



**LAWYERS CONCERNED FOR LAWYERS**

Confidential Support for Legal Professionals

# Clients in Crisis

*There is Help and There is Hope*

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## LAWYERS CONCERNED FOR LAWYERS

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### Lawyers Concerned for Lawyers – How Can LCL Help?

- LCL provides free, confidential peer and professional assistance to Minnesota lawyers, judges, law students, other legal professionals, and their immediate family members on any issue that causes stress or distress. This includes up to four free counseling sessions, a 24/7 hotline, support groups, and referrals to resources.
- LCL is a statewide program and is absolutely confidential.
- LCL partners with bar associations, Minnesota CLE, legal employers, law schools, and other organizations to offer programs on well-being, impairment, stress management and other topics, often for Elimination of Bias or Ethics credit.
- LCL provides coaching on how to reach out or support a friend or colleague who may be struggling. We can help address general concerns, make supervisory referrals, suggest community resources, discuss interventions, and much more.
- LCL can provide critical incident response if a tragedy or crisis impacts a firm, organization, or family.
- LCL can help with access to treatment and related services. We have a need-based fund to help lawyers and law students pay for substance use and mental health treatment and related services.
- LCL, founded in 1976, helps approximately 400 new clients every year and is funded through lawyer license fees and donations. We truly appreciate your support!
- LCL volunteers are the lifeblood of our service to the profession. Contact us to learn more or join LCL.
- LCL is committed to well-being in our profession and supports our colleagues and their families in their recovery from any issue. Call us, we can help!

## Lawyers Concerned for Lawyers Myths & Facts

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**MYTH:** LCL will report me to the Minnesota Board of Law Examiners or the Office of Lawyers Professional Responsibility.

**FACT:** LCL does not and will not report to any licensing board, employer, or agency, even if information is requested by those sources or our clients request that we do so.

**MYTH:** You can do it yourself.

**FACT:** Isolation is the enemy of recovery. The likelihood of being successful in recovery from any issue greatly increases with appropriate professional and peer support in place.

**MYTH:** LCL only helps with alcohol issues.

**FACT:** While LCL does provide services and support regarding drug and alcohol issues, we offer so much more. We also assist with stress and mental health matters such as anxiety, depression, eating disorders, and problem gambling, along with aging and retirement, couples and family, career, financial, and practice concerns, and any other issues that may cause stress or distress.

**MYTH:** LCL is a Twin Cities program.

**FACT:** LCL is a statewide program that serves lawyers, judges, law students, other legal professionals, and their families throughout Minnesota.

**MYTH:** I can use my employer's Employee Assistance Program with the same result.

**FACT:** Your employer's EAP can be a great resource. LCL counselors understand the stress of the legal profession and LCL offers ongoing connections, peer support and other services and resources.





# LAWYERS CONCERNED FOR LAWYERS

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## MRPC and Well-Being

### **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: Maintaining Competence[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, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.

### **RULE 1.3: DILIGENCE**

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

[2] A lawyer's work load must be controlled so that each matter can be handled competently.

### **RULE 1.4: COMMUNICATION**

(a) A lawyer shall

(1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(f), is required by these rules;

(3) keep the client reasonably informed about the status of the matter;

(5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

## **RULE 1.16: DECLINING OR TERMINATING REPRESENTATION**

- (a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:
  - (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client;
- (b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:
  - (1) withdrawal can be accomplished without material adverse effect on the interests of the client;

## **RULE 2.1: ADVISOR**

In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to the law but to other considerations such as moral, economic, social, and political factors that may be relevant to the client's situation.

## **RULE 5.1: RESPONSIBILITIES OF A PARTNER OR SUPERVISORY LAWYER**

- (a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct.
- (b) A lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer's conduct conforms to the Rules of Professional Conduct.
- (c) A lawyer shall be responsible for another lawyer's violation of the Rules of Professional Conduct if: (1) the lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or (2) the lawyer is a partner or has comparable managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of

the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

### **RULE 8.3: REPORTING PROFESSIONAL MISCONDUCT**

(a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects, shall inform the appropriate professional authority.

(c) This rule does not require disclosure of information that Rule 1.6 requires or allows a lawyer to keep confidential or information gained by a lawyer or judge while participating in a lawyers assistance program or other program providing assistance, support, or counseling to lawyers who are chemically dependent or have mental disorders.

### **RULE 8.4: MISCONDUCT**

It is professional misconduct for a lawyer to:

(d) engage in conduct that is prejudicial to the administration of justice;

(g) harass a person on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, status with regard to public assistance, ethnicity, or marital status in connection with a lawyer's professional activities;

(h) commit a discriminatory act prohibited by federal, state, or local statute or ordinance that reflects adversely on the lawyer's fitness as a lawyer. Whether a discriminatory act reflects adversely on a lawyer's fitness as a lawyer shall be determined after consideration of all the circumstances, including:

- (1) the seriousness of the act,
- (2) whether the lawyer knew that the act was prohibited by statute or ordinance,
- (3) whether the act was part of a pattern of prohibited conduct, and
- (4) whether the act was committed in connection with the lawyer's professional activities[.]

Comment:

[4] Paragraph (g) specifies a particularly egregious type of discriminatory act -harassment on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status. What constitutes harassment in this context may be

determined with reference to antidiscrimination legislation and case law thereunder. This harassment ordinarily involves the active burdening of another, rather than mere passive failure to act properly.

