

NOBC Joins CoLAP and APRL in supporting the Task Force

- In the spring of 2016, then NOBC President Paul Burgoyne joined with CoLAP President Terry Harrell and APRL President Lynda Shely to endorse the creation of a national task force to address the issues raised by the Study and the Law Student Survey.
- Thank you, Paul, Terry, and Lynda for your support and encouragement getting this task force going!

Suffering in Silence:

The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help

Law Student Survey - Alcohol

- One-quarter at risk for alcoholism
- 15 law schools
- 3,300 law students

	Law Students	Other Grad Students
Got drunk prior 30 days	53%	39%
Binge drank at least once prior 2 weeks	43%	36%
Binge drank at least twice	22%	21%

Law Student Survey – Mental Health

- 17% depression
- 14% severe anxiety
- 23% mild/moderate anxiety
- 6% suicidal thoughts in last year

Law Student Survey – Help-Seeking

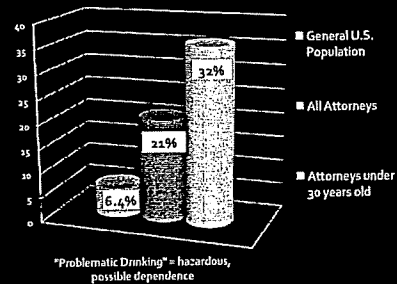
- Factors that discourage help-seeking:
 - Threat to job or academic status
 - Potential threat to bar admission
 - Social stigma
 - "I can handle it myself"

Law Student Survey – Help-Seeking

- Half of respondents report:
 - "better chance of getting admitted to the bar if a mental health or substance use problem is hidden"

Study of the Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys

2015 ABA Lawyer Study



Lawyer Study – Mental Health

- 28% depression
- 19% severe anxiety
- 11.5% suicidal thoughts during career

Young Lawyers at Risk

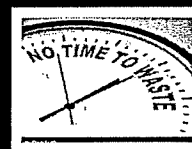
- The younger the lawyer, the greater the likelihood of:
 - Substance Use Disorder
 - Depression
- Opposite of current perception

Barriers to Help Seeking

- Not wanting others to find out they needed help
- Concerns regarding privacy or confidentiality
- = Stigma

2016 ABA Annual Meeting

- The time to act is NOW!
 - CoLAP
 - NOBC
 - APRL

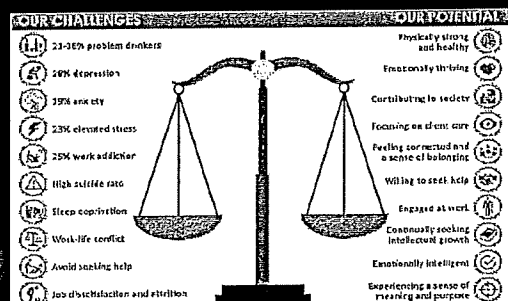


National Task Force on Lawyer Well-Being:

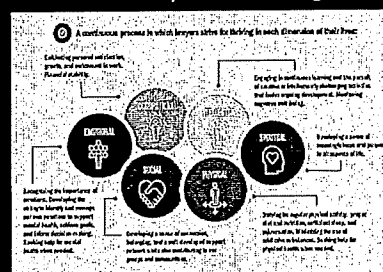
"...seeking to create a MOVEMENT towards improving the health and well-being of the legal profession."

Task Force Report

- "The Path to Lawyer Well-Being: Practical Recommendations for Positive Change"
- Focused on impairment and well-being
- 44 recommendations
- Addressed to legal stakeholders:
 - Judges
 - Regulators
 - Legal Employers
 - Law Schools
 - Bar Associations
 - Professional Liability Carriers
 - Lawyers Assistance Programs



What is lawyer "well-being"?



Three Reasons to Take Action

- (1) Organizational success—in law firms, corporations, and government entities.
- (2) Well-being influences ethics and professionalism.
 - Rule 1.1—competence
 - Rule 1.3—diligence
 - Rules 4.1 through 4.4—transactions with persons other than clients
- (3) Humanitarian reasons—untreated mental health and substance use disorders ruin lives and careers.

Task Force Report

- Five core steps for a sustainable culture in the legal profession:
 1. Identify stakeholders and their roles in bringing about culture change
 2. Diminish stigma associated with seeking help for disorders
 3. Emphasize that well-being is part of duty of competence
 4. Expand educational outreach on mental health and substance use disorders, as well as issues related to well-being
 5. Change tone of legal profession to make health and well-being a top priority

General Recommendation: Acknowledge the Problems and Take Responsibility

- Every sector of the legal profession must support lawyer well-being.
- Each of us should take a leadership role within our own spheres to change the profession's mindset.
- Transform passive denial of problems to proactive support for change.

General Recommendation: Use This Report as a Launch Pad for a Profession-Wide Action Plan

- Changing the culture will not be easy.
- Develop a National Action Plan that continues the effort started in this report.
- An organized coalition will be necessary to plan, fund, instigate, motivate, and sustain long-term change.

General Recommendation: Leaders Should Demonstrate a Personal Commitment To Well-Being

- Policy statements alone do not shift culture.
- Change requires buy-in and role modeling from top leadership.
- Leaders can create and support change through their own demonstrated commitment to core values and well-being.

