

Creating a Culture that is Healthy and Fulfilling

We need a Culture Shift. How can we stay balanced in our professional culture when the culture doesn't support balance? When I talk about balance I mean a dynamic process that is sustainable and variable over time and in different ways with different people.

Many of you may have heard me exclaim that the rates of mental health and substance abuse problems are extraordinarily high in the legal profession.

In 2016, the ABA/ Hazelton report was releasedⁱ. This involved a study of responses from 11,500 lawyers from across the U.S. I believe we fit into this demographic.

The test results show that about 22% of lawyers have problems with alcohol. 36% drink excessively by the WHOⁱⁱ standard, standard testing showed that 28% suffer from depression and 19% experience high anxiety. These are all higher in lawyers under 10 years of practice.

Subjective reporting by lawyers in this study indicated that 40% had suffered depression at some time during their career and 60% had suffered from anxiety. These are shockingly high numbers that demand our immediate attention. But the really sad reality is that only 7% of those that know they are having problems with alcohol seek help, and only 30% of those suffering from depression and anxiety seek help.

The reason provided in the ABA CoLAP/ Hazelden report is that the lawyers are afraid of being discovered; afraid of the stigma.

A recent and very important paper by the National Task Force on Lawyer well-beingⁱⁱⁱ“defines “lawyer well-being” as a continuous process whereby lawyers seek to thrive in each of the following areas of their lives: emotional health, occupational pursuits, creative or intellectual endeavors, sense of spirituality or a greater purpose in life, physical health, and social connections with others.”

I encourage everyone to read this report as it is a call to action to all members of the legal community for change.

All told, it makes 40 recommendations for stakeholders including regulators, judges, bar associations, legal employers, law schools and lawyer assistance programs to work together to implement. Read this report at:

<https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportFINAL.pdf>

Some of the recommendations that go directly to the issue of stigma include:

#1. Acknowledge the problem and respond accordingly.

#3. Leaders within our profession need to demonstrate a personal commitment to well-being and be good role models who lead by example.

#4. Facilitate and destigmatize help-seeking behaviors. For example, if you have dealt with problems successfully you would share your journey/struggle with colleagues.

#5. Collegiality. And #6. Diversity and Inclusivity. A sense of belonging is healthy for people.

And

#10. De-emphasize alcohol at social functions. Legal employers, Law Schools, Bar Associations (yes, the TLABC) should stop promoting alcohol consumption and provide alternative beverages; come up with other types of activities to promote socializing and networking; make it a social norm to discourage excessive drinking and to support each other to seek help for problem use.

I believe there has been a shift in British Columbia over the years. The problems are spoken about more. Certainly, LAPBC is well supported and the ideas of “lawyers helping lawyers” is approved of. Prominent lawyers have gone public with their addiction and/or mental health issues, such as the former CBA National President, Michelle Hollins (now Hollins, J of Alberta QB), and Orlando da Silva when serving as Ontario Bar Association president. Their openness has been highly approved of and admired, and has not hindered their careers in any way. As well, several judges have been appointed while openly in 12 step recovery. When my friend, the late Russ MacKay PCJ, was appointed to the bench, it was seen as an occasion for pride in our profession, and a statement that there is no shame in recovery.

However, we have a long way to go. In spite of these and other examples of the power and dignity of dealing with the recovery from serious ailments, there is still the idea that we must not show any weakness or we will somehow be made to pay for it, or taken advantage of.

There are some serious errors in this thinking:

1. These ailments are not weaknesses. In fact, in many, even in most cases, they are signs of great strengths that have temporarily been set off course, requiring a reset or refocus with the help of others.

2. There is evidence that shows that once in a supported recovery and growth process, people in recovery perform above average and my experience shows they demonstrate a greater sense of well-being.

3. A lawyer is much more likely to be taken advantage of, or made to pay for, any lack of diligence or sharpness that results from struggling with and hiding these disabilities, than that she/he will be taken advantage of for seeking help.

My experience personally, in my work at LAPBC, and anecdotally, is that lawyers are more than willing to help colleagues who are willing to seek help and engage in meaningful recovery work.

Don't get me wrong, disabilities such as mental health issues, addiction issues, and physical issues are not excuses for shoddy work, poor performance, and irresponsible behavior. I am saying that it is best for everyone if people with those issues are helped to grow and develop. They just need a hand-up now. With proper assistance, they become exemplary members of our legal community. Many often go on to help others.

We all can benefit from a hand at one time or another. If you think you have to do it alone, you are missing out on some of the joy of being part of a community. Giving help and getting help are both good for any individual's health. It is also good for the health of the community.

Look around for ways to make our legal community more vibrant and healthy. Look for ways to include others at firm functions. Look for ways to help people be more comfortable in ways other than drinking. Perhaps drinking does help some people feel more comfortable, but it also excludes those that don't want to drink. What are other ways to help people feel more comfortable and connected? How about being curious about another? Not judgmental, but truly interested in other people's perspectives? That is very stress-reducing and educational as well.

Organizations like the TLABC can really contribute to this culture shift. Look for ways to be inclusive at your events and in your organization. Be curious about and open to learning from people who are different from you. Remember, we all have things we are good at, and things we are challenged with. That's what makes life interesting. That makes connecting with others interesting. Personally, I have learned more from the things I'm challenged with than from my strengths and more from people sharing about their challenges and how they have dealt with them than from their great successes.

Let's be clear. I am not against drinking – it can be pleasurable. I also know most of us have periods of being down, and times of anxiety and worry; those are normal facts of life.

I am saying that to be in balance we need to be aware; to be mindful. We need to make healthy sustainable choices. I am calling for a culture shift within our legal profession to support each of us making those conscious sustainable choices. That means getting away from acting out of habit, away from denial that we are human, and moving toward acceptance of ourselves and of others.

This is best done in a supportive community. Law is a helping profession, we will all be better off if we create a culture in which asking for help is respected and encouraged. The more help I have received the more help I have been able to give and the more balanced I have become in my life. We are lawyers, we are leaders and we can and must work together to make the necessary changes to create a healthy and fulfilling profession.

ⁱ P.R Krill, L. Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46 (2016)

ⁱⁱ Babor, TF, Higgins-Biddle JC, Saunders JB, Monteiro MG. The alcohol use disorders identification test: guidelines for use in primary care (WHO website) 2001.

ⁱⁱⁱ The National Task Force on Lawyer Well-Being, *Creating a Movement to Improve Well-Being the Legal Profession*, find at:

<https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportFINAL.pdf>

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