[5] Harassment on the basis of sex, race, age, creed, religion, color, national origin, disability, sexual orientation, or marital status may violate either paragraph (g) or paragraph (h). The harassment violates paragraph (g) if the lawyer committed it in connection with the lawyer's professional activities. Harassment, even if not committed in connection with the lawyer's professional activities, violates paragraph (h) if the harassment (1) is prohibited by antidiscrimination legislation and (2) reflects adversely on the lawyer's fitness as a lawyer, determined as specified in paragraph (h).

[6] Paragraph (h) reflects the premise that the concept of human equality lies at the very heart of our legal system. A lawyer whose behavior demonstrates hostility toward or indifference to the policy of equal justice under the law may thereby manifest a lack of character required of members of the legal profession. Therefore, a lawyer's discriminatory act prohibited by statute or ordinance may reflect adversely on his or her fitness as a lawyer even if the unlawful discriminatory act was not committed in connection with the lawyer's professional activities.

[7] Whether an unlawful discriminatory act reflects adversely on fitness as a lawyer is determined after consideration of all relevant circumstances, including the four factors listed in paragraph (h). It is not required that the listed factors be considered equally, nor is the list intended to be exclusive. For example, it would also be relevant that the lawyer reasonably believed that his or her conduct was protected under the state or federal constitution or that the lawyer was acting in a capacity for which the law provides an exemption from civil liability. See, e.g., Minn. Stat. Section 317A.257 (unpaid director or officer of nonprofit organization acting in good faith and not willfully or recklessly).



A small green plant with several leaves is growing out of a crack in a large, textured rock. The rock has a rough, layered appearance with various shades of gray and brown. The plant is positioned on the right side of the image, near the center vertically.

# POST- TRAUMATIC GROWTH AND YOUR CAREER

*By Joan Bibelhausen*





**T**he National Task Force of Lawyer Well-Being (Now the Institute for Well-Being in Law) identified six pillars of well-being in its seminal report *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*: occupational, intellectual, emotional, physical, social, and spiritual. As we ponder our work lives in the near and distant future, this article will focus on occupational well-being while recognizing that all six areas are equally important. How can you do your best thinking and best work if other aspects of your well-being are at risk?

Our profession is on the front lines of every crisis and every important issue in our society. We advise, we counsel, and we represent. Although it is sometimes a strain to understand why, every crisis and important issue is controversial. We represent every position. Many we represent or counsel are grieving and many of us are grieving not only loss of loved ones but also lost opportunities and connections as well. How does this impact us and how do we make choices in the wake of these challenges?

Our duty to our clients begins with a duty to ourselves. You would not review a contract or lease without basic training, experience, or guidance. Self-care and awareness are as responsible for our competence as CLEs, mentors, and other professional resources. Jeena Cho, co-author of *The Anxious Lawyer*, reminds us that elevated and continued stress can trigger an ongoing “fight, flight, or freeze” response and prevent us from returning to baseline and optimal competence. Mindfulness tools, such as breathing practices, walking meditation, and active noticing allow us to process and be attentive to experiences beyond our negative stressors.

### The Call to Make a Difference

In the past year and a half, a central theme has emerged as members of our profession have called upon Lawyers Concerned for Lawyers (LCL) for career guidance and support to navigate unknowns and consider options. *At its simplest, this theme is the desire to feel we are making a difference.* The pandemic, increased calls for reckoning on racial justice issues, and economic challenges have resulted in opportunities as well as additional stress and anxiety for us and those we serve. As a result, our priorities for our lives and careers may have changed.

How does this search for difference manifest itself? These examples are amalgamations as all calls to LCL are confidential, and LCL hears from judges and law students as well as lawyers. The need to be seen and heard in a workplace in the wake of racial trauma was one theme and prompted us to write a blog post for our website “Today I watched George Floyd die again, but sure, I’ll have that memo to you by 5:00.” A lawyer told us, “I got a law degree to make a difference. I got a job and make a lot of money and feel no purpose. How do I communicate to my family that I desperately need to make a change when they count on my income?” A lawyer reported the exhaustion of working with small business clients who were struggling to stay afloat when limited legal remedies were available. We can lose sight of our boundaries in such situations.



## What Are Our Options?

When considering career changes or adjustments, where do we start? These three directions may help you take steps on your journey, and they are not mutually exclusive: change something about the work you do, change jobs, or go deeper—the changes are within.

**Changing something about your job.** Some of us had no choice as practice areas slowed and needs arose elsewhere. Think about change not as whether you practice real estate or family law, but as how you approach the work. Each day we begin again. For your clients, a visit or other connection may be the most important part of their day, and they may be experiencing some stress about it. After all, most people who need lawyers wish that what led them to see a lawyer had not happened. You remind them of that difficulty. If you can mindfully think about the connection you will make with clients so they feel better after talking with you (yes, this is even possible with bad news), how will you view the day? If that client is simply one more thing to finish on your to-do list, how will you view the day? Of course, there are other aspects, such as challenging co-workers or processes, that you simply do not enjoy, and you can apply a similar approach to each of these. What part can you control and how will you do that? If you cannot control something, can you let it go? If it is sufficiently stressful, the next option might be to change jobs.

