



VICARIOUS TRAUMA (STS) IN LAWYERS AND JUDGES

- Avoiding certain clients
- Not returning phone calls
- Avoiding certain questions in client interviews
- Tardiness/absenteeism
- Decreased empathy toward clients
- Easily startled or upset- on edge-agitated
- Hypervigilance about personal/family safety
- Aggressive behavior, outbursts, rage
- Numbing out (e.g., use of D&A)
- Extreme physical reaction to trauma reminders
- Change in view of the world and others –

  "The world is an unsafe place."

VICARIOUS TRAUMA (STS) IN LAWYERS AND JUDGES

- Problems sleeping/nightmares
- Over-identifying with client
- Stomach aches, headaches, extreme fatigue
- Strained interpersonal relationships
- Withdrawal from social interactions and/or relationships
- Compromised parenting
- Irritability
- Argumentative or impatient
- Difficulty focusing, remembering or concentrating
- Feeling hopeless about or dreading work
- Having disturbing images from cases intrude into thoughts & dreams

Lawyers with unprocessed trauma may transfer their own trauma reactions and symptoms to their clients.

- RE-TRAUMATIZATION of client
- Impairment of attorney-client relationship and effectiveness of counsel



IT *WILL* AFFECT YOU

REMEMBER – No One Gets Out Unscathed !

- it is "normal" to be affected by your work
- recognizing this is the most important coping skill that you can give to yourself
- it is okay to feel outraged, horrified, shocked, saddened etc.
- BUT…if overwhelmed seek help, be aware of what is going on

Why Are Legal Professionals at High Risk of Mental Health & Substance Use Disorders?

- High expectations and accountability
- Lack of work-life balance
- High stress level
- High stress levels & work-weeks >50 hrs. are consistent predictors of SUD's and their severity.
- 67% of attorneys/judges work more than 40 hours/week.
- Inherent pessimism

Why Are Legal Professionals at High Risk of Mental Health & Substance Use Disorders?

- Conflict driven and adversarial profession
- Emotional detachment
- Win-lose, often rigid thinking (black and white thinking)
- Perfectionism
- Excessive self-reliance

These traits are great for a successful career but not so great for mental health.

Lawyers who do not appropriately address their personal issues can harm their clients,



destroy their own careers, damage the reputation and viability of their law firms, and sometimes even lose their lives.

What keeps judges and lawyers from seeking or accepting the help they so desperately need ?

1. Shame and Embarrassment
2. Denial
3. Cunning, baffling, insidious diseases
4. Enabling

STIGMA !!!

How do we reduce stigma?

Direct contact with someone who has personally experienced a relevant disorder:

- Removes isolation
- Removes 'uniquers'
- JCJ/LCL Peer Support

Dealing with *Denial*

- The most potent barrier
- Psychological defense mechanism
- Rationalize and minimize behavior
- Honestly believe they are under control
- I'm not one of "them" mentality



Lawyers are trained to deal with and solve problems. Thus, it is most difficult for the attorney to seek help since by doing so he feels he is admitting failure.







Complicating this problem further is the tendency of the attorney's or judge's peers to indulge in a conspiracy of silence (enabling), and lighten the normal stresses of our profession.

ENABLING

- Removes motivation to change
- Provides evidence that fuels denial
- Allows cons of treatment to outweigh pros
- PREVENTS treatment of a progressive disease
- Greater harm to career, family and well being
- Not good for YOU either !!



What can YOU do ??

Although it is difficult, remember that your end goal is to help motivate the impaired lawyer or judge to seek professional help they so desperately need.



To Call LCL…or Not to Call

- I'm ok. I can work this out for myself.
- I'm not like a "real" alcoholic anyway.
- I want help but I don't want anyone to know.
- Will I be reported to Discipline?
- I already tried to get help and it didn't work.
- I don't have the money to pay for treatment.
- What will people say about me if I ask for help ?
- It's no use – nobody will understand – I give up !

To Call LCL…or Not to Call

- Is this really any of my business?
- I want to help but I don't want to get involved.
- Will I harm his/her or the firm's reputation?
- Must I report him or her to Discipline?
- I already tried to help and it didn't work.
- Let's wait and see. Maybe it will get better.
- I really don't have time for someone else's problems.

When we don't reach out…

- Out of some misplaced sense of loyalty
- Due to fear of anger or retribution
- Out of concern about implications for career and firm
- Because of a 'mind-my-own-business' attitude



…people get sicker and die.

That is where **LCL** comes into play

LCL exists to assist judges, attorneys and law students in distress, but we cannot help *if you do not call us*.

LAWYERS CONCERNED FOR LAWYERS OF PA

24 hrs./day, 7 days/week, 365 days/year

www.lclpa.org

For CONFIDENTIAL help today, call:

1-888-999-1941 (717)-541-4360

Call the LCL/JCJ Helplines

We help by:

- **Identifying** possible approaches
- **Discussing** pros and cons of each approach
- **Selecting** an acceptable approach
- **Advising** what to say (and not to say) and how to say it
- **Participating** in the approach if it will help

Before and After Any and All Approaches…

PLEASE CALL LCL/JCJ FOR ASSISTANCE & RESOURCES



<u>Never</u> give up hope. Help is available.

Five Core Steps for a Sustainable Culture in the Legal Profession:

1. Identify stakeholders and their roles.
2. Diminish stigma associated with seeking help.
3. Emphasize that well-being is a part of competence.
4. Educate on well-being/mental health/substance use disorders.
5. Make health and well-being a top priority throughout the profession.

National Task Force on Lawyer Well-Being Recommendations

"The Path to Lawyer Well-Being:
Practical Recommendations For Positive Change"

http://lawyerwellbeing.net/wp-content/uploads/2017/11/Lawyer-Wellbeing-Report.pdf

How to Join the National Well-Being MOVEMENT

"WELL-BEING TOOLKIT FOR LAWYERS AND LEGAL EMPLOYERS"

Created By Anne M. Brafford For Use By The American Bar Association

https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_well-being_toolkit_for_lawyers_legal_employers.authcheckdam.pdf

"Well-Being Toolkit Nutshell: 8o Tips For Lawyer Thriving"

https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_Well-Being_Toolkit_Flier_Nutshell.authcheckdam.pdf



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1-888-999-1941 **(717) 541-4360**