

TIPS TO LAWYER RESILIENCE:
FIVE EVIDENCE-BASED STRATEGIES

Prepared by Chris Ritter, JD, Staff Attorney for TLAP

www.texasbar.com/tlap

800-343-TLAP(8527)

512-427-1453

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TIPS TO LAWYER RESILIENCE:

FIVE EVIDENCE-BASED STRATEGIES

I. INTRODUCTION.

For those practicing law in Texas, it may be no surprise that lawyers suffer very high rates of mental health and substance use disorders. Lawyers are handed their clients' worst problems and are expected to solve them. They are supposed to be perfect or their reputations dwindle. If they make a mistake, it can be career changing or devastating to a client's life. There is little time to smell the roses, and when that opportunity comes, it is hard if not impossible to stop thinking about the fires which need putting out at the office. It is a tremendous understatement to say that the life of a lawyer can be very stressful and difficult.

For decades, researchers have looked at the strenuous lifestyle and bad habits of lawyers. They have found extraordinary differences between the mental health and substance use of attorneys compared to people generally.

A recent law review article noted that attorneys have the highest rate of depression of any occupational group in the United States.¹ Another study showed that

attorneys suffer depression 3.6 times as often as the general population.²

In 2016, the American Bar Association Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation released a groundbreaking study of almost 13,000 employed attorneys. It showed that 21% of attorneys suffer from problematic drinking, defined as "hazardous, harmful, and potentially alcohol-dependent drinking" (some have referred to these people in the past as "alcoholics"), 28% suffer from depression, and 19% suffer from clinical anxiety.³ Perhaps even more disturbing, 36% reported drinking alcohol in a quantity and frequency that would indicate "hazardous drinking or possible alcohol abuse or dependence," 46% felt they suffered depression in the past, and 61% reported concerns about anxiety.⁴

As a reference to how these numbers stack up to the general population, about 6% of adults over 26 years of age suffer from

¹ See Lawrence S. Krieger and Kennon M. Sheldon, *What Makes Lawyers Happy? Transcending the Anecdotes with Data from 6200 Lawyers*, 83 *GEO. WASH. U. L. REV.* 554 (2015), also published as FSU College of Law, Public Law Research Paper No. 667(2014); see also Rosa Flores & Rose Marie Arce, *Why are lawyers killing themselves?*, CNN

(Jan. 20, 2014, 2:42 PM), <http://www.cnn.com/2014/01/19/us/lawyer-suicides/>.

² See William Eaton et al., *Occupations and the Prevalence of Major Depressive Disorder*, 32 *J. OCCUPATIONAL MED.* 1079, 1085 *tbl. 3* (1990).

³ See Patrick Krill, Ryan Johnson, and Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, *Journal of Addiction Medicine*, Feb. 2016, Vol. 10, Issue 1, pp. 46-52, http://journals.lww.com/journaladdictionmedicine/Fu/lltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.asp

⁴ *Id.*

problematic drinking⁵ (versus 21% of lawyers), and only 15% of doctors reported drinking alcohol in a quantity and frequency that would indicate hazardous drinking or possible alcohol abuse or dependence (versus 36% of lawyers).⁶

Similarly, a 2015 law school wellness study of nearly 4,000 participating law students at 15 law schools across the country showed that 42% of respondents indicated that in the past year they had thought they needed help for emotional or mental health problems. Furthermore, 25% answered two or more of four questions that comprise the standard alcohol use disorder assessment, indicating as many as one-quarter of the law students should be considered for further screening for alcohol use disorder. The study also showed that 43% of law students reported binge drinking in the past 2 weeks and 25% reported marijuana use in the past year.⁷ Additionally, 14% reported using prescription drugs in the past year without a prescription, 27% reported having an eating

disorder, and 21% percent reported that they had considered suicide.⁸

Another law school study found that before law school, only 8% reported alcohol problems. By the third year of law school, 24% reported a concern about having a drinking problem.⁹ Moreover, a 2014 Yale Law School study sent shockwaves across academia when it reported 70% of its law students had symptoms of depression.¹⁰

Regarding suicide, lawyers have consistently been at or near the top the list of all professionals in suicide rates.¹¹ They have been found to be twice as likely as the average person to commit suicide.¹²

Obviously, these are major problems. No one wants to be troubled by thinking about these issues, but they demand real attention.

⁵ *Behavioral Health Trends in the United States: Results from the 2015 National Survey on Drug Use and Health*, U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, September 2015, <http://www.samhsa.gov/data/sites/default/files/NSDUH-FRR1-2014/NSDUH-FRR1-2014.pdf>

⁶ *Id.*

⁷ See Jerome M. Organ, David B. Jaffe, and Katherine M. Bender, *Helping Law Students Get the Help They Need: An Analysis of Data Regarding Law Students' Reluctance to Seek Help and Policy Recommendations for a Variety of Stakeholders*, *The Bar Examiner*, Dec. 2015, Vol. 4, Issue 4, http://www.ncbex.org/pdfviewer/?file=%2Fassets%2Fmedia_files%2FBar-Examiner%2Fissues%2F2015-December%2FBE-Dec2015-HelpingLawStudents.pdf

⁸ *Id.*

⁹ See G.A. Benjamin, E.J. Darling, and B. Sales, *The Prevalence Of Depression, Alcohol Abuse, And Cocaine Abuse Among United States Lawyers*, *International Journal of Law and Psychiatry*, 1990, Vol. 13, pp. 233-246.