**Changing jobs.** As you think about a job change, your law school career services office continues to be a resource for you. In the world of recovery, there are warnings against a “geographic cure,” a change that is avoidance, not growth. If you change jobs, how can you view it as moving forward, not running away? Start with your resume. Are your skills described in a way that highlights what you like least about what you are leaving? After all, that’s what you think about. Focus on where you are going, not what you are leaving.

**Changing within.** The past 18 months have upended our lives in so many ways. For some, we wonder where the time has gone. Did we miss opportunities? As we look at returning to “normal,” that may be the last thing we should do. We were forced to adapt quickly to circumstances outside of our control. We did it. Now how do we take the best and keep it? Think of moving from post-traumatic stress to post-traumatic growth.

Katy Milkman, Wharton professor and author of *How to Change: The Science of Getting from Where You Are to Where You Want to Be*, talks about the “fresh start effect” that occurs with temporal landmarks. These allow us to make resolutions or other changes at a recognizable time that we associate with a new beginning, such as New Year’s. Now we have a rolling landmark—the COVID-19 pandemic and we may feel less control. How do we take it back? Thinking of this as a strategic inflection point is one way. Andrew Grove, former CEO of Intel, wrote, “A strategic inflection point is a time in the life of business when its fundamentals are about to change. That change can mean an opportunity to rise to new heights.” Our year is a rolling strategic inflection point. Some of us feel malaise because we don’t have a specific, recognizable landmark, or we are simply exhausted by the magnitude and the continuation of the challenges. There is much we cannot control in these times or any other. By focusing on what we can influence or control, we are more likely to direct what happens next. We can take advantage of the fresh start and the inflection point.

## Pulling It All Together

Disruptions are a trigger for change. All of us have experienced changing and disrupting events earlier in our lives and careers. Think about which of those experiences, for you, opened a new door that might never have been available. Maybe one of those led you to law school. I grew up in a family where alcohol was an issue. Today, I have an extremely fulfilling career supporting people in recovery because that door was opened.

Is this a blank slate? That can seem overwhelming as we analyze or overanalyze every possible step. It need not go that far. What worked well for you? What was okay, but given the chance you would now proceed differently? And there are small things. You still have lunch; instead of a microwave soup cup at your desk, begin with adding the physical (healthier) and social (not alone) pillars of well-being once a week.

More recently, a common theme for LCL has been uncertainty and anxiety about what happens next. This may include the burden of many decisions, a fear that one will be subject to decisions that do not feel safe or supportive, or symptoms of burnout. In her article “The Mental Health Factor: Accounting for the Emotional Toll of the Pandemic” for the *ABA’s Law Practice Magazine*, lawyer and resilience coach Laura Mahr discusses the impact of trauma, fatigue, and uncertainty in our work lives and offers guidance on flexible adjustments for lawyers and managers. She notes that as we again proceed without a playbook, we should consider mental health from day one. As you face and await decisions that will affect your work life, how will you incorporate mental health and encourage others to do so as well? It should be a priority.

Well-being awareness is growing in our profession and as this momentum continues, there will still be depression, there will still be substance use disorder, there will still be other trials. While well-being practices can reduce our risk, there are life-threatening challenges in our profession. No one develops a substance use problem or gets depression because they did not do well-being well enough. We need to reduce risk and we need to support those who are struggling. We can do both; our profession is filled with outstanding lawyers and judges in recovery because they were and are supported in getting the help they need.

When you look back on the pandemic, on our profession’s growing awareness and initiatives around racial justice, on new relationships and opportunities, what will be your turning points? You get to decide, and there is always someone available to help you. Remember, Lawyers Concerned for Lawyers offers free and confidential support and counseling on any issue that causes stress or distress, including working through most of the questions posed in this article. We’ll be here to help.



### Joan Bibelhausen

[jbibelhausen@mnlcl.org](mailto:jbibelhausen@mnlcl.org)

Joan Bibelhausen is executive director of Lawyers Concerned for Lawyers. She facilitates a career support group and is committed to supporting colleagues as they navigate professional and personal opportunities and challenges. [www.mnlcl.org](http://www.mnlcl.org).

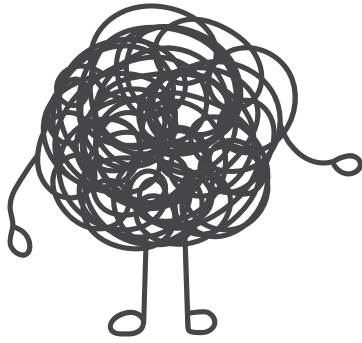
# THERAPY:



## BEING A ZEALOUS ADVOCATE FOR YOURSELF

*By Chase Andersen*





*Things aren't that bad...*

*I'm sure it'll eventually get better...*

*I'm too busy to ask for help...*

*I don't want to appear weak...*

*I just need to power through it...*

**W**ould you say those things to yourself about physical ailments or diseases such as a broken ankle or diabetes? Now, would you say those things to yourself about mental health issues such as stress, anxiety, or depression? How about a substance use issue involving alcohol or other drugs? Were your answers different? If so, why?

## Overview

In March 2020, our world changed, and we were faced with new stressors that weren't previously on our radar. Rates of anxiety and depression almost quadrupled from 2019 and preexisting mental health and substance use issues were only exacerbated through the pandemic. While nearly 30 percent of Americans saw a therapist during the pandemic, there are still millions of Americans—including lawyers—who are resistant to seek help from a mental health professional. This article will discuss why some attorneys are reluctant to seek counseling. We will dispel those reluctancies and identify the numerous benefits of being proactive with one's mental health. Most importantly, we will hopefully convince those of you that may be on-the-fence that not only is it okay to seek therapy but also that it will help you in all areas of your life.

