

# Managing Ethics, Negativity & Stress

January 17, 2023

Chase Andersen, Case Manager  
Judie Rush, Outreach Manager



1

## Overview

- I. Sources of Negativity & Stress
- II. Negativity's Impact on us as Lawyers
- III. Negativity's Impact on our Professional Ethics
- IV. Effectively Managing Negativity

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@lcl.org



2

## Check in – Question 1

Who's here?

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@lcl.org



3

## Ethics, NEGATIVITY & Stress

Negativity & Stress

---

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@lcl.org



4

## Sources of Negativity

- Professional Pessimism
- Perfectionism
- Heavy Workloads
- Negative interactions
- Sleep Deprivation
- Work-life conflicts
- Trauma and Compassion Fatigue
- Burnout
- Job Dissatisfaction

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@lcl.org



5

## Sources of Negativity

- Pandemic & Emotional Exhaustion
- Polarizing Politics and Court Decisions
- Racial Injustices and Social Unrest
- Economy & Possible Recession
- Backlogged Court System
- New Traumas & Triggering Past Traumas

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@lcl.org



6

## Ongoing Pandemic Impacts

- Health Concerns for You & Your Loved Ones
- Working/Schooling from Home
- Disconnect from colleagues, support systems, career mentoring
- Technology/Economic changes
- Job Loss/Job transitions

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnicl.org



7

## Internal/External Conflict

- Internal and External Conflict
  - Thinking and Overthinking "what should I/we be doing?"
  - Different Opinions with Family, Friends, Neighbors and Social Media(!!!)
  - Disinformation
  - Respecting Other's Opinions/Views
  - Trying to deal with clients and others that have increased generalized stress

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnicl.org



8

## Check in – Question 2

What challenges have you faced recently?

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnicl.org



9

## Ethics, Negativity & Stress

The Impact Stress Has on Lawyers

---

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnicl.org



10

## ABA/Hazelden Study (2016)

- 21% of lawyers meet criteria for substance use disorder (6.4% of the general population)
  - 32% of lawyers under 30 &/or practicing 10 yrs of less
- 28% of lawyers suffer from depression
- 19% of lawyers suffer from severe anxiety
- 23% of lawyers suffer from elevated stress
- 11.5% of lawyers have suicidal thoughts during their career

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnicl.org



11

## STRESS!

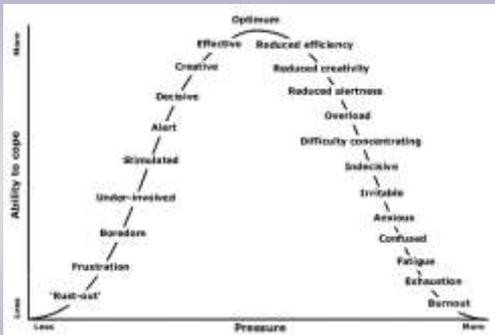
- Rules Based Morality
- Perfection
- Living Up to Expectations
- Vicarious Trauma
- Competitive Nature
- Pessimism - we must see everything that could go wrong
- Problem Solvers ("Suit of Armor")
- Little Value in Feelings, Only FACTS
- "Success" defined by others
- ...and PRESSURE (Good & Bad!)



Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnicl.org



12



Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnicd.org



13

## Consequences of Failing to Manage Stress

- Reduced personal and professional performance
- Health problems (mental and physical)
- Dangers of increase in alcohol use and other unhealthy coping mechanisms
- Mental health and substance use issues have been exacerbated during pandemic.

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnicd.org



14

## Check in – Question 3

How are you?

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnicd.org



15

## Ethics, Negativity & Stress

Impact on Lawyer Ethics

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnicd.org



16

## The Path to Lawyer Well-Being: Practical Recommendations for Positive Change

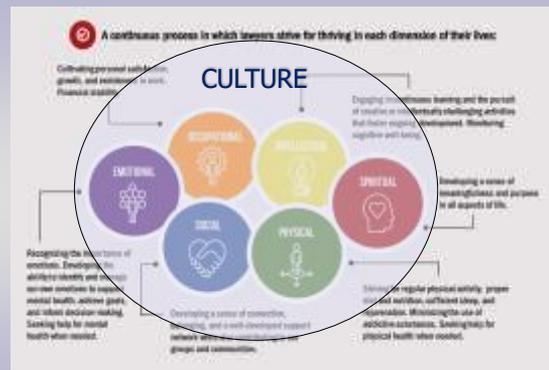
THE REPORT OF THE NATIONAL TASK FORCE ON LAWYER WELL-BEING



Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnicd.org



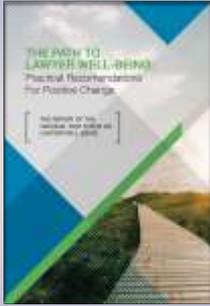
17



Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnicd.org



18



### A Crisis of Competence

**"To be a good lawyer, one has to be a healthy lawyer.** Sadly, our profession is falling short when it comes to well-being." ... "[T]he current state of lawyers' health cannot support a profession dedicated to client service and dependent on the public trust."