¹⁰ See Yale Law School Mental Health Alliance, *Falling Through the Cracks: A Report on Mental Health at Yale Law School*, December 2014, <http://www.scribd.com/doc/252727812/Falling-Through-the-Cracks>

¹¹ According to a 1991 Johns Hopkins University study of depression in 105 professions, lawyers ranked number one in the incidence of depression. See William Eaton et al., *Occupations and the Prevalence of Major Depressive Disorder*, 32 *JOURNAL OF OCCUPATIONAL MEDICINE* 11, Page 1079(1990).

¹² A 1992 OSHA report found that male lawyers in the US are two times more likely to commit suicide than men in the general population. See <http://www.lawpeopleblog.com/2008/09/the-depression-demon-coming-out-of-the-legal-closet/>.

Because lawyers are trained to question things and to require *Daubert* criteria to be proven for reliability in court, this paper is meant to present five helpful tips for improving wellness or for addressing problems that exist. The five strategies mentioned are evidence-based and are backed by an enormous amount of research and literature. If you are an attorney or law student and have not incorporated these strategies, you are truly missing out on an easier path.

II. TIPS TO LAWYER RESILIENCE:

FIVE EVIDENCE-BASED STRATEGIES.

When dealing with the spectrum of problems faced by Texas attorneys, there is no single solution which will take care of everything, but many tools are useful for both mental health and substance abuse issues. Attorneys are reluctant to listen to opinions about how they should live unless there is *Daubert*-like reliability shown for what is suggested. Therefore, the following are evidence-based strategies that are shown by research to be effective:

1. Practice Gratitude.

There is a growing body of research showing the powerful positive effects of thinking about what we are glad to have in our lives.¹³ This research shows that there are significant benefits psychologically, spiritually, and physically that results from reflecting about the things for which we are grateful.

¹³See <http://www.ppc.sas.upenn.edu/publications.htm>

In fact, due to its powerful consequences, gratitude has been one of the three most studied of twenty four character strengths of people who lead flourishing lives.¹⁴ The most important of the findings of these studies includes that people who practice gratitude experience more positive emotions, lower stress, and healthier relationships. These studies also show that practicing gratitude physically results in more energy, healthier bodies, better sleep, and increased life span.¹⁵ Studies have found that gratitude has profound effects on self-esteem, depression, and the prevention of suicidal ideation.¹⁶

Practicing gratitude by means of a gratitude journal (e.g., thinking of three things a person is grateful to have in his or her life each morning) has been shown to increase a person's happiness by 25% over ten weeks.¹⁷ Another major study found that regularly practicing counting one's blessings and visualizing our best possible selves elevate and maintain positive mood.¹⁸

¹⁴ See Jane Taylor Wilson, Brightening the Mind: The Impact of Practicing Gratitude on Focus and Resilience in Learning, *Journal of the Scholarship of Teaching and Learning*, Vol. 16, No. 4, August 2016, pp.1-13.

¹⁵ *Id.*

¹⁶ See Chih-Che Lin, The Relationships Among Gratitude, Self-Esteem, Depression, and Suicidal Ideation Among Undergraduate Students. *Scandinavian Journal of Psychology*, 2015, 56, 700-707

¹⁷ See Robert A. Emmons and Michael E. McCullough, Counting Blessings Versus Burdens: An Experimental Investigation of Gratitude and Subjective Well-Being in Daily Life. *The Journal of Personality and Social Psychology*, 2003, Vol. 84, No. 2, 377-389.

¹⁸ See K. Sheldon & S. Lyubomirsky. How to Increase and Sustain Positive Emotion: The Effects of Expressing Gratitude and Visualizing Best

A 2016 study by Indiana University showed that the effects of gratitude practice can actually make physical changes to the brain that last for extended periods of time. There, researchers found that those who completed the gratitude practices months earlier reported feeling more grateful two weeks after the task than members of the control group and months later showed more gratitude-related brain activity in the scanner.¹⁹

I have often wondered what happened to me in law school that caused me to be such a negative thinker. Before law school, I could do a number of things that were exciting and fun without a lot of worry. After law school, the idea of the consequences for every possible action automatically flowed through my mind, taking the fun out of some parts of my life. For example, during my third year in law school, a close friend of mine had a bachelor party that would be categorized by almost all people as extremely tame. However, about midnight a few people thought it would be fun to jump off the high diving board in the old swimming pool we grew up swimming in. My mind filled with horror at the felonies that would pile up from such an act. After all, there was a residence adjacent to the pool, it was at night, and I had everyone convicted of burglary and myself barred from practicing law all within a minute of thinking about it.