## The Benefits of Therapy

The National Task Force on Lawyer Well-Being starts off its 2017 report, *The Path to Lawyer Well-Being*, with this statement: "[t]o be a good lawyer, one has to be a healthy lawyer." And we all want to be good lawyers, right? Accordingly, we should all strive to be healthy. But just as physical health requires time and effort, so does mental health. And counseling is one of the best ways to better your mental health.

Generally speaking, "therapy" or "counseling" refers to the process of meeting (in-person or virtually) with a trained mental health or substance use professional to discuss and resolve problematic feelings, issues, or behaviors. While there are different kinds of therapy modalities geared toward helping specific issues, this article will focus on the most common form: one-on-one talk therapy.

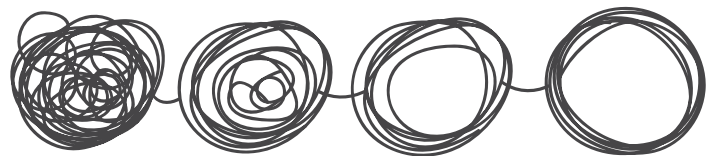
To begin, there are several ways to set up counseling, including calling Minnesota's Lawyers Concerned for Lawyers (see more information at the end of this article), contacting your employer's employee assistance program, or going directly through your insurance provider.

Not only does counseling help you process the personal and professional stressors we all face, it can also provide you with skills to help you deal with stressful situations that might arise in the future. Comparing physical health to mental health: if you have a healthy diet and exercise regularly, your body will be better prepared if-and-when you are faced with injuries or illnesses. Likewise, the more effort you put into having a healthy mental health baseline, the better-suited you will be to handle future curve balls thrown your way.

In addition, the more one can deal with stressors in a healthy manner, the less likely one will resort to coping with their issues in unhealthy ways such as problematic drinking and using other substances. As you may know, these issues are prevalent among lawyers. The 2016 ABA/Hazelden Betty Ford study entitled "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys" found that the rate of substance use issues among practicing attorneys was approximately double that of the general population.

Furthermore, therapy can assist you to address and move on from previous negative events and traumas, help you become more in-tune with your own feelings, and enable you to pass along these learned lessons to others in your life, whether it be family members, friends, or co-workers.

Most importantly, at least from my personal experiences with my therapist, it is a great resource for just venting. Sure, I talk regularly with my spouse, family, friends, and co-workers, but it is so helpful to have a neutral, unbiased, and trained professional whose primary purpose during our time together is to help me and provide feedback and advice with handling life's ups-and-downs.



## Barrister Barriers

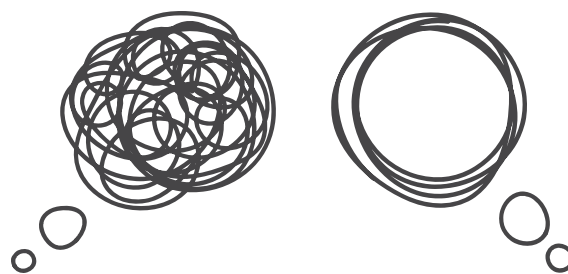
Ofentimes, attorneys will feel as though they can handle their stressors on their own. Most of our professional life is spent in our own heads and we tend to feel as though we should be able to figure out our own issues or just "power through it." But handling our own mental health challenges is much different from handling a challenging client or case. One cannot just "power through" severe mental health issues until they are gone, unlike being able to just "power through" that challenging case until it settles. Accordingly, those issues rarely resolve themselves.

Like I always say, if you keep sweeping those issues underneath that proverbial rug, eventually that rug will be pushing up against the ceiling and it will be dang hard to breathe. Therapy can be a great way to help you sweep those issues out of that room (and your life) and teach you to keep that broom nearby for future messes.

Another common excuse that lawyers cite regarding therapy is "I'm too busy." Yes, attorneys live busy lives, juggling caseloads and family life, but there should always be time to make one's own well-being a priority. And I have found that the benefits from a therapy session make up for those

“Put your oxygen mask on yourself  
first before helping others.”

How can you be expected to  
properly help your clients, you  
family, and your community if you  
aren’t taking care of yourself first?



missed billable hours tenfold in terms of stress reduction. Plus, in today’s world of virtual appointments and telehealth therapy, seeing a counselor is easier than ever.

I often compare prioritizing self-care to being on an airplane when the flight attendant advises, “Put your oxygen mask on yourself first before helping others.” How can you be expected to properly help your clients, you family, and your community if you aren’t taking care of yourself first? It’s that simple!

## Overcoming Stigma

Over the last decade, at least from my experience, there seems to be a decrease in the stigma surrounding seeking therapy and asking for professional support when needed. However, it is still an obstacle facing many attorneys, judges, and law students.

It is important to recognize that there is often an internal stigma regarding mental health and substance use issues so that an individual may try to ignore or disregard signs of these issues. These stigmas can originate from a number of places, including an individual’s upbringing and their family’s attitudes toward mental health and addiction or even a general misunderstanding about these issues. A particular challenge lawyers face is that we often view ourselves as society’s problem-solvers and, accordingly, any self-recognition of these issues could affect our own self-esteem or image.

