

# MENTAL HEALTH AND WELLNESS: DESTIGMATIZING THE DISCUSSION AND PROMOTING SOLUTIONS

📅 Vol. 92, No. 1 January 2018 👤 Dori Foster-Morales 📄 Featured Article



As chair of The Florida Bar's Special Committee on Mental Health and Wellness of Florida Lawyers, I am grateful to have this opportunity to contribute to the Bar's comprehensive efforts toward improving the lives of our members. As the guest editor of this feature on mental health and wellness, I hope to shed light and begin the process of destigmatizing mental health and wellness issues and continue an open dialogue on this critical topic.

I am a marital and family lawyer at a small firm. On a daily basis, I am required to manage the high pressure and stresses of an emotionally charged practice on top of the normal stresses of any litigation practice. I have seen first-hand the devastating impact the pressures of litigation can have on both lawyers and their clients. Family lawyers and judges often require parties to seek treatment for mental-health issues and assist clients during a difficult and transitional time in their life. Lawyers need to similarly care for their own mental health and put on their own oxygen mask before assisting others. Unfortunately, lawyers are not heeding this well-worn advice.

One major goal of the special committee is to overcome the discomfort lawyers have in speaking about their emotional struggles, whether they are personal or professional, and their need for assistance. The incredible outpouring of interest to the special committee further underscores the urgent need for solutions to the issues plaguing our legal community.

Recent studies and statistics provide evidence of the problems Florida lawyers are facing. Just a fraction of the available data show these issues can no longer be the elephant in the room. Lawyers lead the nation with the highest incidence of depression. Lawyers are 3.6 times more likely to suffer from depression than nonlawyers.<sup>1</sup> The suicide rate of lawyers is double that of the general population.<sup>2</sup> The ABA estimates 18 percent of all U.S. lawyers suffer from problem drinking (which is double the national average).<sup>3</sup> Plain and simple, our profession is suffering; too many lawyers are generally unhappy. Within our Florida Bar membership alone (pursuant to the most recent membership survey in 2015):

- 33 percent believe high stress is a significant challenge within the profession.
- 32 percent believe balancing family and work is a significant challenge within the profession.
- 79 percent believe the legal profession is becoming a less desirable career.
- 36 percent have considered/are considering a different career.
- 92 percent experience stress.
- 43 percent experience a great deal of stress.
- 67 percent report taking two weeks or less of vacation per year.
- 38 percent report taking one week or less of vacation per year.<sup>4</sup>

## How Did This Happen?

We are a profession of "fixers" and problem solvers, and with that comes an inherent amount of stress and anxiety. We deal with high emotions from our clients and co-workers. Law is adversarial by nature, and the results of our professional efforts are often beyond our control. Clients rarely, if ever, call us to share a good day; instead, we are generally the first line of defense in dealing with their problems and crises. These elements are further exacerbated by personality traits that dominate our profession, such as our "warrior mentality," self-reliance, and perfectionism. Commencing in law school, we are taught to use words and trial skills to frame our arguments and defend our positions. This warrior mentality persists in law firm cultures, which often rewards a win-at-all-costs philosophy. This provides attorneys with the unique ability to deny we have any problems and successfully convince others of the same. We must change this philosophy from the ground up.

Attorneys are trained to anticipate everything that can go wrong. This forward-looking, but often pessimistic, outlook is a component of what our profession deems prudent. In fact, the legal profession is unique in that pessimists out-perform optimists. However, it's hard to turn off this pessimistic outlook in our everyday life, and what makes for a good lawyer does not necessarily make for a happy human being.

Even worse is that the individualistic nature of our profession seems to cause a reluctance to seek help for depression and mental-health issues due to concerns of stigma or appearing weak.

This is where The Florida Bar comes in. It is time to start tackling these issues head-on by openly discussing and thinking more holistically about mental illness in the legal profession. The statistical evidence cited above underscores a need for the expansion of attorney-specific prevention and treatment interventions. Without the right resources, coping strategies, and aid for our physical and mental health, this crisis will not improve. That is why The Florida Bar is focused on giving much-needed aid to our lawyers and has created a Special Committee on Mental Health and Wellness of Florida Lawyers for this purpose. The special committee is an interdisciplinary committee made up of lawyers, a judge, a mental health professional, a legal recruiter, and Florida Bar staff. It is set to make changes to enhance the mental health and wellness of our members so that they succeed both personally and professionally. The special committee plans to:

- Hold town hall meetings to engage our members in an open dialogue and obtain feedback;
- Host a symposium on mental health and wellness for our members;
- Conduct CLEs to educate employers on how to address these issues with their employees and otherwise help our members take practical steps toward wellness;
- Create a comprehensive 24/7 hotline for mental health and wellness;
- Create an enhanced website presence outlining all our programs in one place;
- Provide mental health and wellness toolboxes for employers and employees to bring cultural changes to law firms and to the aspects of the law that are detrimental to our members;
- Provide member benefits that include access to mental-health professionals, well-being and career coaches; healthy food delivery services; gym memberships; and other items, such as standing desks, to improve the physical health of our members.
- Programming and apps, such as Happiness App, Fitness Challenge (Fit Bit Challenge), and Mindfulness Moments; and lawyer support groups and wellness blogs.

This is just the beginning.

If we define success by having a successful practice and a better quality of life, then we need to be mentally healthy and balanced to have a better chance of success. We need to aid ourselves before we can aid others, as we cannot pour from an empty cup. The purpose of The Florida Bar is, in part, to improve the administration of justice. Enhanced mental health and wellness will bolster our ability to administer justice and are in the best interest of our members, both personally and professionally.

<sup>1</sup> Rosa Flores & Rose Marie Arce, *Why Are Lawyers Killing Themselves?*, CNN.com, Jan. 20, 2014, <http://www.cnn.com/2014/01/19/us/lawyer-suicides/index.html>.

<sup>2</sup> Andrea Ciobanu & Stephen M. Terrell, *Out of the Darkness: Overcoming Depression Among Lawyers*, 32 GP Solo 36 (Mar/Apr 2015), available at [https://www.americanbar.org/content/dam/aba/publications/gp\\_solo\\_magazine/march\\_april\\_2015/gpm\\_v032n02\\_15mar\\_apr.authch](https://www.americanbar.org/content/dam/aba/publications/gp_solo_magazine/march_april_2015/gpm_v032n02_15mar_apr.authch).

<sup>3</sup> G.A. Benjamin, E. Darling & B. Sales, *The Prevalence of Depression, Alcohol Abuse, and Cocaine Abuse Among United States Lawyers*, 13 Int. J. L. Psychiatry 233 (1990); see also Patrick R. Krill, Ryan Johnson & Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. of Addiction Medicine 46 (Feb. 2016), available at [http://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The\\_Prevalence\\_of\\_Substance\\_Use\\_and\\_Other\\_Mental.8.aspx](http://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx).

<sup>4</sup> The Florida Bar, *2015 Membership Opinion Survey* (Jan. 2016), available at </wp-content/uploads/2017/04/2015-membership-opinion-survey-final-report.pdf>.

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