General Recommendation: Facilitate, Destigmatize, and Encourage Help-Seeking Behaviors

- Take steps to minimize the stigma of mental health and substance use disorders.
- This stigma prevents lawyers from seeking help.
- Research shows that the most effective way to reduce stigma is through direct contact with someone who has personally experienced a relevant disorder.

General Recommendation: Foster Collegiality and Respectful Engagement Throughout The Profession

- Develop and enforce standards of collegiality and respectful engagement.
- Chronic incivility:
 - Depletes energy and motivation
 - Increases burnout
 - Inflicts emotional and physiological damage
 - Diminishes productivity, performance, creativity, and helping behaviors

General Recommendation: Partner With Lawyer Assistance Programs

- Partner with and ensure stable and sufficient funding for the ABA's Commission on Lawyer Assistance Programs (CoLAP).
- Partner with and help ensure sufficient funding for state-based lawyer assistance programs.
- Lawyer assistance programs are indispensable partners in educating and empowering the profession to address the well-being crisis.

General Recommendation: Guide and Support the Transition of Older Lawyers

- Senior lawyers can bring much to the table:
- Wealth of experience
- Public service
- Mentoring of new lawyers

BUT, aging lawyers have an increasing risk for declining physical and mental capacity.

General Recommendation: Begin a Dialogue About Suicide Prevention

- Lawyers have high rates of suicide.
- Stakeholders need to provide education and take action.
- Suicide is a highly stigmatized topic.
- Make a concerted effort towards suicide prevention to demonstrate to the legal community that we are not afraid of addressing this issue.

Regulators Recommendation: Adopt Regulatory Objectives That Prioritize Lawyer Well-Being

- In 2016, the Conference of Chief Justices adopted a resolution recommending that each state's highest court consider the ABA's proposed Model Regulatory Objectives.
- Those objectives encouraged "appropriate preventive or wellness programs."
- The Supreme Court of Colorado adopted a version of the ABA's Regulatory Objectives. The Supreme Court of Washington also recently enacted regulatory objectives.
- Objectives will send a message that the court prioritizes lawyer well-being.

Regulators Recommendation: Modify the Rules of Professional Conduct to Endorse Well-Being As Part of a Lawyer's Duty of Competence

- Consider modification of ABA Model Rule of Professional Conduct 1.1 (Competence) or its comments.
- Formally link well-being to basic competence.

Regulators Recommendation: Implement Proactive Management-Based Programs (PMBP) That Include Lawyer Well-Being Components

- These provide a resource-based framework to improve lawyers' ability to manage their practice.
- The programs are designed to alleviate practice stress, improve lawyer-client relationships, and enhance career satisfaction.
- They allow regulators to engage with the profession in a service-oriented, positive manner.

Regulators Recommendation: Adopt Diversion Programs and Other Alternatives to Discipline That Are Proven Successful in Promoting Well-Being

- Discipline does not make an ill lawyer well.
- Adopt alternatives to formal disciplinary proceedings.
- A goal should be to rehabilitate lawyers with impairments.

Regulators Recommendation: Expand Continuing Education Requirements to Include Well-Being Topics

- Mandate credit for mental health and substance use disorder programming.
- Allow credit for other well-being-related topics that affect lawyers' professional capabilities.

Regulators Recommendation: Adopt a Centralized Grievance Intake System to Promptly Identify Well-Being Concerns

- Such systems can result in faster identification of and possible intervention for lawyers struggling with substance use or mental health disorders

Regulators Recommendation: Modify Confidentiality Rules to Allow One- Way Sharing of Lawyer Well-Being Related Information From Regulators to Lawyer Assistance Programs

- To facilitate help for lawyers, states should simplify confidentiality rules to allow admissions offices and other regulators to share such information immediately with local lawyer assistance programs.
- This one-way flow of information accelerates help.

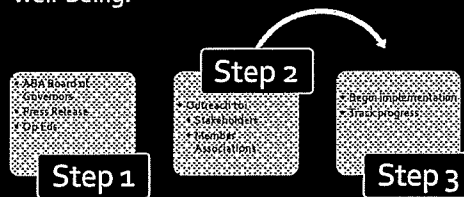
Regulators Recommendation: Adjust the Admissions Process to Support Law Student Well-Being

- Adopt Essential Eligibility Admission Requirements.
- Adopt a Rule for Conditional Admission to Practice Law With Specific Requirements and Conditions.
- Publish Data Reflecting Low Rate of Denied Admissions Due to Mental Health Disorders and Substance Use.

Other Recommendations

- Judges
- Legal Employers
- Law Schools
- Bar Associations
- Professional Liability Carriers
- Lawyers Assistance Programs

Next Steps for Task Force on Lawyer Well-Being:



State by State Implementation

- Begin with Chief Justice or his or her designee and create a "to do list"
 - Review the Report, create priorities, develop an "action plan"
- Convene state stakeholders:
 - Include representatives from:
 - The state judiciary
 - Law schools
 - Law firms
 - Regulator's office
 - State lawyers assistance programs

Why do it ?

The New York Times

- Eilene Zimmerman, *The Lawyer, the Addict*, N.Y. TIMES, July 15, 2017, <https://www.nytimes.com/2017/07/15/business/lawyers-addiction-mental-health.html?ref=business>

Miami Herald

- David Ovalle & Jay Weaver, *Top Miami Civil Lawyer Ervin Gonzalez Found Dead at His Home*, MIAMI HERALD, June 9, 2017, <http://www.miamiherald.com/news/local/community/miami-dade/article155258389.html>