Even after one starts to internally come to grips with the fact that an issue exists—maybe it’s admitting to yourself that your anxiety is overwhelming, that you’re not as happy as you’d like to be, or that you’ve been drinking too much—there are still external stigmas that lawyers face that may impede seeking help. In fact, the ABA/Hazelden Betty Ford study states that the two most common barriers attorneys cited in the way of asking for help were (1) not wanting others to find out they needed help and (2) concerns regarding privacy or confidentiality. As a result, some attorneys may go years without asking for help for those very concerns.

However, with mental health and substance use issues now on the forefront of today’s legal discussions, the general view about asking for help or support isn’t what it used to be. Now, well-being and taking care of oneself is an important priority and topic for education and discussion in our profession. Nowadays, there is profession-wide support for lawyers to be healthy. And taking actions to get yourself healthy should never be viewed as a negative.

## A Counselor’s Perspective

In a discussion with Jill Carlson, MA, LPCC, and case manager at Lawyers Concerned for Lawyers, she explained what someone new to counseling should expect. Counseling sessions are usually held in a private setting. Right now, most counseling sessions are still virtual; however, face-to-face sessions are slowly returning. Most therapy sessions are 45 to 50 minutes in length, but some therapists prefer longer first sessions of up to 90 minutes. Sessions can start off as weekly, biweekly, or monthly, depending on a number of factors.

The whole client/therapist intake process is very similar to when a new client retains an attorney, with information gathering done first via questionnaires and initial meetings. Next, goals are established and a road map to meeting those goals is set.

Jill explained that, throughout the process, attention is given to the client’s history (mental health and/or substance use, family, social, professional, etc.), how the existing issues are affecting the individual’s life (symptoms, behaviors, consequences, etc.), and how the client and the therapist—together as a team—can meet the client’s goals.

Next, Jill and I discussed the importance of confidentiality. The trust and confidentiality shared between a therapist and client is a principal part of the counseling experience, as clients must be able to trust that the information shared with their counselor will not be shared with anyone else. With that being said, most counselors are mandatory reporters and must report immediate threats regarding a client’s health and safety, so please make sure that is discussed with your counselor.

Finally, we discussed the biggest benefit to counseling: achieving one’s goals. Whether your goal is to overcome your anxiety, not to drink anymore, to be a better family member, or to just be the best lawyer you can be, counseling can definitely be one of the biggest tools in your well-being toolbox!

If you have further questions about counseling or would like to schedule free therapy sessions, please call Lawyers Concerned for Lawyers (LCL) at 651-646-5590. We provide up to four free counseling sessions per issue for lawyers, law students, judges, and their immediate family members. As always, Lawyers Concerned for Lawyers is confidential and no information is shared with licensing boards, employers, or anyone else.



## Chase Andersen

[candersen@mnlcl.org](mailto:candersen@mnlcl.org)

Chase Andersen is a case manager at Lawyers Concerned for Lawyers of Minnesota. He works with lawyers, law students, and judges on issues surrounding well-being, mental health, and substance use. [www.mnlcl.org](http://www.mnlcl.org)

## **Lawyers Concerned for Lawyers**

2550 University Avenue West, #313N · St. Paul, MN 55114  
651-646-5590; 866-525-6466 · [www.mnlcl.org](http://www.mnlcl.org) · [help@mnlcl.org](mailto:help@mnlcl.org)

### **SELECTED RESOURCES ON MENTAL HEALTH, SUBSTANCE MISUSE AND COMPULSIVE BEHAVIORS**

#### **Lawyers Concerned for Lawyers (Minnesota)**

651-646-5590; 877-525-6466 (toll-free)

[https://www.mnlcl.org](http://www.mnlcl.org); [help@mnlcl.org](mailto:help@mnlcl.org); <https://www.facebook.com/mnlcl>.

Lawyers Concerned for Lawyers is the provider of Minnesota's Lawyers Assistance Program for lawyers, judges, law students, other legal professionals, and their immediate family members. We offer free, confidential help with addictions, mental health disorders, chronic stress, and personal and career-related issues. Our services include 24-hour crisis response; professional clinical assessments and referrals; interventions; short-term counseling; support groups facilitated by licensed counselors; peer mentoring and support; and education.

#### **Sandcreek EAP**

651-430-3383; 888-243-5744 (toll-free)

<https://allonehealth.com/allone-health-locations/sandcreekcap/>

LCL's Employee Assistance Program partner hosts a website with articles and resources in many areas. Go to <https://allonehealth.com/allone-health-locations/sandcreekcap/> and click on "MEMBER PORTAL & APP" to use or create your account. Use the Company Code "lawyers" when creating your account.

#### **U.S. Surgeon General**

"Facing Addiction in America: The Surgeon General's Report on Alcohol, Drugs, and Health"

The full report is available at the link below. You may also access an Executive Summary, a Vision for the Future, and find related resources.

<https://addiction.surgeongeneral.gov/>.

#### **National Alliance on Mental Illness**

[www.nami.org](http://www.nami.org) The Minnesota chapter website is <https://namimn.org>.

