

# Reducing Stigma to Avoid Chronic Stress & Burnout

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1

## Program Goals

- Learn how workplace stress can become chronic and recognize the signs of burnout
- Explore how stigma and bias contributes to and results from burnout
- Assess the impact of burnout on competence and other ethical duties
- Develop strategies to effectively manage stress, address burnout, and break the stigma
- Learn how LCL can help

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2

## Burnout

A syndrome resulting from chronic workplace stress that has not been successfully managed.

- Feelings of energy depletion or exhaustion
- Increased mental distance from one's job, or feelings of negativism or cynicism related to one's job; and
- Reduced professional efficacy (World Health Organization)

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## Stressor vs. Stress

Stressor – anything you see, hear, smell, taste or imagine could do you harm, which activates a stress response in your body.

Stress Response – the neurological and physiological shifts that happen in your body when you encounter a threat.

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## Is Lawyer Stress Different?

- Perfection
- Pessimism
- Isolation & uncertainty
- Vicarious trauma
- Ethical standards

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## Stress Response

Heart beats faster, blood pressure increases, you breathe more quickly, muscles tense, sensitivity to pain is diminished, you are alert and vigilant, your senses are heightened, and your memory shifts to challenge experience and knowledge relevant to the stressor.

Other organ systems deprioritized: digestion slows, immune functioning shifts.

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6

## Chronic Stress→Burnout

Burnout emerges when the demands of the job outstrip a person's ability to cope with the stress. (Maslach)

Your body is waiting for some cue that you are safe from threat. Denying, ignoring or suppressing our stress response results in chronically activated stress response. (Nagowski)

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## Distinctive Features (Maslach)

A response to excessive stress at work, characterized by:

- Emotional exhaustion-feelings of being emotionally drained and lacking emotional resources
- Depersonalization- a negative and detached response to other people and loss of idealism
- Personal accomplishment-decline in feelings of competence and performance at work

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## The “Drivers” of Burnout (Maslach)

Mismatch in work dimensions

- **Workload** – high demands, low resources
- **Control** – lack of choice, discretion
- **Reward** – intrinsic or extrinsic
- **Community** – negative, insufficient human interaction
- **Fairness** – unfair treatment, environment
- **Values** – lacking connection to values

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9

## Lawyer Ethical Drivers

**Workload**—high level of skill, attention to detail, focus, time and emotion

**Control**—judgment, autonomy, discretion in choosing means to serve client objectives

**Reward**—service, respect, recognition, financial

**Community**—clients, adversaries, adjudicators, so many others

**Fairness**—interaction, outcomes, systemic

**Values**—fairness, excellence, responsibility

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10

## Unfairness is a Driver

The fairness factor that drives burnout can be unfair treatment or the consequence of an unjust environment

- Explicit bias – overt disparate treatment, words or actions expressing bias
- Implicit bias – automatic, unintentional but nonetheless harmful displays of bias against specific social group, including microaggressions.

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11

## Defining Implicit Bias

- Implicit bias refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.
- These biases encompass both favorable and unfavorable assessments

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12

What do you think of?



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How about now?



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## Origins of Implicit Bias

- Activated involuntarily and without an individual's awareness or intentional control.
- Residing deep in the subconscious, these biases are different from known biases that individuals may choose to conceal.

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## Paulette Brown

- Implicit bias can be and is manifested toward those who suffer from mental health issues, depression, anxiety and substance problems in our profession.

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16

## Implicit Bias in Legal Workplace

- Client communications
- Jury selection
- Moral judgments
- Hiring
- Promotion
- Rainmaking

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17

## The Role of Stigma

- ABA Hazelden Study found barriers to seeking help include
  - "not wanting others to find out they needed help"
  - "concerns regarding privacy or confidentiality"
- Stigma is the largest barrier to people receiving treatment
- It's a Diversity and Inclusion Issue

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18

## Addressing the Stigma

- Stigma refers to a feeling of disgrace or fear
- Experienced with mental health issue *or just stress*
- The bearer has feelings of shame and isolation
- "I'll do it myself!"
- Education can help with public stigma; personal stigma is tougher – especially for us
- What do you think of?

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19

## Stigma Impact

- Isolation - No get-well cards
- Shame
- Negative attitudes
- Stereotypes
- Prejudice
- Misunderstanding
- Discrimination
- Indignity
- Hopelessness

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## Stigma Effects

- How we visualize people
- How we talk about mental illnesses
- How we think about mental illnesses
- How we treat people with mental illnesses

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## Double Stigma

- Those subject to implicit or explicit bias, anticipated or actual, experience greater stress
- Stress predicts mental health issues
- The legal profession's expectations of majority and non-majority attorneys differ. No second chances.

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22

## Signs & Symptoms of Burnout

- Mentally exhausted
- Sense of failure and self-doubt
- Feeling helpless, trapped, defeated
- Detached
- Difficulty concentrating
- Chronically imbalanced
- Relationship impact
- Loss of motivation
- Increasing cynical and negative outlook
- Decreased satisfaction and sense of accomplishment

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## Physiological Impact

Brain – thinning of the frontal cortex, affecting cognitive functioning, disrupts creativity, problem solving and working memory.

Body – release of cortisol, a stress hormone, into the bloodstream, affecting the heart and every organ in the body

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24

## Health Impact

High blood pressure  
Heart disease  
Auto-immune disorders  
Fatigue  
Anxiety  
Depression  
Chemical misuse

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25

## ABA Mental Health Data

- 28% met the criteria for depressive disorder
- 18% met the criteria for an anxiety disorder
- 11.5% had considered suicide.

