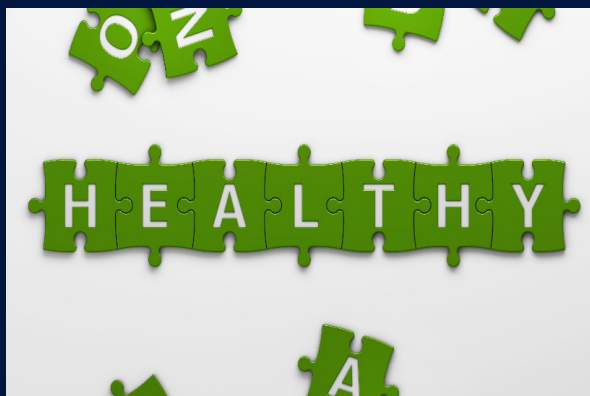


Illinois Supreme Court Commission on Professionalism



A Professional Lawyer Is a Healthy Lawyer



Stephanie Villinski

Deputy Director, Illinois Supreme Court Commission on Professionalism

Purpose set forth in Rule 799

The Illinois Supreme Court formed the Commission on Professionalism to:

1. Promote among both lawyers and judges in Illinois greater integrity, professionalism and civility;
2. Foster commitment to the elimination of bias and divisiveness within the legal and judicial systems; and
3. Ensure those systems provide equitable, efficient and effective service to the citizens of Illinois.



Learning Objectives

1. To learn that there are high rates of mental health and substance use issues in the legal profession and the reasons why;
2. To understand that well-being is a professionalism issue; and
3. To acquire and practice some everyday strategies for lawyer well-being.

Do You Remember This?

The New York Times

The Lawyer, the Addict

A high-powered Silicon Valley attorney dies. His ex-wife investigates, and finds a web of drug abuse in his profession.

NEW YORK TIMES, JULY 15, 2017



After Baker McKenzie Chair Takes Leave for 'Exhaustion,' Other Leaders Share Pressures

While stresses are undoubtedly mounting for global law firm leaders, strategies like delegation, power-sharing and coaching can help ease the burden.

By **Dan Packel** | October 24, 2018 at 05:45 PM

THE
AMERICAN LAWYER

Is the Legal Industry Ready for a Culture Shift on Mental Health? LAW.COM

A "'power-through' culture is killing the legal industry. It's literally killing humans as well," one wellness consultant said.

By **Lizzy McLellan** | May 30, 2019 at 12:50 PM



Katrina Lee

@katrinajunelee

Lawyer wellness is not optional. It's not just a CLE topic. It should be at the core of every law firm business model.

[#mentalhealth](#) [#lawyerwellbeing](#) [#businessoflaw](#) [#lawyerwellness](#)



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Research

ORIGINAL RESEARCH

OPEN

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

Patrick R. Krill, JD, LL.M., Ryan Johnson, MA, and Linda Albert, MSSW

Objectives: Rates of substance use and other mental health concerns among attorneys are relatively unknown, despite the potential for harm that attorney impairment poses to the struggling individuals themselves, and to our communities, government, economy, and society. This study measured the prevalence of these concerns among licensed attorneys, their utilization of treatment services, and

Little is known about the current behavioral health climate in the legal profession. Despite a widespread belief that attorneys experience substance use disorders and other mental health concerns at a high rate, no data have been taken to validate this belief.

Source: "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys".
ABA & Betty Ford Foundation

Research



Source: "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys".
ABA & Betty Ford Foundation

Research

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

Source: "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys".
ABA & Betty Ford Foundation

Research – Law School

Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns

Jerome M. Organ, David B. Jaffe,
and Katherine M. Bender, Ph.D.

This article reports the results of the Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns (SLSWB) implemented in spring 2014 at fifteen law schools. The SLSWB is the first multischool study to examine the prevalence of substance use and mental health concerns among law students.

Source: Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns, 66 J. Legal Educ., Autumn 2016

Law Student Survey - Alcohol

Other Grad Students

Law Students

Got drunk prior 30 days

39%

53%

**Binge drank at least once
prior 2 weeks**

36%

43%

Binge drank at least twice

21%

22%

Law Student Survey – Mental Health

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

Why Does Our Profession Have This Problem?

1. Alcohol is deeply ingrained in the culture of our profession.
2. Lawyers are deterred from seeking help (stigma and confidentiality).
3. Wellness is not emphasized profession-wide.
4. Most attorneys work in solo and small firms.
5. Historical bias against proactive change.

It's an Ethical Issue

Rule 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal **knowledge, skill, thoroughness and preparation** reasonably necessary for the representation.

Rule 1.3 Diligence

A lawyer shall act with **reasonable diligence** and **promptness** in representing a client.

Potential Impacts to the Profession

- Clients lose faith and trust in their lawyers
- The reputation of our profession is at stake
- Lawyers face ethical violations for their problem behavior
- Cost to regulators, insurers, and law firms
- Wellness is the foundation of being a competent lawyer

What Can Each of Us Do?

Start by focusing on yourself



Resilience

“The ability to respond to stress in a healthy, adaptive way that allows you to achieve your personal goals at minimal psychological and physical cost.”

