




# Mental Health and the Legal Profession



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# ▼ Scope of the Issues

- Mental health and substance use issues are more pervasive and more serious than is commonly understood.
- There is increasing evidence that legal professionals are at higher risk than the general population.
- Statistics from the *Journal of Addiction Medicine*, “The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys”, are stark.

[https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The\\_Prevalence\\_of\\_Substance\\_Use\\_and\\_Other\\_Mental.8.aspx](https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx)



- The study involved 12,825 U.S. lawyers.
  - 20.6% of respondents' answers were consistent with "problematic" drinking.
    - **Compares with 11.8% of a broad, highly educated workforce.**
    - 20.6% of BC's 14,000 lawyers is 2,884.
  - 36.4% of respondents' answers were consistent with "possible alcohol abuse or dependence".
    - **Compares with 15% for physicians.**
    - 36.4% of 14,000 lawyers is 5,096.



- Mental health issues were also found to be prevalent in the profession:
  - 19% of respondents reported experiencing anxiety (2,660 lawyers)
  - 28% reported experiencing depression (3,920 lawyers)
  - 8% reported experiencing panic disorder. (1,120 lawyers)
  - 2.4% reported experiencing bipolar disorder. (336 lawyers)



- 11.5% reported having suicidal thoughts at some point in their career. (1,610 lawyers)
- 0.7% reported at least 1 suicide attempt. (98 lawyers)
- Fewer than **8%** of lawyers utilized support resources available to them, even when they knew they were experiencing mental health or substance use issues.
- The two most common barriers to seeking treatment or assistance reported by respondents:
  - **not wanting others to find out they need help; and**
  - **privacy or confidentiality concern**

## ▼ Poll Question

- Have you ever engaged support resources for a mental health or substance use issue?
  - ❖ Yes.
  - ❖ No, I have never felt the need.
  - ❖ No, though, it might have helped to do so.

# ▼ Quebec Survey

- Barreau du Quebec engaged researchers from the Universite de Sherbrooke for a mental health study.
- 2,500 lawyers participated.
- 150 survey questions posed to participants.
- Results, again, were stark.

<https://www.thelawyersdaily.ca/articles/13198/quebec-lawyers-struggling-with-mental-health-issues-study>

<https://montrealgazette.com/news/quebec/4-in-10-quebec-lawyers-suffer-from-psychological-stress-study-shows>

<https://s3.amazonaws.com/tld-documents.llnassets.com/0013000/13198/sommaire-sante-psychologique-travail-avocats.pdf>



- 40% of Quebec lawyers experienced psychological distress (anxiety, depression, burnout).
- 49.9% of lawyers with up to 10 years at the bar experienced distress.
- 36.7% of lawyers with more than 10 years.





- 50% of lawyers in private practice experienced distress.
- 37.4% in the public sector or in-house.
- There was no statistically significant distinction by gender in the rates of experience.



- A voluntary survey at Yale Law School in 2014 found:
  - Half of all respondents reported that mental health issues had affected their ability to perform academically.
  - Around 40% of the students experiencing mental health issues chose not to seek assistance or treatment because of concerns about confidentiality or fear of exclusion from state bar associations.
  - Students expressed shock that over half of the students have had a mental health issue, yet nobody talks about it.

# ▼ Pandemic Effects

- The pandemic has introduced new and additional challenges and concerns for lawyers and staff, and presumably students as well.
- A 2021 US Survey found that 70% of lawyers and law firm staff have found the pandemic had negatively affected mental health, in particular:
  - creating significant feelings of isolation
  - increasing anxiety and depression
  - restricting access to support
  - reducing boundaries and routines

## ▼ Poll Question

- Overall the pandemic has affected me (choose any that apply):
  - ❖ By increasing my feelings of burnout.
  - ❖ By increasing my feelings of isolation.
  - ❖ By increasing my workload (professional or personal).
  - ❖ Positively, including by decreasing my social obligations.
  - ❖ Differently at different times.

# ▼ Pandemic Parenting

- Increased responsibilities
- Increased anxiety
  - For adults
  - For children we are caring for

# ▼ Chat Questions

- Have you been parenting through the pandemic? If so, what were your experiences?
- Were there resources, activities, or other things that helped you along the way?



- Studies have indicated that students begin law school healthier physically and mentally than the average population, but come out of law school with significant levels of anxiety and depression.