Possible Selves. *Journal of Positive Psychology*, 1(2), 73-82 (2006).

¹⁹ See P. Kini et al., The Effects of Gratitude Expression on Neural Activity. *Neuroimage*, 128: 1-10 (2016).

Some of this new skill is essential to being a good lawyer. If we can't sift through possibilities and risks with some knowledge, we can't foresee issues and help clients effectively. Unfortunately, many of the skills we develop in the legal profession can bleed over into our personal lives and cause a negative impact if we are not careful. This is where gratitude practice can have a substantial impact.

If we don't use a skill, it atrophies. For most of us, thinking about what is good in our lives on a daily basis is something that was suffocated long ago by the daily anxiety of what our schedule held for our busy day practicing law.

The studies above show that by inserting back into your life some gratitude, happiness levels increase significantly.

Suggestion: Gratitude Journal or Letter. Become conscious of your gratitude. Studies have shown that taking the time to make a list of things for which you are grateful or writing a letter to someone to express gratitude for that person can result in significant improvement in the way you feel and the amount of happiness you experience.²⁰ If you doubt the science, try making a list of three to five things for which you are grateful each morning for a week or writing a gratitude letter and see what happens.

2. Practice Mindfulness. For attorneys, relaxing can seem almost impossible. The mind is an instrument, but

²⁰ See Steven Toepfer, *Letters of Gratitude: Improving Well-Being through Expressive Writing*, J. OF WRITING RES. 1(3) (2009).

sometimes it seems that the instrument has become the master. Breathing exercises, meditation, and mindfulness²¹ practices have been very effective for attorneys who need to relax, or “quiet the mind.” Much has been written to express how impactful these tools can be to bring about peace in the life of an attorney.²²

I want to note some interesting findings relevant to lawyers from the mountain of research that illustrates the importance of mindfulness for lawyers. One study that looked at a cell phone application to sample user’s thoughts, feelings and actions at random times throughout the day found that people are least happy at times when their minds are not focused on the action they’re performing.²³ Another studies showed that people in the 90th percentile for stress in their lives reduced their stress levels to the 57th percentile after only a couple of weeks of mindfulness breathing exercises just a few minutes a day.²⁴

²¹ See Rhonda V. Magee, *Making the Case for Mindfulness and the Law*, 86 NW Lawyer 3 at p. 18 (2014)(available online at: http://nwlawyer.wsba.org/nwlawyer/april_may_2014/?pg=20#pg20).

²² See e.g., STEVEN KEEVA, TRANSFORMING PRACTICES: FINDING JOY AND SATISFACTION IN THE LEGAL LIFE (1999); Leonard L. Riskin, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and Clients*, 7 HARV. NEGOT. L. REV. 1 (2002); Rhonda V. Magee, *Educating Lawyers to Meditate?*, 79 UMKC L. REV. 535 (2010).

²³ See M. Killingsworth & D. Gilbert. A Wandering Mind Is an Unhappy Mind. *Science*, 330 (6006), 932 (2010).

²⁴ See David W. Orme-Johnson and Vernon Barnes, Effects of the Transcendental Meditation Technique on Trait Anxiety: A Meta-Analysis of Randomized

Meditation has been shown to increase focus, reduce negative affect, decrease depressive symptoms, and decrease rumination, all things lawyers need.²⁵ Another study indicated that meditation increases memory and recall function among those dealing with high stress situations.²⁶ A recent major study of many of the effects showed strong evidence of the benefits of mindfulness meditation: increased emotional regulation, decreased reactivity, improved relationships, less psychological distress, better physical health, less depression and anxiety, and more focus.²⁷

What is mindfulness? Mindfulness is paying attention to the present moment with intention and without judgment. Practicing mindfulness is most often done by focusing on the breath, but there are countless variations of breathing exercises and resources to learn how to build control of your thoughts and worries through a sort of mindfulness practice.²⁸ TLAP’s website

Controlled Trials. *The Journal of Alternative and Complementary Medicine*, Vol. 19, No. 0, p. 1-12 (2013).

²⁵ See Richard Chambers et al., The Impact of Intensive Mindfulness Training on Attentional Control, Cognitive Style, and Affect. *Cognitive Therapy Research*, 32: 303 (2008); see also C. Burke. Mindfulness-Based Approaches with Children and Adolescents: A Preliminary Review of Current Research in an Emergent Field. *Journal of Child and Family Studies*, 18(3), 1062-1024 (2009).

²⁶ See Amishi Jha et al., Examining the Protective Effects of Mindfulness Training on Working Memory Capacity and Affective Experience. *Emotion*, Vol. 10, No. 1, 54-64(2010).

²⁷ Daphne Davis and Jeffrey Hayes, What Are the Benefits of Mindfulness? A Practice Review of Psychotherapy-Related Research. *Psychotherapy*, Vol. 48, No. 2, p. 198-208 (2011).