(Brennan & McGrady, 2015)

How Resilient Are Lawyers?

_____ out of 10 of lawyers rank in the 30th percentile or lower for resilience.

Dr. Larry Richard - principal at Lawyer Brain LLC - a psychologist & former litigator

How Resilient Are Lawyers?

Lawyers test significantly higher than the rest of the population on these personality traits:



Autonomous and Antisocial



Resistant to new ideas



Skeptical



Have high sense of urgency



Easily discouraged by setback

How Do We Strengthen Our Resiliency?



Resilience Factors

- 1 High-quality connections
- 2 Positivity
- 3 Disavow Perfectionism
- 4 168
- 5 Give
- 6 Find Positive Outlets

1 High quality connections



2

Cultivate Flexible (Positive) Thinking



3 Disavow Perfectionism

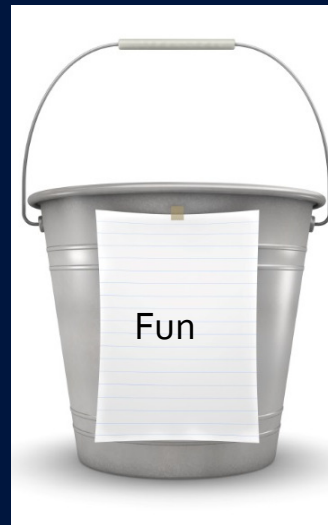


4

One Hundred and Sixty Eight

168?

Assign Your 168



5 Give (Pro Bono)

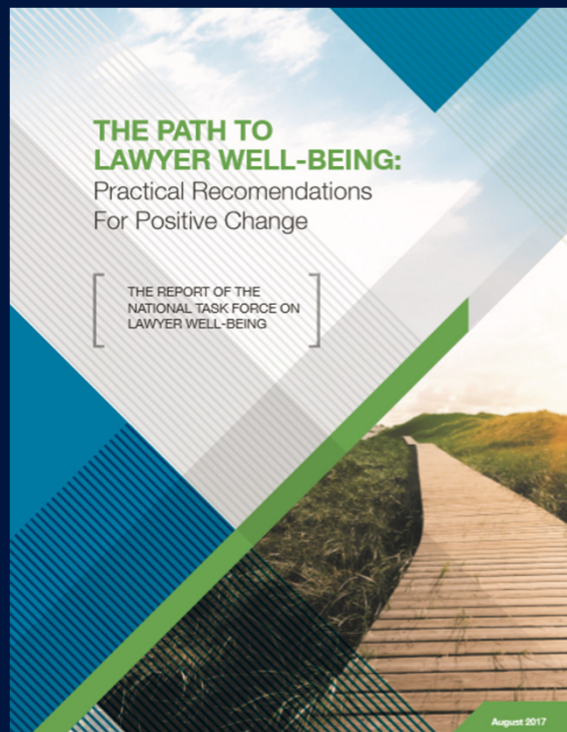
- What is the most effective use of your pro bono time?
- What are you passionate about?



6 Find Positive Outlets for Stress



National Task Force on Lawyer Well-Being



- National Organization of Bar Counsel
- ABA Commission on Lawyer Assistance Programs
- Association of Professional Responsibility Lawyers
- ABA Standing Committee on Professionalism
- ABA Center for Professional Responsibility
- National Conference of Chief Justices
- National Conference of Bar Examiners
- ABA Young Lawyers Division
- ABA Law Practice Division Attorney Wellbeing Committee
- Co-author of ABA CoLAP-Hazelden Betty Ford study of mental health and substance use disorders among lawyers; as well as a co-author of the Survey of Law Student Well-Being

Practical Recommendations for Change

1. Focused on impairment *and* well-being
2. 44 recommendations directed at changing culture of legal profession
3. Addressed to legal stakeholders:
 - Judges
 - Regulators
 - Legal Employers
 - Law Schools
 - Bar Associations
 - Professional Liability Carriers
 - Lawyers Assistance Programs

Sponsor mentoring programs

- Mentoring can help to minimize the challenges facing attorneys, particularly younger attorneys;
- Mentoring can revitalize seasoned attorneys; and
- Mentoring connects the legal community.

Commission on Professionalism Lawyer Mentoring Program

- Voluntary program
- Professionalism-based curriculum
- Offering 6 hours PR CLE (Free)
 - Year-long pairing
 - At least eight meetings
 - Satisfies the new 2 CLE carveouts



Employer Recommendations

- Adopt policies for handling lawyer impairment;
- Create a confidential reporting procedure for lawyers and staff concerned about a colleague's impairment;
- Establish procedures that allow for lawyers to seek confidential help; and
- Work with lawyer assistance programs to secure services of impaired lawyers.

Next Steps

1. Work on building resiliency (try at least one suggestion)
2. Evaluate if office needs policies and procedures around lawyer well-being
3. Seek or become a mentor





Illinois Supreme Court Commission on Professionalism

stephanie.villinski@2civility.org

312-363-6215

www.2civility.org

Two Prudential Plaza, Suite 1950

180 N. Stetson Avenue

Chicago, IL 60601