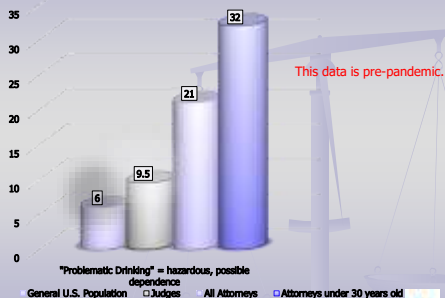
**These data are pre-pandemic.**

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26

## Alcohol Use



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27

## Impairment & Attorney Discipline

"These issues can have major consequences. Studies show that 25% to 30% of lawyers facing disciplinary charges suffer from some type of addiction or mental illness."

*2021 Profile of the Legal Profession, (quoting "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys," J. Addict Med, January-February 2016)*

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28

## Ethical Impact of Burnout

Competence – missing key details, lack of focus, and impact on memory and judgment diminishes competence.

Zeal – loss of empathy, interest in the client, or in our work impacts ability to be zealous, effective advocates for our clients

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29

## Strategies to Head Off Burnout

- Completing the Stress Cycle
- Finding Meaning
- Managing Stress with Well-being Practices
- Addressing What's Driving Burnout
- Getting Help

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30

## Chronic Stress→Burnout

Burnout emerges when the demands of the job outstrip a person's ability to cope with the stress. (Maslach)

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31

## Completing the Stress Cycle

First line of attack – physical activity

- Move! Run, swim, dance, walk
- Anything that moves your body enough to get you breathing deeply
- 20-60 minutes a day – every day

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32

## Completing the Stress Cycle

Additional ways to tell your body you are safe:

- Breathe – deep slow breaths
- Interact – casual social interaction
- Laugh – really laugh
- Love – deeper, loving connections
- Cry - release
- Create – paint, sing, draw, write

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33

## The Importance of Meaning

- Work has meaning when we believe
  - It matters
  - Is valuable
  - Contributes to personal growth/greater good
  - Is a good fit with our values
- Primary motivational force
- Largest contributor to engagement (opposite of burnout)

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34

## Building Meaning

- Reframing
  - What is/who is the benefit of our work?
  - How does it fit into the overall picture?
- Positive challenge – pushed but not overwhelmed
- Seek variety
- Seek connection

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35

## Managing Stress

"High stress is a virtual hallmark of the legal profession and high rates of suicide, chemical dependency, and depression among lawyers demonstrate that managing stress is a challenge for many. Practicing the mental disciplines of mindfulness, acceptance, and personal authenticity offer a way to quell stress and find greater meaning."

Dyan Williams, "The Practice of Being: Mastering Stress & Finding Meaning as a Lawyer" Minn. Bench & Bar 67(3) (March 2010)

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36



## Mindfulness and Bias

- Mindfulness and compassion practices
  - Raise awareness in the moment
  - Assist in regulating emotional responses and specifically reducing anxiety
  - Increase empathy and perspective-taking
  - Increase our capacity to think clearly and act with purpose
- All contribute to reducing bias

Source: Professor Rhonda Magee, The Inner Work of Racial Justice

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37

## Wellness Strategies

Wellness strategies won't "cure" burnout but can help moderate stress build-up, preventing chronic stress that causes burnout and improve daily quality of life.

- Sleep
- Mindfulness, Meditation
- Yoga/Movement
- Human Connection

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38

## Moderating stress buildup



Stress-reduction activities

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## Wellness Strategies

More wellness activities

- Extreme sports
- Book Clubs
- Running Groups
- Cooking Classes
- Playing in a Band

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40

## Burnout Action Plan

- Identify it: "burning out" / "burnout"
- Talk to a Trusted Colleague
- Assess the Mismatch
- Consider Workplace Options
- Ask for Changes in Work Environment
- Consider Personal Options
- Ask LCL for Help

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41

## Burnout Action Plan

Assess the Mismatch Driving Your Burnout

- **Workload**
- **Control**
- **Reward**
- **Community**
- **Fairness**
- **Values**

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42

## How Others Can Help

- We are hard-wired to need relationships; belonging
- Critical to your brain's feeling of happiness
- Physical touch releases oxytocin



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43

## Breaking Bias & Stigma

- Be openly supportive of those working to support well-being
- Do not support jokes or comments about colleagues being weak, etc.
- Develop a good understanding of the potential for unconscious bias and be alert
- Think of your language
- Notice and interrupt

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44

## Lawyers Concerned for Lawyers

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

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## Lawyers Concerned for Lawyers Minnesota's LAP

- What We Offer:
  - 24-hour hotline (866-525-6466)
  - Short Term Counseling (up to 4 free sessions per issue)
  - Peer Supports
  - Coaching
  - Support Groups
  - Referral to Community Services
  - Education (CLEs & Law School Outreach)
  - Crisis Intervention
  - Someone to Listen

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46

## Partnership with The Sand Creek Group

- Up to 4 free counseling sessions
- Resource website
  - [www.sandcreekeap.com](http://www.sandcreekeap.com)
  - Click on "Member Portal & App"
    - When registering use the Company Code "lawyers"
- Contact Sand Creek directly at  
**651-430-3383** or toll-free: **1-888-243-5744**

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47

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48



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