<https://pdfs.semanticscholar.org/7a44/193ddb81613e4457767c585744100083d5a3.pdf>

- A Canadian study concluded that lawyers with the traditional hallmarks of success were the most likely to experience depression.

<https://www.theglobeandmail.com/life/health-and-fitness/health/lawyers-more-likely-to-experience-mental-health-problems-the-more-successful-they-are-study/article36681757/>



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# ▼ The Role of Self-Pressure

- Law is stressful and demanding:
  - billing expectations
  - client demands
  - internal and external competition.
- Other professions are also stressful and demanding, but law students and lawyers seem to be more susceptible to mental health and substance use issues.



- Some aspects that seem to differentiate law from other professions:
  - adversarial nature of our work;
  - success of pessimistic, maladaptive perfectionists;
  - professional rewards divorced from the quality of our work and individual values.

## ▼ Poll Question

- I feel I have perfectionistic tendencies:
  - ❖ Often.
  - ❖ Sometimes.
  - ❖ Never.
  - ❖ Nope, and is perfectionistic even a word?

# Illustrations of Self-Pressure

- ***Big Law Killed My Husband***

<https://www.law.com/americanlawyer/2018/11/12/big-law-killed-my-husband-an-open-letter-from-a-sidley-partners-widow/>

- “[M]aladaptive perfectionism, that combines *unrealistic standards of achievement with hypercriticism of failing to meet them.*”
- “Simply put, he would *rather die* than live with the consequences of *people thinking he was a failure.*”
- “He said he *felt like a phony* who had everyone fooled about his abilities as a lawyer, and thought after this case was over, he was going to be fired—*despite having won honors for his work.*”
- “The constant striving to be perfect at work, to be the perfect husband, son, uncle, brother and friend. And then living with this deep unbearable shame that he wasn’t performing to the impossibly high standards he set for himself. He said a few times how *he couldn’t turn off his head*, but again, I didn’t understand the severity of that statement.”



- ***The Lawyer, the Addict***

<https://www.nytimes.com/2017/07/15/business/lawyers-addiction-mental-health.html>

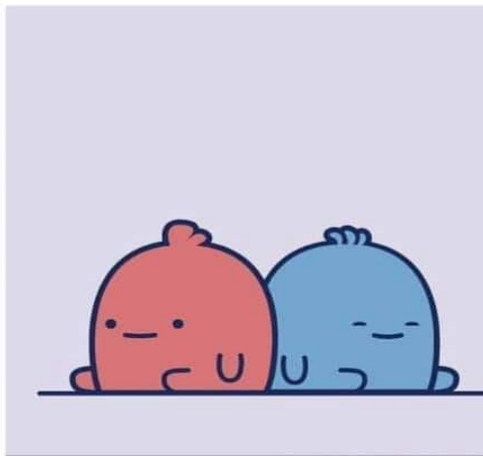
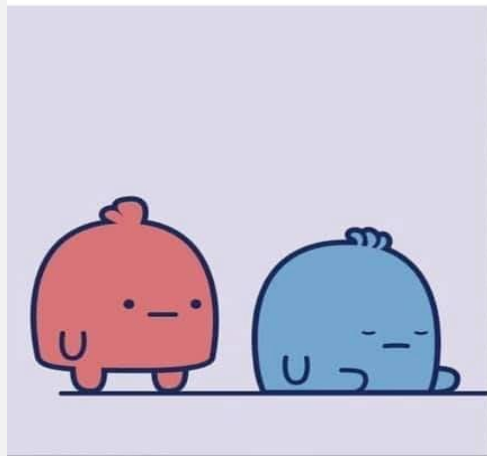
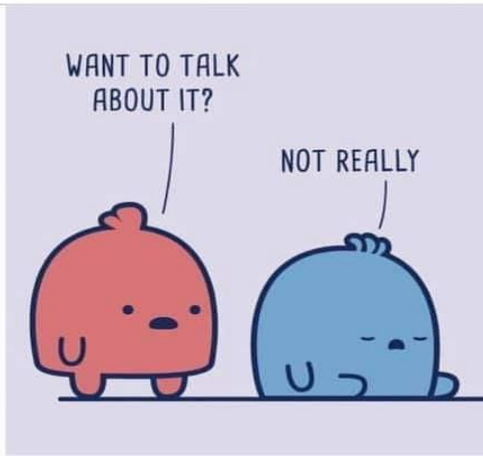
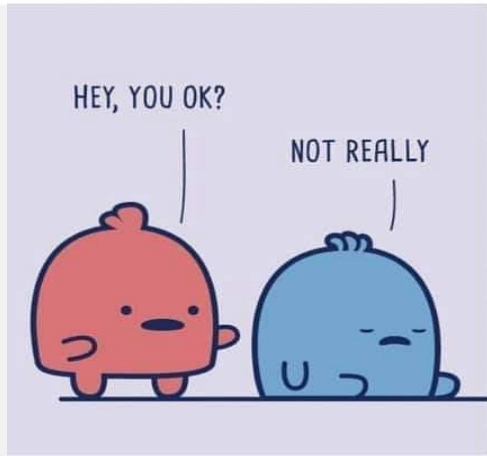
- “Peter, one of the most successful people I have ever known, died a drug addict, felled by a systemic bacterial infection common to intravenous users.”
- “He was intelligent, ambitious and most of all hard-working, perhaps because his decision to go to law school was such an enormous commitment — financially, logistically and emotionally — that *he could justify it only by being the very best.*”
- “the factors most emphasized in law schools — grades, honors and potential career income — have nil to modest bearing on lawyer well-being.”