²⁸ Guided breathing exercises and meditations: <http://marc.ucla.edu/body.cfm?id=22>; Meditate at your desk:

includes links to several of these wellness resources at www.tlaphelps.org.

Suggestion: Desk Meditation. Studies show that regular meditation can have a major impact on anxiety and improve brain function. Sitting comfortably at your desk, try to meditate at least 5 minutes at the start of your day before checking voice-messages for two weeks and see if there is any noticeable difference in the qualities of your days. Here is an instructional video: : <https://www.youtube.com/watch?v=nQjMJpQyj8E&feature=youtu.be>.

3. Help Others. Service work sounds like just one more thing to add to the list of things you do not have time for, but this is something helpful for you, so consider really making time to do it. Obviously, until you secure your oxygen mask, you should not attempt to rescue others, but lawyers have been found to gain “intense satisfaction” from doing service work,²⁹ and studies show it helps improve mental health and happiness.³⁰

<https://www.youtube.com/watch?v=nQjMJpQyj8E&feature=youtu.be>;

²⁹ See Lawrence S. Krieger and Kennon M. Sheldon, *What Makes Lawyers Happy? Transcending the Anecdotes with Data from 6200 Lawyers*. *GEO. WASH. U. L. REV.* 83 (2015 Forthcoming), FSU College of Law, Public Law Research Paper No. 667(2014) (citing Bruno Frey & Alois Stutzer, HAPPINESS AND ECONOMICS: HOW THE ECONOMY AND INSTITUTIONS AFFECT HUMAN WELL-BEING at 105 (2002)).

³⁰ See also the following video of Dr. Charles Raison, the Assistant Professor of the Department of Psychiatry and the Director of the Mind/Body Program at Emory University, in which Dr. Raison talks about happiness and what causes it: <http://www.youtube.com/watch?v=0orvsH07zeg>

Evidence suggests that service work can help offset the effects of stress that lawyers face. In a major study of 30,000 people, those who were employed in high stress jobs had a 43% higher rate of death over a ten year period;³¹ however, a related study of those who regularly performed service work to give others help, the rate of death was completely normal despite having high stress jobs.³² Therefore, doing service work is absolutely a strategy that can offset the harmful effects of stress in your practice.

A researcher named Dr. Martin Seligman showed how this kind of work can also increase happiness. In an experiment called “Philanthropy versus Fun,” Seligman divided up his psychology students into two groups. The first partook in pleasurable past times such as eating delicious food and going to the movies. The second group participated in philanthropic activities, volunteering in feeding the homeless or assisting the physically handicapped. What Seligman found was that the satisfaction and happiness that resulted from volunteering was far more lasting than the fleeting reward of food or entertainment.³³ Even if you feel that it is being done for your own selfish

³¹ A. Keller et al., Does the Perception that Stress Affects Health Matter? The Association with Health and Mortality. *Health Psychology*, 31(5), p. 677-684 (2012).

³² M.J. Poulin et al., Giving to Others and the Association Between Stress and Mortality. *American Journal of Public Health*, 103(9), p. 1649-1655 (2013).

³³ See Karen Salmansohn, THE BOUNCE BACK BOOK (Workman Publ'g 2008), partially available online at <http://www.psychologytoday.com/blog/bouncing-back/201003/the-world-taking-it-outta-you-seligman-study-shows-how-you-can-cheer-givin>. See also Martin E. P. Seligman, *Authentic Happiness* (Simon & Schuster 2002).

gain, try it anyway and before long you will experience a heightened sense of peace, joy and satisfaction in life.

When I was in a particularly flat period in my litigation practice, I was asked to serve on a board and I happily accepted. I later learned that Meals-on-Wheels required its board members to serve, and despite my full schedule, I made the time. It was life-changing for me. I will never forget the tears in my eyes after a visit with one of the first ladies I provided a meal. When I asked her how she was doing that day, she choked up and joyfully thanked me for asking and said the person the day before had just put the food down and left and that she hadn't spoken to anyone and appreciated my kindness. My worries about my earlier botched deposition melted away in that moment.

Lawyers can do service work for each other as well. This is illustrated particularly well by one famous lawyer's powerful story:

Some may recall a little-known member of the Illinois bar, a lawyer who suffered from suicidal depressions as a young man. After losing his true love to an early death, he became so despondent he told others he felt like killing himself. Recognizing his despair, his friends and colleagues in the bar rallied to his support, took away his pistols and knives, spent time with him, and even locked him up to protect him from himself. Thus did Abraham Lincoln survive his suicidal crisis and learn to live with and gain insights from the depressions that revisited him throughout his life. If

one life lost to suicide is too many, imagine the cost of not preventing the suicide of our next Abraham Lincoln, who may, right now, be attending law school.³⁴

Suggestion: Schedule Service Work. While you may have good intentions and believe in the research that shows how much helping others can improve your life, it means nothing unless you take action and lawyers rarely take action unless we put it on the calendar. Therefore, decide upon a cause you care about such as Meals-on-Wheels, Big Brothers Big Sisters, the local food bank, a shelter, a church program, or any other helping program that matters to you and sign up for service at least a couple of times per month. Try it and see how your quality of life changes.