NAMI has information on various mental illnesses, including ADHD, Bipolar Disorder, Personality Disorders, Depression, Eating Disorders, OCD, PTSD, and others. There are also national and local support resources. A comprehensive Adult Mental Health Resource Guide is at <https://2a392k31wksy2wkejfy03dp-wpengine.netdna-ssl.com/wp-content/uploads/sites/188/2019/12/NAMIHopForRecoveryBookletRevised11-19FINAL.pdf>

#### **American Psychological Association**

<https://www.apa.org>

This site offers numerous resources on many mental health and wellness topics.

#### **Make it OK**

<https://makeitok.org/>

"Make It OK" is a campaign to reduce the stigma of mental illness. It is committed to changing hearts and minds about the misperceptions of mental illnesses by encouraging open conversations and education on the topic.

#### **Help Guide**

<https://www.helpguide.org/>

This website is operated by a nonprofit dedicated to bringing evidence-based information about mental health to the general public.

#### **Minnesota Recovery Connection**

<https://minnesotarecovery.org/>

MRC provides peer support and advocacy to support recovery. The site includes a comprehensive list of resources. [https://minnesotarecovery.org/resources\\_search/](https://minnesotarecovery.org/resources_search/)

# Lawyers Concerned for Lawyers

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## American Bar Association

The American Bar Association Commission on Lawyer Assistance Programs (CoLAP) supports lawyer assistance efforts nationwide. This includes conducting and supporting research.

A recent ABA CoLAP and Hazelden Betty Ford joint study provides updated information on substance use, mental health, and help-seeking behaviors. Krill, Patrick, Johnson, Ryan, Albert, Linda, “The Prevalence Of Substance Use and Other Mental Health Concerns Among American Attorneys,” *Journal of Addiction Medicine*: Jan./Feb. 2016.

[https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The\\_Prevalence\\_of\\_Substance\\_Use\\_and\\_Other\\_Mental.8.aspx](https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx).

“The Path to Lawyer Well-Being: Practical Recommendations for Positive Change” is a follow-up report that offers strategies and guidance for multiple stakeholders to change the legal profession’s culture.

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

A well-being toolkit released in August 2018 provides general guidance and a workbook with a wide variety of exercises. [https://www.americanbar.org/content/dam/aba/administrative/lawyer\\_assistance/lc\\_colap\\_well-being\\_toolkit\\_for\\_lawyers\\_legal\\_employers.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/lc_colap_well-being_toolkit_for_lawyers_legal_employers.authcheckdam.pdf)

This ABA Template provides guidance to legal employers.

[https://www.americanbar.org/content/dam/aba/administrative/lawyer\\_assistance/well-being-template-for-legal-employers-final-3-19.pdf](https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/well-being-template-for-legal-employers-final-3-19.pdf).

Numerous articles are linked at [https://www.americanbar.org/groups/lawyer\\_assistance/](https://www.americanbar.org/groups/lawyer_assistance/) for lawyer assistance resources and information across the country.

## Other Lawyers Assistance Programs

Lawyer Assistance Programs (LAPs) are available nationwide. Some are independent, some are under the auspices of the court, and some are part of the bar association. They are listed at

[https://www.americanbar.org/groups/lawyer\\_assistance/resources/lap\\_programs\\_by\\_state/](https://www.americanbar.org/groups/lawyer_assistance/resources/lap_programs_by_state/)

## Minnesota Courts

The Minnesota Supreme Court hosted a Well-Being Call to Action conference in February 2019. Materials, including keynote videos, are at: <https://www.mncourts.gov/lawyer-well-being.aspx>.

## U. S. Department of Health and Human Services and Substance Abuse and Mental Health Services Administration (SAMHSA) [clearinghouse for alcohol and drug information]

<https://www.samhsa.gov/>

This federal agency has information for individuals seeking help, professionals, and researchers.

## Recovery Month

<https://www.samhsa.gov:443/recovery-month>

SAMHSA sponsors this annual event held every September. It features events and resources for those with substance use issues and those who care about them.

## American Society of Addiction Medicine (ASAM)

Public Policy Statement: Definition of Addiction - <https://www.asam.org/resources/definition-of-addiction>. This includes short and extended statements as well as frequently asked questions.

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## **National Institute on Alcohol Abuse and Alcoholism (NIAAA)**

<https://www.niaaa.nih.gov/>

NIAAA supports and researches the impact of alcohol use on human health and well-being.

## **National Institute on Drug Abuse**

<https://nida.nih.gov/>

This division of the National Institutes of Health provides information on the science of drug and alcohol addiction. There are links to a wide variety of substances. An excellent pamphlet, “The Science of Addiction,” is available by mail or PDF download in English or Spanish.

## **National Institute of Mental Health**

<https://www.nimh.nih.gov/>

National Institute of Mental Health (NIMH) is the lead federal agency for research on mental disorders. Resources, fact sheets, and other downloadable information on all facets of mental health are available. The NIMH is one of the National Institutes of Health.

## **International Center for Responsible Gaming (ICRG)**

<https://www.icrg.org/>

ICRG is a nonprofit group funding scientific research on gambling addiction. The mission of this organization is to help people with gambling addictions.

## **Rob Weiss resources on sexual compulsivity**

<https://www.robertweissmsw.com/>

This site has a blog and many other resources related to intimacy, sex and love addiction, and gender differences.

