

Lawyers and wellness

I'm going to hijack my own column this month to write about something seemingly off topic from legal ethics. This article features our incoming State Bar president, Erik Chickedantz. In a display of the creative leadership we can expect more of under his tenure as president, he proposed, and the ISBA Board of Governors recently approved, a Standing Committee on Wellness. The mission of the committee is to promote health and personal well-being among judges, lawyers, their staffs and law students by encouraging positive lifestyle changes through increased physical activity, stress reduction, healthier eating, tobacco cessation and the like, and to support and encourage these constituencies to become advocates for making their communities healthier places to live and work.

Erik asked me to chair the committee, and I enthusiastically accepted because I passionately agree with its mission. Erik's questionable judgment in approaching me was neutralized when he asked Terry Harrell, executive director of the Indiana Supreme Court's Judges & Lawyers Assistance Program, to be committee vice chair. The committee is organized and ready to work. It is comprised of a highly diverse group of judges, lawyers, law students and legal assistants. You can find a list of the members on the ISBA website. I especially appreciate Terry's involvement because it exemplifies the breadth of JLAP's concern about assisting lawyers and law students – JLAP is about more than substance abuse and mental health concerns.

Does lawyer wellness have anything to do with legal ethics and professional responsibility? I say yes. Even though the Rules of Professional Conduct direct us in our duties to clients, courts and third parties, they are largely silent

about ourselves. Even so, we can't effectively discharge our responsibilities to others if we don't take care of ourselves.

In that regard, we face some challenges. After all, we are Hoosier lawyers. We should be proud of that fact, but the label carries a double whammy of wellness burdens. We are Hoosiers. We use tobacco. According to the Centers for Disease Control, in 2008, we had the second highest cigarette-smoking rate in the country. We are inactive and do not eat very well. The CDC reports that in 2009, there were only eight states more obese than Indiana.

We are lawyers. Meaning we are sedentary. Unless we are engaged in a particularly lively cross-examination in front of a very tolerant judge, we sit on our butts all day. We are stressed. We work too much. Or perhaps we work (for pay, at least) less than we would like. Either way, it is stressful work. I haven't looked up any statistics, but I'll bet lawyers are even more sleep deprived than the average bear in this sleep-deprived society. Studies also show we drink too much and are more prone to depression than most every other profession and society at large.

There is something about lawyering that is especially stress-inducing because the work requires us to care about everyone and everything else but ourselves. In fact, Rule of Professional Conduct 1.7(a)(2) tells us that too much personal interest can disqualify us from representations. We have to be competent, diligent and communicative. But we also have to respect courts and the rights of third parties. We have to be zealous, but civil. No wonder we're stressed out. I understand that the research is pretty convincing that there is a direct line between excess stress and heart disease.

Most of all, we are supposed to care (and we do) about our clients. But that, too, comes with a downside. There is a phenomenon known as compassion fatigue, where people in caring professions wear out emotionally or become cynical and jaded for spending a disproportionate amount of energy focused on the needs of others to the exclusion of themselves.

Amidst these pressures, we are supposed to take care of ourselves. Doing so can be challenging, but unless we do, we can't be effective advocates for our clients over the long haul. And our ability to be civil and professional with courts, opposing parties and their counsel is equally threatened if we aren't "okay" with ourselves.

Wellness has many dimensions. It certainly includes such obvious things as being free of physical and mental illness. But it is much more than that. It is more than not being depressed or excessively stressed; it is about a real and perceived sense of well-being – physical, emotional and spiritual. These often go hand-in-hand. There is an emotional boost that comes with feeling physically well. And an upbeat mental attitude makes one want to be active.

Wellness doesn't have to mean you have to run a marathon or do a triathlon every weekend. In fact, it has more to do with the journey toward improved health than reaching some Platonic ideal. One of my personal wellness heroes, Tom Hathaway, an Indianapolis running coach who has completed well over a hundred marathons, says his heroes aren't the race winners, but the participants who have the dedication to stick with it

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through adversity, especially when it means coming in last. Taking just one step toward a healthier lifestyle is manageable, which makes the next step easier. Seeing a great athlete in action can be inspiring up to a point. But achievement at that level can also be discouraging because it is unattainable. It is day-to-day progress in small steps that keeps most of us motivated.

Wellness involves being committed to increased physical activity and eating a healthier diet – even if it’s just a little bit more each week. Eating on the run (and I don’t mean that literally – that would be better), like lawyers often do, creates special challenges. If you are like me, you often grab a sandwich for lunch and eat at your desk while working. Not good. What kind of a break is that? You are sedentary,

socially isolated, and your brain is still firing on all cylinders.

Our long work hours tend to crowd out time for physical activity. One of my personal commitments to physical health includes commuting between home and work by bike. It helps me shift gears mentally, gives me a workout while getting me where I need to go anyway, and shrinks my carbon footprint a tiny bit. That won’t work for everyone. But there are other ways to fit in physical activity with work. Take the stairs instead of the elevator. Walk to the courthouse, don’t drive. Or if it’s a little farther than a reasonable walk, how about an office bicycle for running around town on work-related matters? I was recently in Montreal and was impressed by the huge number of bicyclists who were obviously conducting professional business by

getting around the city on bikes – with the men wearing suits and ties and the women wearing skirts and dresses.

I often drive through Wabash to visit family and marvel at the wonderful YMCA they have right at the edge of downtown. It would be a great place to shower after biking, running or walking to the office or after a workout during the day. Or consider multi-tasking by engaging in a physical activity with your spouse or partner. It’s a win-win: precious time with a loved one and a step toward good health.

Everyone needs to find some physical activity that fits their lifestyle. The important thing is to make a commitment to it and don’t let it be the first thing you give up when you are super busy or stressed. That’s when you need it most.

The ISBA is committed to lawyers – not just lawyers as law-practicing automatons, but as real people who need to feel good about themselves. We hope the Wellness Committee will be a catalyst for a new focus on a healthy legal profession and a resource for lawyers to stand out as leaders for healthier communities where they live and work. One of the things we hope to do is encourage healthy activities at lawyer functions, and we will kick things off by sponsoring a fun run/walk at this fall’s Annual Meeting in French Lick. Now if you’ll excuse me, I gotta go for a run! 🚲