4. Practice Self-Compassion.

Self-compassion for lawyers sounds like some kind of punch line for a half-decent joke, but this is a strategy that has a lot of research and some remarkable effects behind it. Self-compassion is one of the most powerful tools for resiliency available to attorneys and it is a pretty simple practice to learn.

Essentially, self-compassion is showing oneself the kindness and concern that one would provide to a good friend; put differently, it is the sensitivity to the experience of one's suffering and a deep

³⁴ See Simpson, S., & Quinnett, P. (2008). Preventing Suicide – A Challenge to the Legal Profession. *GP Solo*, 25(7), 60-61 (Story used with express permission).

desire to alleviate it.³⁵ The components of self-compassion are self-kindness, common humanity, and mindfulness.³⁶

The research shows that self-compassion significantly reduces anxiety and depression, two of the most prominent problems faced by attorneys.³⁷ Those who practice self-compassion also ruminate far less than those who do not.³⁸ Self-compassion has been found to deactivate the “fight or flight” nervous system that causes so much ongoing stress and returns us to the self-soothing system associated with secure attachment and safety.³⁹ Self-compassion has been found in a recent study to help people deal with negative life events and reduce the negative effects of difficulties stemming from negative life events.⁴⁰ Furthermore, self-compassion has been shown to help substantially with motivation,

coping abilities, and interpersonal relationships.⁴¹

There are many powerful self-compassion practices that a person can find by looking to the numerous resources on the Internet, such as Dr. Kristin Neff’s Self-Compassion.org site or Berkely’s Greater Good project.⁴² The following are examples of some of the many ways that a person could practice self-compassion by writing: writing yourself letter as if you were a compassionate friend; make a journal of the self-critical thoughts you have and serve as kind critic to those harsh thoughts; use the practical interruptive question when dealing with yourself harshly of, “how would I talk to a friend about this?”; reframe self-critical thoughts as they arise so that they are fair and kind; each time a critical thought arises, balance it with a complimentary or kind one.⁴³

Suggestion: Write a Self-Compassion Letter or Critical Thoughts List/Counter- List: Yes it sounds odd, but studies find that writing can be a great way to be compassionate to yourself. Try writing a letter to yourself in a way that you would write a thank you or gratitude letter to a parent for all that a parent has done. You might cover the topics of the hardships you have survived, the people you have helped, and the qualities that have made you make it through life thus far. Alternatively, make a

³⁵ See Kristen Neff, Self-Compassion: What it is, What it Does, and How it Relates to Mindfulness. *Handbook of Mindfulness and Self-Regulation*, New York: Springer (2015).

³⁶ *Id.*

³⁷ *Id.*

³⁸ See Kristin Neff, Development and validation of a scale to measure self-compassion. *Self and Identity*, 2, 223-250 (2003).

³⁹ See P. Gilbert & C.Irons, Focused therapies and compassionate mind training for shame and self-attacking. In P. Gilbert, (Ed.), *Compassion: Conceptualisations, research and use in psychotherapy* (pp. 263-325). London: Routledge (2005).

⁴⁰ See M.R. Leary et al., Self-compassion and reactions to unpleasant self-relevant events: The implications of treating oneself kindly. *Journal of Personality and Social Psychology*, 92, 887-904(2007).

⁴¹ See Kristen Neff, Self-Compassion: What it is, What it Does, and How it Relates to Mindfulness, *supra* at p. 133.

⁴² See <http://self-compassion.org> and <http://greatergood.berkeley.edu/resources/studies#compassion>.

⁴³ See Neff, *supra*, at <http://self-compassion.org>.

journal of the self-critical thoughts you have and act as defense counsel for yourself by writing out counter-arguments for each of those harsh thoughts.

5. Develop a Sense of Humor.

The effects of humor and laughter have been heavily researched and the impacts they have on boosting resilience are amazing. Studies show that having a sense of humor is directly related to reduced stress, better psychological wellbeing, improved coping ability, better perspective, stronger social support, better temperament, and better physical health.⁴⁴ Humorous reading has been found to help people heal from negative experiences and made more of a healing impact on those negative experiences than positive reading (e.g., reading about a wonderful father's experience with a successful little-league team).⁴⁵

A 2014 study overviewed many important things that humor provides those with high stress jobs and found that a good sense of humor may be one of the most important ingredients to resilience. It noted that humor provides a behavioral tendency to engage in acts that promote happiness, a valuable portal to resilience through comical reframing, and it stabilizes positive attitude.⁴⁶

Due to these extraordinary rates of burnout, depression, and other mental health consequences of chronic stress, having an experience that is fun, silly, and hopefully hilarious is scientifically just what the doctor ordered for addressing or reducing the effects of stress for lawyers. While keeping humor within its appropriate limits in the practice of laws is necessary, particularly in court and in other professional settings, lawyers should try to get a healthy dose of humor and try to take to laughing a little more often to get the positive health benefits overviewed here. We all know that lawyers have been the subject of many jokes, but the time has come for us to do more joking for our own health and resilience.

