



**Lawyer Well-Being: It Takes A Village**  
**15<sup>th</sup> Annual OBI Conference – October 3, 2018**

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- Lawyers, judges and law students are faced with an increasingly competitive and stressful profession.
- Studies show that substance use, addiction and mental disorders, including depression and thoughts of suicide - often unrecognized - are occurring at shockingly high rates.

## WHAT'S REALLY GOING ON??



Billable Hours

Responsibility for other's problems

Lack of mentoring

Clients unrealistic demands

Adversarial, Incivility

Public distrust / disrespect



## History of Lawyer Well-Being

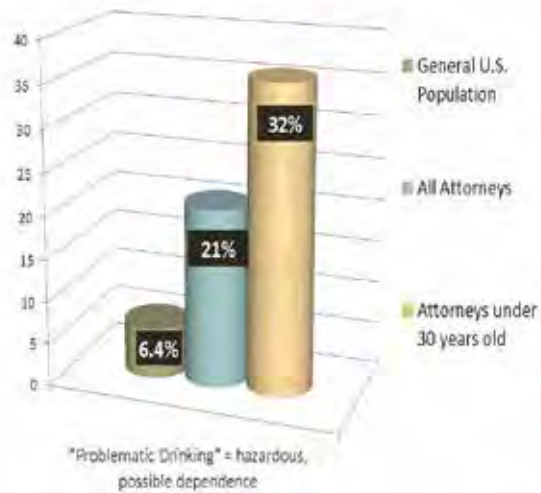
2015 - Former Chair of the ABA's Law Practice Division successfully advocated for the creation of a new Attorney Well-Being Committee

2016 – ABA Study: “The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys”

2017 – ABA Response to Study: “Path To Lawyer Well-Being” Report

2018 – ABA “Well-being Toolkit for Lawyers and Legal Professionals” (also for Law Students)

## 2016 ABA Lawyer Study



### Impairment Reveals in 3 ways

- Judicial Inquiry (letters, transcripts, courthouse security video)
- Family members (confide in legal partners, friends of lawyer)
- Staff/colleagues (observe differences in behaviors, attitudes, schedule)

## Recommendations

- (1) Identifying stakeholders and the role each can play in reducing the level of toxicity within the profession
- (2) Eliminate stigma associated
- (3) Emphasize well-being as an indispensable part of a lawyer's duty of competence
- (4) Educate lawyers, judges, law students and stakeholders on lawyer well-being issues, and
- (5) Take small, incremental steps to change how law is practiced and regulated to instill greater well-being in the profession.

## Implementation

Approach colleagues suspected to have impairment issues. (LAP can assist w/process)

**Warning signs:** Attendance concerns; Personal problems (isolation); Financial concerns; Missing deadlines; Health issues

Recommend Lawyer Assistance Program (LAP)

Offer to stay involved - peer assistance

## Red Flags

- Purchase and/or possession of controlled substances (Trust account /Business account)
- Rise in prescription drug addictions
- Financial problems: Theft of client funds
- Escrow account problems
- Criminal convictions

## Abandonment

### **Impairment causes case abandonment:**

- Missed deadlines
- Missed court appearances
- Judge issues show cause notice
- Contempt for failure to appear

Abandoned clients file grievances

## Grievances and Impairments

- Responses from pro se respondents typically do not acknowledge the problem - DENIAL or EMBARRASSMENT
- Responses from represented respondents may acknowledge a problem
- Responses from respondents in treatment may acknowledge, but also will minimize severity



## Prosecution and Impairment

- Prosecute cases based on facts of the grievance.
- Possibly the first time OGC receives information about impairment
- Meet with lawyer and investigator face-to-face
- Discuss impairment issues
- Plan to address impairment
- Pattern of compliance with plan
- Plan to mitigate any harm that has been caused

## Plans To Address Impairment

- Independent Medical Evaluation/Medical Reports
- Attend Alcoholics Anonymous / Treatment
  - Easier if not a solo practitioner (schedule)
  - Monitoring and probation
  - Periodic testing for compliance
  - Notify clients
  - Receiverships

## Investigations & Lawyer Well-Being

Mitigation evidence

Confirmation of lawyer's adherence to plan

~Contact with rehabilitation center

~Contact with family, friends, community members.

Investigate/Report any aggravating evidence



## Important Resources

<https://www.foxrothschild.com/content/uploads/2017/02/Substance-Abuse-and-Dealing-with-Addiction.pdf>

[https://www.americanbar.org/groups/lawyer\\_assistance/task\\_force\\_report.html](https://www.americanbar.org/groups/lawyer_assistance/task_force_report.html)

[https://www.americanbar.org/content/dam/aba/administrative/lawyer\\_assistance/lscolap\\_well-being\\_toolkit\\_for\\_lawyers\\_legal\\_employers.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/lscolap_well-being_toolkit_for_lawyers_legal_employers.authcheckdam.pdf)

[www.gabar.org](http://www.gabar.org)

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GA Lawyer's Assistance Program (LAP) 800-327-9631

~THANK YOU~

**“None of us got where we are solely by pulling ourselves up by our bootstraps. We got here because somebody bent down and helped us pick up our boots.”**

**- Thurgood Marshall**