## **Mayo Clinic Stress Management Resources**

<https://www.mayoclinic.org/healthy-lifestyle/stress-management/basics/stress-basics/hlv-20049495>

## **Authentic Happiness**

<https://www.authentichappiness.sas.upenn.edu/home>

This site provides numerous resources and self-assessments related to Positive Psychology. Positive Psychology is the scientific study of the strengths that enable individuals and communities to thrive.

## **“The Practice of Being: Mastering Stress & Finding Meaning as a Lawyer”**

This article by attorney and coach Dyan Williams discusses mindfulness, acceptance and authenticity. Originally published in Bench & Bar; LCL archives this resource at <https://www.mnlcl.org/wp-content/uploads/2021/05/67BenchBMinn26.pdf>

# **Online Resources Focused on Lawyers**

## **Lawyers with Depression**

<https://www.lawyerswithdepression.com/>

Daniel Lukasik, a lawyer who has experienced depression, created this comprehensive resource devoted to providing support and information for lawyers facing depression.

## **Lawyers Depression Project**

<https://www.lawyersdepressionproject.org>

The Lawyers Depression Project is a group of legal professionals (attorneys, paralegals, law students, and admin)



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who have suffered from depression, anxiety, bipolar, OCD, eating disorders, trauma, sexual abuse, addiction, and other mental health conditions, or who just don't feel quite right.

## The Anxious Lawyer

<https://jeenacho.com>

Jeena Cho, one of the authors of *The Anxious Lawyer*, actively blogs offering tips for reducing anxiety through mindfulness.

## Lawyer Mental Health and Ethical Issues

*The Chemically Impaired Lawyer: A Malpractice Insurance Company's Perspective*, Molly Eiden and Todd C. Scott, Minnesota Lawyers Mutual (2018).

<https://www.mlmins.com/Library/The%20Chemically%20Impaired%20Lawyer.pdf>

"Ethics and Lawyer Well-Being," Joseph Balkenbush, Oklahoma Bar Counsel.

<https://www.okbar.org/barjournal/dec2017/obj8833balkenbush/>

"[Lawyer] Anxiety, Self-Protective Behavior, Ethical Sinkholes, and Professional Responsibility" Dan DeFoe, originally published on psycholawlogy.com, currently archived at <https://www.mnlcl.org/wp-content/uploads/2021/05/ethical-sinkhole.pdf> This article discusses the connection between anxiety and ethical choices.

"Lawyer Seeks Treatment. Boss Seeks Assurance," Todd C. Scott, Minnesota Lawyers Mutual website, <https://www.mlmins.com/Pages/Articles/Lawyer-Seeks-Treatment.-Boss-Seeks-Assurance.aspx>, last visited 7/9/2021.

"The Lawyer, the Addict," Eilene Zimmerman, *New York Times*, July 15, 2017.

<https://www.nytimes.com/2017/07/15/business/lawyers-addiction-mental-health.html>

"Lawyer well-being and lawyer regulation," Susan M. Humiston, *Bench & Bar*, December 2017.

<http://lprb.mncourts.gov/articles/Articles/Lawyer%20well-being%20and%20lawyer%20regulation.pdf>

"Lawyer Well-Being: It's an Ethics Issue, Too," Joshua A. Klarfeld, *Professionalism Perspectives*, vol. 19, no. 2.

<https://attorneyethicscounsel.com/2017/12/05/the-legal-ethics-of-lawyer-wellness/>

"Lawyers weigh in: How to prevent stress, substance misuse and depression in the profession," Dina Roth Port, *ABA Journal*, June 5, 2018.

[https://www.abajournal.com/voice/article/lawyers\\_weigh\\_in\\_how\\_to\\_prevent\\_stress\\_substance\\_abuse\\_and\\_depression](https://www.abajournal.com/voice/article/lawyers_weigh_in_how_to_prevent_stress_substance_abuse_and_depression)

"The Legal Ethics of Lawyer Wellness," Daniel O'Rielly, <https://attorneyethicscounsel.com/2017/12/05/the-legal-ethics-of-lawyer-wellness/>

"The most terrifying part of my drug addiction? That my law firm would find out." Lisa F. Smith, *The Washington Post*, March 24, 2016. [https://www.washingtonpost.com/posteverything/wp/2016/03/24/the-most-terrifying-part-of-my-drug-addiction-that-my-law-firm-would-find-out/?noredirect=on&utm\\_term=.790fa49d08ed](https://www.washingtonpost.com/posteverything/wp/2016/03/24/the-most-terrifying-part-of-my-drug-addiction-that-my-law-firm-would-find-out/?noredirect=on&utm_term=.790fa49d08ed)

"Why Are Lawyers So Unhappy? How do we stop accepting that misery and unhappiness must be part of our job description?" Jeena Cho, <https://abovethelaw.com/2016/08/why-are-lawyers-so-unhappy/>

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## **Workplace Safety for Legal Professionals**

“Are You Being Bullied?” Merrilyn Astin Tarlton, *Attorney at Work* website, originally posted August 30, 2012, updated September 22, 2020. <https://www.attorneyatwork.com/are-you-being-bullied/>

“Violence Against Attorneys and Judges: Protecting Yourself Before and After a Threat”  
<http://www.forensic-psych.com/articles/artAskexp06.php>

“Fortress or Foyer? On Law Firm Security,” Todd C. Scott, MLM, *Bench and Bar*, August 2016;  
<https://www.mnlcl.org/wp-content/uploads/2021/05/73BenchBMinn24.pdf>