Suggestion: Write a Top Ten List: Lawyers have funny stories. Write a Letterman style countdown list of the funniest things you have witnessed in a courtroom or in your practice. When you are done, share it!

III. CONCLUSION.

Becoming resilient as an attorney is definitely not going to be a one-time quick fix. Once some changes are made that result in improved lifestyle, there will remain periodic ups and downs. However, if you are practicing law without using the tools discussed in this paper, you are making life harder than it needs to be.

Using the tools available is so important. Learning how to accept help is difficult for highly capable attorneys, but

⁴⁴ See Paul McGhee, *Humor: The Lighter Path to Resilience and Health*, AuthorHouse (2010).

⁴⁵ See Jason Marsh, Finding Comfort in a Joke: Consolatory Effects of Humor Through Cognitive Distraction. *Emotion*, Vol. 9(4), p. 574-578 (2009).

⁴⁶ See Arnie Cann and Chantal Collette, Sense of Humor, Stable Affect, and Psychological Well-

Being. *Europe's Journal of Psychology*, Vol. 10(3), p. 464-479 (2014).

until that lesson is learned, life can be really difficult.

Please remember that help is available from TLAP for lawyers dealing with major problems and also those just wanting to make improvements in their lives. A call to TLAP will connect you to a staff attorney around the clock. A recent study indicated that the number one reason law students in need of help would not seek it was the fear of bad professional consequences (63% indicated this fear) such as losing a job, not being able to take the bar, etc.⁴⁷ There is **no professional** consequence for calling TLAP, but there will be a *personal* consequence for failing to do so if you need help!

As Mahatma Gandhi (a lawyer in his younger years) said, “The future depends on what you do today.” If you or a lawyer, law student, or judge you know needs help, TLAP is available to provide guidance and support at 1(800)343-TLAP(8527) or at www.tlaphelps.org

⁴⁷ See 2014 ABA/Dave Nee Survey of Law Student Well-Being (co-piloted by David Jaffe and Jerry Organ and funded by the ABA Enterprise Fund and the Dave Nee Foundation).

APPENDIX 1:

HELP AND HOPE: TLAP -- A SAFE PLACE TO GET HELP

Why TLAP?

As you know, practicing law can be an awesome adventure, a wonderful walk, a paralyzing fear factory, a sea of depressing doldrums, or all of the above in the same week, depending on your circumstances, lifestyle and perspective. Research shows that perspective and mental wellbeing are paramount to lawyer happiness.⁴⁸ Mark Twain once said, “There has been much tragedy in my life; at least half of it actually happened.” This sort of disconnection between perspective and reality is common for attorneys. The Texas Lawyers Assistance Program (TLAP) is a powerful tool for lawyers, law students, and judges to restore or keep wellness to have a hopeful and happy life practicing law.

Background.

TLAP began in 1989 as a program directed toward helping attorneys suffering from alcoholism. While that role remains important for TLAP (attorneys have twice the rate of alcoholism as the general population), the mission is now much broader.

Currently, approximately half of all assistance provided by TLAP is directed toward attorneys suffering from anxiety, depression, or burnout. Additionally, TLAP helps lawyers, law students, and judges suffering problems such as prescription and other drug use, cognitive impairment, eating disorders, gambling addictions, codependency, and many other serious issues. These problems⁴⁹ are very treatable, and TLAP’s staff of experienced attorneys can connect a person-in-need to a variety of life-changing resources.

TLAP is a Safe Place to Get Help.

It is essential to emphasize and repeat this for those who may be worried: TLAP is a safe place to get help. It is confidential and its staff can be trusted. TLAP’s confidentiality was established under Section 476 of the Texas Health & Safety Code. Under this statute, all communications by any person with the program (including staff, committee members, and volunteers), and all records received or maintained by the program, are strictly protected from disclosure. TLAP doesn’t report lawyers to discipline!

Call TLAP to Get a Colleague Help.

⁴⁸ See Lawrence S. Krieger and Kennon M. Sheldon, *What Makes Lawyers Happy? Transcending the Anecdotes with Data from 6200 Lawyers*. 83 *GEO. WASH. U. L. REV.* 554 (2015).

⁴⁹ See www.texasbar.com/TLAP for resources for most of these problems.

While the majority of calls to TLAP are self-referrals, other referrals come from partners, associates, office staff, judges, court personnel, clients, family members, and friends. TLAP is respectful and discreet in its efforts to help impaired lawyers who are referred, and TLAP *never* discloses the identity of a caller trying to get help for an attorney of concern.

Furthermore, calling TLAP about a fellow lawyer in need is a friendly way to help an attorney with a problem without getting that attorney into disciplinary trouble. Texas Health & Safety Code Section 467.005(b) states that “[a] person who is required by law to report an impaired professional to a licensing or disciplinary authority satisfies that requirement if the person reports the professional to an approved peer assistance program.” Further, Section 467.008 provides that any person who “in good faith reports information or takes action in connection with a peer assistance program is immune from civil liability for reporting the information or taking the action.” *Id.*

What TLAP Offers.

