

Elimination of Bias: Mental Health and Well-Being in a Post-COVID Environment

Lawyers Concerned for Lawyers

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Today's Topics

- Our current environment and its challenges
- Surge capacity
- Moving forward in uncertainty
- Implicit bias, stigma, and their effects
- Creating a surge capacity/resiliency toolkit

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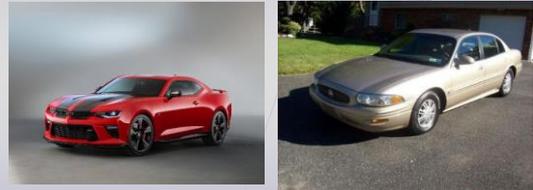
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What do you think of?



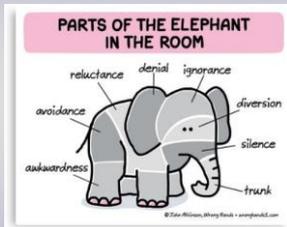
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How about now?



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First, Let's Acknowledge



- The COVID-19 Pandemic
- Social Change & justice
- Economic rollercoaster
- Hyper-partisan politics
- International distress

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Grief

- Loss of loved ones
- Ambiguous grief
 - Control
 - Opportunities
 - Choice
 - Predictability and benchmarks
 - Connections and access

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What the numbers show – the national picture

- Nearly 1 in 12 (20.3 million) adults had a substance use disorder in the past year.
- Nearly 1 in 5 (43.8 million) adults had any mental illness in the past year. 10 million had serious mental illness.
- 7.7 million had both.

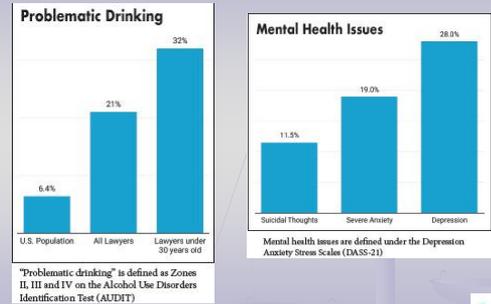
SAMHSA National Survey on Drug Use and Health (NSDUH)

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ABA 2021 Profile of the Legal Profession



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Younger/Newer Lawyers

- Highest rate of substance misuse/depression
- Increased 5.1 responsibilities
- Well-being initiatives and expectations



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Alcohol and remote work

- Remote workers more likely to drink during work hours
- Distress, getting away with it, relapse
- Disorganized, absent or late, slurring, appearance, inappropriate
- People in recovery often found they had the tools to cope

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Other Substances and Behaviors

- Drugs
- Gambling
- Internet Addiction
- Sexual Compulsivity
- Eating Disorders
- Shoplifting Addiction
- Compulsive Shopping

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Depression

- A loss of interest in normally pleasurable activities
- Impaired ability to concentrate, remember and decide
- It occurs in stages:
 1. Emptiness
 2. Hopelessness/helplessness
 3. Malaise
 4. Suicidal Ideation
- It's not just a blue mood that can be wished away
- Time element

In a colleague, look for *changes* in behavior.

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Depression: From the Outside

- Gloomy
- Pessimistic
- Cynical
- Negative
- Moody
- Irritable
- Complaining
- Brooding
- Anxious
- Critical

**The key is a
change in
behavior**



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Depression: #1 Predictor for Suicide

- Suicide rates among lawyers up to 6X national rate
- More Women Attempt, More Men Die
- Symptoms Include:
 - Depression symptoms
 - Statements of hopeless, helplessness, or worthlessness
 - Preoccupation with death
 - Sometimes unexpected sudden improvement in mood
 - Giving away possessions
 - Tying up "loose ends, setting one's affairs in order"
 - Giving "hints" of plans

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Suicide Prevention

- Be aware of the warning signs
- Be willing to get involved
- Ask if they are considering harming themselves
- Tell them you care about them and can assist them
- Call LCL or take them somewhere.
- Do talk with their family or others if they are reluctant to accept help
- Call 911. The person may be angry with you, but better mad than dead.
- Attend or schedule LCL's crisis intervention program.
- Doing nothing is not an option, but sometimes nothing you do will stop it.

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Other Mental Health Issues

- Anxiety Disorder
- Bipolar Disorder
- Obsessive Compulsive Disorder
- ADHD
- Unresolved Grief
- Post Traumatic Stress Disorder
- Cognitive Impairment

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High-Functioning and Impaired

- Competitive overachievers
- No public consequences
- Little accountability
- Physical appearance
- Subtle isolation
- Seems to have good boundaries
- "Hyperawareness" of others' use

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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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Issues & Challenges

- Hybrid or Flex Scheduling
- Policy Evolution
- Physical Office Changes
- Communication within the Firm
- Client Interactions
- What Don't We Know???

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Remote & Hybrid Benefits

- Flexibility
- Commute time
- Financial
- Interpersonal challenges

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Remote & Hybrid Challenges

- Onboarding and connections
- Isolation and visibility
- Ease of access
- Hallway conversations
- Fewer disruptions

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But wait, there's more!

- Perfection
- Pessimism
- Isolation
- Uncertainty
- Vicarious trauma



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Emotional Long-Haul

- We're all experiencing additional stress and anxiety
- The tunnel gets longer
- We're on the front lines of everything
- From anguish to languish

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Languishing

- In between depression and flourishing
- The absence of well-being
- Less motivation, focus, and achievement
- Questioning meaning
- Fragmented attention
- Predictor for depression and PTSD

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Trauma

Trauma is the unique individual experience of an event, series of events, or set of circumstances:

- The individual's ability to integrate their emotional experience is overwhelmed; and
- The experience is physically or emotionally harmful or threatening and has lasting effects on the individual's functioning and physical, social, emotional, or spiritual well-being
- Direct, secondary and vicarious

That the pandemic is traumatic for everyone is a given. How each person experiences it will vary according to many factors unique to themselves.