- No easy solution to these internal pressures, but there are things we can do:

<https://www.lawpracticetoday.org/article/reining-in-perfectionism/>

- Need to be aware of how each of us is doing, and to be mindful of how those around us are doing.
- Be willing to talk to *someone* about how you are doing and be willing to talk to others and *listen* to them about how they are doing.



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- Having self-empathy and awareness may be particularly important for those dealing with high conflict/traumatizing issues.
- Developing self-empathy can help with compassion fatigue.
- Professional education and continuing development should include empathy and trauma informed training.



## ▼ Poll Question

- My professional training/development has involved some form of empathy/self-empathy training:
  - ❖ Yes, I feel up-to-speed on empathy!
  - ❖ Yes, but I could use more!
  - ❖ No, but I wish it did.
  - ❖ No, but I am not missing that, at all!

## ▼ Take-Aways:

- These issues affect a large proportion of the legal profession -- no one should feel alone or ashamed
- More “traditionally successful” lawyers appear to be more at risk – those experiencing these issues are not “bad lawyers”
- Stigma is a key factor preventing better outcomes

# ▼ What is the LSBC Doing?

- December 2017: Added Mental Health considerations into the Strategic Plan
- December 2017: Approved Professional Wellness accreditation for CPD purposes.
- January 2018 struck the Mental Health Task Force with a mandate to review regulatory policies and to increase awareness and reduce stigma.
- December 2018 approved initial recommendation report:

<https://www.lawsociety.bc.ca/Website/media/Shared/docs/initiatives/MentalHealthTaskForceInterimReport2018.pdf>



- On January 31, 2020, the Benchers voted mostly unanimously to approve the second recommendation report:

<https://www.lawsociety.bc.ca/Website/media/Shared/docs/initiatives/MentalHealthTaskForce-SecondInterimReport2020.pdf>

- Recommendations included removing “medical fitness” questions.



- Participated in National Lawyer Wellness survey.
- October 2021: unanimously approved creation of Alternative Discipline Process.

<https://www.lawsociety.bc.ca/Website/media/Shared/docs/initiatives/MentalHealthTaskForce-AlternativeDisplineProcess.pdf>

- Lawyer Development Task Force: considering alternative pathways to the profession besides articling.

# ▼ LSBC Resources Available to Lawyers and Articling Students

- LAP
- LifeWorks
- Practice Advisors
- Benchers\*\*

# ▼ What Can Law Firms and Employers Do?

- US Task Force report has a number of recommendations for legal employers:

<https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFINAL.pdf>

# ▼ Recommendations for Firms from US Task Force Report

- Appoint a Wellness Advocate or form a Wellness Committee – have someone be responsible
- Provide training and education – consider making it mandatory
- Ask firm members how they are doing – but be careful not to further stigmatize
- Let people know the resources that are available, and encourage people to use them



# ▼ What Can/Should Individual Lawyers Do?

- Become informed about these issues and conditions – seek to understand them in a non-stigmatizing way.
- Advocate for greater resources and support to be provided by employers, law schools, the LSBC and other bodies.
- Ask what prospective employers are doing to address the issues.
- Engage with colleagues to actively reduce stigma associated with mental health and substance use issues.
- Be mindful of how you and those around you are doing.
- Be willing to talk about these issues and to listen to others.



- Questions?
- Thanks for attending.