Once a lawyer, law student, or judge is connected to TLAP, the resources which can be provided directly to that person include:

- direct peer support from TLAP staff attorneys;
- self-help information;
- connection to a trained peer support attorney who has overcome the particular problem at hand and who has signed a confidentiality agreement;
- information about attorney-only support groups such as LCL (Lawyers Concerned for Lawyers – weekly meetings for alcohol, drug, depression, and other issues) and monthly Wellness Groups (professional speakers on various wellness topics in a lecture format) which take place in major cities across the state;
- referrals to lawyer-friendly and experienced therapists, medical professionals, and treatment centers; and
- assistance with financial resources needed to get help, such as the Sheeran-Crowley Memorial Trust which is available to help attorneys in financial need with the costs of mental health or substance abuse care.

In addition to helping attorneys by self-referrals or third-party referrals, TLAP staff attorneys bring presentations to groups and organizations across the state to educate attorneys, judges, and law students about a variety of topics, including anxiety, burnout, depression, suicide prevention, alcohol and drug abuse, handling the declining lawyer, tips for general wellness, and more. In fact, TLAP will customize a CLE presentation for your local bar association.

Finally, TLAP provides an abundance of information about wellness on its website. The site offers online articles, stories, blogs, podcasts, and videos regarding wellness, mental health,

depression, alcohol and drugs, cognitive impairments, grief, anger and many other issues. Check the site out for yourself at www.texasbar.com/TLAP.

IV. FINANCIAL HELP: THE SHEERAN-CROWLEY MEMORIAL TRUST

It is funny how society assumes lawyers are all rich. A 2014 CNN report indicated that, while law school debt averaged \$141,000, the average starting U.S. income for attorneys was \$62,000.⁵⁰ Considering the financial strain many lawyers face and the significant impairment of an attorney struggling with a mental health or substance use problem, you might see how plenty of lawyers cannot afford to get help.

For this reason, in 1995, a small group of generous Texas lawyers created The Patrick D. Sheeran & Michael J. Crowley Memorial Trust. These lawyers knew that about 20% of members of the bar suffer from alcohol or drug problems and that about the same percentage suffer from mental health issues such as depression, anxiety, and burnout. They also knew that, if untreated, these problems would eventually devastate a lawyer's practice and life. With proper treatment and care, however, many of these lawyers can be restored to an outstanding law practice and a healthy life.

The Trust provides financial assistance to Texas lawyers, law students, and judges who need and want professional help for substance abuse, depression and other mental health issues. To be approved, the applicant must be receiving services from TLAP and must demonstrate a genuine financial need.

Once an individual's application for assistance is approved by the Trustees, grants are made payable directly to the care provider(s). To help protect the corpus of the Trust and to give applicants a significant stake in their own recovery, all applicants are asked to make a moral commitment to repay the grant. Beneficiaries can receive up to \$2,000 for outpatient counseling, medical care, and medication, \$3,000 for intensive outpatient treatment and medication, and \$8,000 for inpatient treatment.

The Trust is the only one of its kind in Texas that serves both substance abuse and mental health needs. It has been funded contributions from lawyers and organizations, including the State Bar of Texas, the Texas Center for Legal Ethics, and the Texas Bar College. The Trust is administered by TLAP staff and controlled by a volunteer Board of Trustees who are also members of Texas Lawyers Concerned for Lawyers, Inc., a non-profit corporation that works closely with TLAP.

⁵⁰ See Ben Brody, *Go to Law School. Rack Up Debt. Make \$62,000.* CNN (July 15, 2014), <http://money.cnn.com/2014/07/15/pf/jobs/lawyer-salaries/>.

If you need assistance, or if you would like to help other attorneys in need by contributing to this trust, please contact TLAP at 1-800-343-TLAP (8527)! Also, for more information about the trust or about how to make contributions, see the form attached in the appendix or click here: [Sheeran-Crowley Memorial Trust Web Page](#).

V. CONCLUSION: Take Action, Call TLAP!

A call to TLAP will connect you to a staff attorney around the clock. A recent study indicated that the number one reason law students in need of help would not seek it was the fear of bad professional consequences (63% indicated this fear) such as losing a job, not being able to take the bar, etc.⁵¹ There is **no professional** consequence for calling TLAP, but there will be a *personal* consequence for failing to do so if you need help!

Lawyers suffering from mental health and substance use disorders must take action to get better. As Mahatma Gandhi (a lawyer in his younger years) said, “The future depends on what you do today.” If you or a lawyer, law student, or judge you know needs help, TLAP is available to provide guidance and support at 1(800)343-TLAP(8527).