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Secondary and Vicarious Traumas: Exposure to the pain & suffering of others

Secondary Trauma: continued, frequent, or close contact with persons who have experienced direct trauma

- Some practice areas have more potential exposure to secondary trauma (e.g., criminal law, family law).
- Judges and trial court personnel who have contact with the litigants, defendants, and victims.

Vicarious Trauma: Exposure to reports, descriptions, and photos of horrific events

- Lawyers often work with the details more than any other professional involved in a matter, even without direct client contact.
- Appellate court judges and court personnel who review the documents and records

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Racial Trauma

- Cumulative effect
- Historical and present
- Insensitivity, demeaning and dismissive treatment and comments
- World view impact

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Bias and Stigma

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What Stigma Means

- 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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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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Stigma

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

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Stigma

- 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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Changing Our Language

Addict	➡	Person with Substance Use Disorder
Substance Abuse	➡	Substance Use Disorder
Clean	➡	Abstinent
Dirty Screen	➡	Testing Positive
Relapse	➡	Recurrence
Slow Learner	➡	Person with a Learning Disability
Crazy	➡	Person with a Mental Illness

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Double Stigma

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

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Making a Change

- 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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What Do You Think?

- What impact do your decisions have on decision making?
- Think about your own comfort and discomfort when communicating.
- Be aware of the comfort/discomfort of others.
- Be open to feedback.

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POST TRAUMATIC GROWTH – BUILDING RESILIENCE

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Post-traumatic Growth

- Mental health comes first
- Fresh start effect
- New doors open
- One step at a time

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Incremental Buildup of Stress



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Moderating Stress Buildup



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Why do we need Resilience?

- Life Stressors
- Work Stressors
- Trauma
- Secondary Trauma
- Health problems

LCL offers programs addressing resilience strategies in greater detail.

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What is Resilience?

"The ability to respond to stress in a healthy, adaptive way such that personal goals are achieved at minimal psychological and physical cost." (Physician Wellness Research)

"The ability to persist in the face of challenges and to bounce back from adversity." (US Army MRT; Reivich et al., *American Psychologist*, vol. 66, no. 1, pp. 25-34 (2011))

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Resilience Benefits

- Immunity
- Lower mental illness risk
- Better physical health
- Greater optimism, fewer feelings of isolation
- Improved trust
- Reduced perceptions of pain and threat

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Surge Capacity

“Surge Capacity is a collection of adaptive systems – mental and physical – that humans draw upon for short-term survival in acutely stressful situations, such as natural disasters. Pandemics are different – the disaster itself stretches out indefinitely.” – *Dr. Ann Masten*

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Surge Capacity

- Depletes over time
 - Prolonged, intense stress
 - Isolation
- Individual response, not uniform across population

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The Path to Lawyer Well-Being:

Practical Recommendations for Positive Change

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

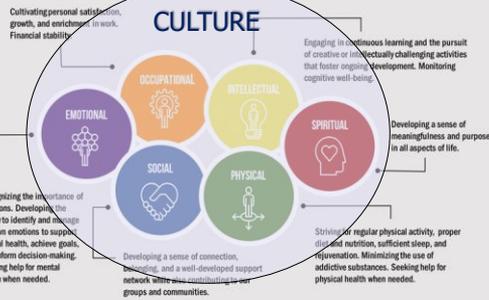


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C A continuous process in which lawyers strive for thriving in each dimension of their lives:



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Expecting the Expected

- Emotions will vacillate
- Perfection? I'm doing the best I can
- Consider the well-being components
 - What triggers you?
 - Where are you strongest?



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Antidotes to Languishing

- Unfragmented attention - Boundaries!
- Connections
- Mindfulness tools
- Small manageable goals
 - Conversations
 - Projects
 - All in

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YOU'RE NOT ALONE

Ask for Help
What happens when you do?

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Offering Help

- I care
- I see
- I feel
- Listen
- I want
- I will

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What Happens When You Get Help?

<u>Before</u>	<u>After</u>
<ul style="list-style-type: none"> ➤ High Functioning and Miserable ➤ Failing/Superficial Relationships ➤ Depressed ➤ Anxiety Ridden ➤ Felt Like a Fraud ➤ Constant Sense of Dread 	<ul style="list-style-type: none"> ➤ Personal & Professional Fulfillment ➤ Great Relationships ➤ Confident and Content ➤ Capable of Dealing with Ups and Downs

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Lawyers Concerned for Lawyers

- Who we help –
 - Lawyers, Judges, Law students, Other Legal Professionals, and Families
- What we help with –
 - Substance use and mental health, cognitive, stress, burnout
- Communications are **confidential**
- Services or Referrals –
 - Licensed professionals
 - Group support
- Peer support
- Education and public awareness

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Well-Being Resources

- www.mnlcd.org - Resources and links to all ABA well-being content
- The Path to Lawyer Well-being – www.americanbar.org/colap
- Lawyer Well-being Week Resources <https://lawyerwellbeing.net/lawyer-well-being-week/>
- Minnesota Supreme Court Well-Being <https://www.mncourts.gov/lawyer-well-being.aspx>

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Partnership with The Sand Creek Group

- Up to 4 free counseling sessions; referrals
- Legal professionals and their families
- Resource website
 - www.sandcreekeap.com
 - Click on "Member Support Page"
 - 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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HELP *and*



THERE IS
HOPE

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