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnict.org



19

## Mistakes Arising from Core Duties to Clients

- Most ethics complaints filed against lawyers are filed by their clients.
- Of the complaints that result in discipline, approximately 2/3 result in private admonitions.
- Most misconduct involved in private admonitions and probations arise from the core duties in the client-lawyer relationship.

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnict.org



20

## Rule 1.1 - Competence

### Rule 1.1: Competence

"A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."

Comment [8] "To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology..."

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnict.org



21

## Rule 1.3 - Diligence

### Rule 1.3: Diligence

"A lawyer shall act with reasonable diligence and promptness in representing a client."

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnict.org



22

## Rule 1.4 - Communication

### Rule 1.4: Communication

"(a) A lawyer shall ... reasonably consult with the client about the means by which the client's objectives are to be accomplished... keep the client reasonably informed about the status of the matter ... promptly comply with reasonable requests for information ... and ... shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions ..."

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnict.org



23

## Rule 1.6 - Confidentiality

### Rule 1.6 Confidentiality

(a) Except when permitted under paragraph (b), lawyer shall not knowingly reveal information relating to the representation of a client."

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnict.org



24

## Rule 1.6 – Defense Exception

Rule 1.6 “(b) A lawyer may reveal information relating to the representation of a client if:  
(8) the lawyer reasonably believes the disclosure is necessary to establish a claim or defense on behalf of the lawyer in an actual or potential controversy between the lawyer and the client, to establish a defense in a civil, criminal, or disciplinary proceeding against the lawyer based upon conduct in which the client was involved, or to respond in any proceeding to allegations by the client concerning the lawyer’s representation of the client;”

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnicl.org



25

## Minnesota Opinion 24

“When responding to comments, negative or otherwise, posted on the internet (or any other public forum) concerning the lawyer’s representation of a client, Rule 1.6(b)(8) MRPC, does not permit the lawyer to reveal information relating to the representation of a client.

Lawyers are cautioned that, when responding to comments posted on the internet or other public forum which are critical of the lawyer’s work, professionalism, or other conduct, any response should be restrained and should not, under Rule 1.6(b)(8) reveal information subject to Rule 1.6(a), MRPC.”

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnicl.org



26

## Ethics, Negativity & Stress

### IV-Effectively & Ethically Managing Negativity

---

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnicl.org



27

## Ethics, Negativity & Stress

### Deliver Excellent Client Service

---

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnicl.org



28

## Excellent Client Service

Excellent client service generates positivity

- Choose clients well (Rules 1.1, 1.3, 1.4)
- Create reasonable expectations with clients and meet them (Rules 1.2, 1.4)
- Clearly communicate fees (Rule 1.5, 1.15)
- Serve clients! (Rule 1.1, 1.2, 1.3, 1.4, 1.15, 1.16)

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnicl.org



29

## Ethics, Negativity & Stress

### Effectively Manage Stress

---

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnicl.org



30

## Coping with stress



Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mmicl.org



31

## Check in – Question 4

What do YOU do for self care?

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mmicl.org



32

## Deconstructing Stress

- Identify the Best vs. Worst Case Scenario
  - What can YOU control and what can you NOT? Only focus on the things you can change.
  - You have many choices available; even choices about how you view the problem.

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mmicl.org



33

## Managing Stress

- Respect Your Feelings
  - Feelings Deserve Attention
  - Mental Health vs. Physical Health
  - Recognize that feelings can help guide and motivate us to make changes

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mmicl.org



34

## Managing Stress

- Make Mistakes
  - *Allow yourself to make mistakes*
  - *Allow yourself to make mistakes*
  - *Allow yourself to make mistakes*
  - Attempt to learn from your mistakes
  - Realize that mistakes reflect BEHAVIORS, not who you are as a person; just because you make mistakes does not mean YOU are a failure

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mmicl.org



35

## Managing Stress

- Hear What Your Body Is Telling You
  - Physical symptoms such as headaches and backaches can be signs of over-stress
  - How is your appetite?
  - How is your sleep?

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mmicl.org



36

## Managing Stress

### \* Come Face-to-Face With Your Problem

- Confronting problems can provide opportunities for change and awareness
- Try to view problems as challenges which will ultimately improve your life
- Don't "Sweep Problems Under The Rug"
- Oftentimes these problems are hard to see

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnid.org



37

## Managing Stress

### \* Seek Help When Needed

- Getting help is a healthy choice if things go bad
- Seek help even when things *aren't* going bad
- Realize that we can't always do it alone – we all get help from others

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnid.org



38

## Take care of yourself first



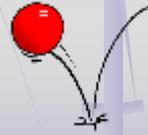
Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnid.org



39

## Develop Resilience

Resilience = the capacity to recover quickly from difficulties.



Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnid.org



40

## Resilience

- Form and maintain good relationships
- Find meaning and purpose in what you do
- Pursue authenticity & create your own professional identity
- Cultivate flexible (optimistic) thinking
- Find positive outlets for stress

Source: Lori Keating and Jane Reardon, Mentoring for Resilience and Success in the Future Practice of Law (NLMC Conference 2016)

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnid.org



41

## Building Resilience

- In a study of public defenders, debriefing with colleagues was critical in mitigating the impact of trauma and developing resilience.
- Resilience allows you to adapt in a healthy way – helping others and caring for yourself are equally important.
- Go for the rebound – you will have adversity, how do you come back?
- Give yourself permission to learn from your stress.

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnid.org



42

## Strive for well-being



Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnlcl.org



43

## Components of well-being

- **Occupational** – cultivating personal satisfaction, growth, and enrichment in work; financial stability
- **Intellectual** – engaging in continuous learning and the pursuit of creative or intellectually challenging activities that foster ongoing development; monitoring cognitive wellness
- **Spiritual** – developing a sense of meaningfulness and purpose in all aspects of life.
- **Physical** – striving for regular physical activity, proper diet and nutrition, sufficient sleep, and recovery; minimizing the use of addictive substances; seeking help for physical health when needed
- **Social** – developing a sense of connection, belonging, and a well-developed support network while also contributing to groups and communities
- **Emotional** – recognizing the importance of emotions; developing the ability to identify and manage our own emotions to support mental health, achieve goals, and inform decision-making; seeking help for mental health when needed

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnlcl.org



44

## Ways to Promote Well-being

- **Provide Pro bono services** to meet a community need or engage in a new or different practice area
- **Engage in hobbies or pastimes you enjoy** but don't seem to find the time to do
- **Get involved in religious, spiritual, or neighborhood** activities
- **Commit to fitness**, join a health club, find a walking buddy
- **Sleep** seven or more hours per night
- **Practice mindfulness** through meditation, mindfulness based stress reduction, or integrative restoration meditation (iRest) – or simply take time to breathe
- **Transform your practice** in a meaningful way
- **Debrief** with other lawyers who understand what you are going through
- **Get professional help** for yourself or others
- **Join** the MSBA Wellness Committee

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnlcl.org



45

## Ways to Promote Well-being

- Practice Gratitude
- Support Others
- Spend time with friends, families, pets
- Be a "Joy Multiplier"
- Take care of your needs
- Say No
- Avoid Social Media

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnlcl.org



46

## Support Wellness in the Profession

Lawyers should aspire to improve the profession:

"[7] Many of a lawyer's professional responsibilities are prescribed in the Rules of Professional Conduct, as well as substantive and procedural law. However, a lawyer is also guided by personal conscience and the approbation of professional peers. A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession, and to exemplify the legal profession's ideals of public service."

MRPC Preamble [7]

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnlcl.org



47

## Supporting Wellness in the Profession

- Demonstrate a personal commitment to well-being
- Facilitate, de-stigmatize, and encourage help-seeking behavior in colleagues
- Partner with your lawyer assistance program – Minnesota LCL [mnlcl.org](http://mnlcl.org)
- Reduce stigma of mental and substance use disorders
- Work to implement the recommendations of the National Task Force on Lawyer Well-Being

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mnlcl.org



48

## Lawyers Concerned for Lawyers - Minnesota's Lawyers Assistance Program

- **Who We Are:**
  - Minnesota's Lawyer Assistance Program (LAP)
- **Who We Support:**
  - Lawyers, Judges, Law Students, staff in legal organizations, and their families
  - Free Service and 100% Confidential
  - On average, we help approximately 400 new individuals per year.

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mncl.org



49

## How LCL Can Help...

- Available Services:
  - 4 Free Counseling Sessions per issue
  - Peer Volunteers (Maybe You?)
  - Treatment Center Visits
  - 24-hour hotline
  - Coaching
  - Referral to Community Services
  - CLEs, Outreach, Tabling & Education
  - Group Therapy & Support Group
  - Crisis Intervention
  - Someone to listen

Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mncl.org

www.facebook.com/mncl



50

LAWYERS CONCERNED FOR LAWYERS  
2250 University Avenue West, # 313N  
St. Paul, MN 55114

**(651) 646-5590**

**Toll Free: (866) 525-6466**

Website: [www.mncl.org](http://www.mncl.org) E-mail [help@mncl.org](mailto:help@mncl.org)



Calls Answered 24/7: (651) 646-5590 | (866) 525-6466 | help@mncl.org

51