⁵¹ See Jerome M. Organ, David B. Jaffe, and Katherine M. Bender, *Helping Law Students Get the Help They Need: An Analysis of Data Regarding Law Students’ Reluctance to Seek Help and Policy Recommendations for a Variety of Stakeholders*, The Bar Examiner, Dec. 2015, Vol. 4, Issue 4, http://www.ncbex.org/pdfviewer/?file=%2Fassets%2Fmedia_files%2FBar-Examiner%2Fissues%2F2015-December%2FBE-Dec2015-HelpingLawStudents.pdf

APPENDIX 2:

MORE ABOUT THE SHEERAN – CROWLEY MEMORIAL TRUST AND DONATION FORM

The Patrick D. Sheeran & Michael J. Crowley Memorial Trust

Trustees: Mike G. Lee, Dallas; Dicky Grigg, Austin; Bob Nebb, Lubbock

In 1995, a small group of Texas lawyers created The Patrick D. Sheeran & Michael J. Crowley Memorial Trust. They were compelled to do so by the grim knowledge that approximately 15-20% of Texas lawyers suffered from mental illnesses such as substance abuse and depression and that these illnesses, if left untreated, directly impacted a lawyer's practice in myriad negative ways. They also knew that, with proper treatment and mental health care, a lawyer could be restored to a productive life and the ethical practice of law.

The Trust is specifically designed to provide financial assistance to Texas attorneys who need and want treatment for substance abuse, depression and other mental health issues. It serves those whose illnesses have impacted their financial situation and reduced their ability to pay or maintain insurance for necessary mental health care.

All applicants must be receiving services from the Texas Lawyers' Assistance Program and must demonstrate financial need. Once an individual's application for assistance is approved by the Trustees, grants are made payable only to the treatment or provider, after services have been rendered. To help protect the corpus of the Trust and to give applicants a significant stake in their own recovery, all applicants are asked to make a moral commitment to repay the grant. No applicant may be allowed additional grants unless previous grants have been repaid.

The Trust is the only one of its kind in Texas that serves both substance abuse and mental health needs and is currently funded solely by contributions from lawyers. Since 2000, the Trust has raised just over \$68,000. Since 2006, the Trust has granted an average of \$10,000 per year to lawyers in need of mental health services who could not otherwise afford them, but the need is much greater.

Mental health care is expensive: a psychiatrist charges an average of \$300 per hour and a master's level psychotherapist charges \$100 per hour. A three month supply of medication to treat depression may cost up to \$300. A typical out-patient eight week substance abuse treatment costs \$5000, and in-patient substance abuse treatment for one month starts around \$12,000. The good news is that lawyers who follow a recommended course of treatment usually respond well and often return to practice relatively quickly. Your generous donation could provide a month of therapy; a three month supply of medication; an out-patient course of treatment; a one month course of in-patient treatment or even more. There are no administrative fees or costs, and volunteer Trustees serve pro bono, to insure that all contributions provide truly valuable and much needed assistance.

In 2010, *The Texas Bar Journal* published the story of a lawyer who received funds from the Trust. Success speaks more eloquently than any fundraiser's plea:

“Approximately two years ago I found myself in a deep dark place from which I could see no hope for the future. The Sheeran Crowley Trust provided that hope.... I decided that rehab was appropriate for my situation. The next hurdle was financial.... I was totally surprised that there was some financial assistance available to help with the cost of treatment. I never expected financial assistance via a trust specifically set up to help lawyers like me.... Without the Sheeran Crowley Trust I don’t know where I would be today. They provided the financial backing to get me the help that I needed. I learned the rest was up to me. I’ve remained sober since my release from rehab and I have my law practice back. It’s been almost two years now. Thank God for TLAP. Thank God for the Sheeran Crowley Trust.”

The Trust is named in honor of the first Director of the State Bar of Texas’ Lawyers’ Assistance Program, Patrick D. Sheeran, and Michael J. Crowley, one of the founders of TLAP, who, during their lives, helped many attorneys to achieve recovery from alcohol, drugs, depression and other mental health issues. The Trust is supported by the Texas Lawyers’ Assistance Program and administered by a volunteer Board of Trustees who are also members of Texas Lawyers Concerned for Lawyers, Inc., a non-profit corporation that works closely with TLAP.

The Trust needs your help through your tax deductible contributions. For more information, please contact Bree Buchanan at 800-343-8527 or simply send a check made payable to the Trust, along with a copy of the accompanying form to: The Sheeran-Crowley Trust, c/o Bree Buchanan, P. O. Box 12487, Austin, Texas 78711.

***Yes, I want to make a difference! Please accept my donation to
The Patrick D. Sheeran & Michael J. Crowley Memorial Trust.***

_____ \$100	_____ \$5000
_____ \$300	_____ \$12,000
_____ \$1000	_____ Other

- I prefer to remain anonymous.
- This gift is in memory / honor of: _____.
- I have remembered the Trust in my will.
- I have purchased a life insurance policy naming The Patrick D. Sheeran & Michael J. Crowley Memorial Trust as beneficiary.

The Patrick D. Sheeran & Michael J. Crowley Memorial Trust is a 501(c)(3) charitable organization.

Thank you for your generous contribution!