“Keeping Oneself and Firm Members Safe from Violence,” Rick Hendrickson, *Attorney At Law Magazine*, June 15, 2020. <https://attorneyatlawmagazine.com/keeping-oneself-and-firm-members-safe-from-violence>

“Lawyering Can be a Dangerous Job,” Diane Curtis, *California Bar Journal*, March 2004.  
<http://archive.calbar.ca.gov/Archive.aspx?articleId=55060&categoryId=55077&month=3&year=2004>

“You’re Being Bullied: Now What?” Merrilyn Astin Tarlton, *Attorney at Work* website, originally posted September 18, 2012, updated May 5, 2018. <https://www.attorneyatwork.com/youre-being-bullied-now-what/>

## **Online Resources** – the following sites will direct you to other resources.

<https://namimn.org/support/> Frequently updated list of Minnesota support groups

<https://aaminneapolis.org/> – includes links to St. Paul and greater Minnesota sites

<https://www.al-anon-alateen-msp.org/>

<https://womenforsobriety.org/> – includes online chat

<http://aaonline.org/> is one example of online A.A. meetings

<https://www.smartrecovery.org/> SMART Recovery

<https://www.gamblersanonymous.org/ga>

<http://www overeaters.org/>; <https://eatingdisordersanonymous.org/>

<http://www.minnesotarecovery.info/OtherMN12StepGroups.htm>

<https://saa-recovery.org/meetings/united-states/?state=MN> Sex Addicts Anonymous

<https://www.allinahealth.org/health-conditions-and-treatments/grief-resources> Dealing with grief

<https://www.ncadd.org/> National Council on Alcoholism and Drug Dependence

<https://www.usnodrugs.com/> U.S. No Drugs features a searchable directory of treatment centers and a glossary of common terms used in addiction research, reports, and treatment.

<https://addictionblog.org/> General information on addiction sponsored by the American Addiction Centers

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### **Publications and Literature**

*The Anxious Lawyer: An 8-Week Guide to a Joyful and Satisfying Law Practice*, Jeena Cho and Karen Gifford. The Anxious Lawyer provides a straightforward 8-week introductory program on meditation and mindfulness, created by lawyers for lawyers. The program draws on examples from Cho and Gifford's professional and personal lives to create an accessible and enjoyable entry into practices that can reduce anxiety, improve focus and clarity, and enrich the quality of life.

*King Baby*, Tom Cunningham. Discusses the "King Baby" personality (the childish ego traits seen in people who have reached adulthood without acquiring emotional maturity), frequently associated with people with substance use disorders.

"Law Students and Lawyers with Mental Health and Substance Abuse Problems: Protecting the Public and the Individual," Laura Rothstein, *University of Pittsburgh Law Review*, vol. 69:531 (2008).  
<http://lawreview.law.pitt.edu/ojs/lawreview/article/download/106/106/0>

"Mental Illness Is Far More Normal Than We Think," Seth J. Gillihan Ph. D., *Psychology Today* blog (May 17, 2021), <https://www.psychologytoday.com/us/blog/think-act-be/202105/mental-illness-is-far-more-normal-we-think>

"Reducing the Stigma: The Deadly Effect of Untreated Mental Illness and New Strategies for Changing Outcomes in Law Students," Joan Bibelhausen, Katherine Bender, and Rachel Barrett, *William Mitchell Law Review*, vol. 41, no. 3 (2015). <https://www.mnlcl.org/wp-content/uploads/2020/05/Reducing-the-Stigma-The-Deadly-Effect-of-Untreated-Mental-Illnes.pdf>

*Trauma and the Twelve Steps, Revised and Expanded: An Inclusive Guide to Enhancing Recovery*, Jaime Marich



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## **SUPPLEMENTAL RESOURCE LIST: CLIENTS IN CRISIS**

### **University of Minnesota School of Social Work**

[http://cascw.umn.edu/wp-content/uploads/2013/12/CW360\\_2012.pdf](http://cascw.umn.edu/wp-content/uploads/2013/12/CW360_2012.pdf)

This special issue on trauma in the child welfare arena includes an article by Judge Kathryn Quaintance on ‘The Judicial Perspective on Secondary Trauma in Child Welfare.’

### **Safety Planning: Tool for Attorneys (for clients in domestic abuse situations)**

<http://stoprelationshipabuse.org/help/develop-a-safety-plan/safety-planning-for-legal-professionals-and-clients/>

### **Articles on Representing Mentally Ill Clients**

“Are Your Clients Making You Crazy? How to Avoid Drama with Maddening Clients” by Elizabeth Wittenberg, Bench & Bar Magazine, March 2011. Discusses serving clients who have or may have a personality disorder. LCL archives this resource at <https://www.mnlcl.org/wp-content/uploads/2021/05/68BenchBMin20.pdf>

“Competent but compromised: Representing clients on the spectrum between mental health and mental illness” by Jennifer L. Thompson, Bench & Bar, April 2021.  
<https://www.mnbar.org/resources/publications/bench-bar/2021/04/05/competent-but-compromised>

“Family Roles in Addiction and Codependency”

<http://learningcircle.ubc.ca/files/2011/03/UBC-Learning-Circle-March-10th-2011-Addiction-and-Codependency.pdf> - presents a good description of codependency roles