



AMERICAN  
BANKRUPTCY  
INSTITUTE

# 2018 Hon. Eugene R. Wedoff Seventh Circuit Consumer Bankruptcy Conference

## **They Don't Call Us Counselors for Nothing**

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# National Research on Lawyer Impairment

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

### The Study

In collaboration with the Hazelden Betty Ford Foundation, the ABA Commission on Lawyer Assistance Programs completed national research on lawyer impairment. This is a landmark study as never before has national data been gathered addressing both substance use and behavioral health concerns simultaneously. The results are compelling and the implications for the legal community multifaceted and far reaching.

- 15 state bar associations and the 2 largest counties of 1 additional state
- A sample of 12,825 licensed, employed attorneys
- Alcohol use, drug use, and symptoms of depression, anxiety, and stress.
- Awareness, utilization and barriers of treatment services

### just some of The Findings



**20.6% of respondents scored at a level consistent with problematic drinking.**

In comparison, 11.8% of a broad, highly educated workforce screened positive on the same measure.



**28% of respondents reported experiencing mild or higher levels of depression.**

46% reported concerns with depression at some point in their career.



**19% of respondents reported experiencing mild or higher levels of anxiety.**

61% reported concerns with anxiety at some point in their career.



**11.5% of respondents reported suicidal thoughts at some point during their career.**

2.9% reported self-injurious behaviors, and 0.7% reported at least 1 prior suicide attempt.



Rates higher for younger, less experienced attorneys



Problematic drinking = higher levels of depression, anxiety and stress

Barrier #1: not wanting others to find out they needed help



Barrier #2: concerns over privacy or confidentiality



### What Can We Do?

- Invest in lawyer assistance programs and increase the availability of attorney-specific treatment.
- Engage in public awareness campaigns within the profession to overcome the stigma.
- The confidential nature of lawyer-assistance programs should be more widely publicized.
- Provide greater education aimed at prevention, especially for those in the early years of their profession.

Access the full report in the Journal of Addiction Medicine at: [http://journals.lww.com/journalofaddictionmedicine/Fulltext/2016/02000/The\\_Prevalence\\_of\\_Substance\\_Use\\_and\\_Other\\_Mental.8.aspx](http://journals.lww.com/journalofaddictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx)

nceb.uscourts.gov  
919-856-4752

### Drug Addiction/Alcoholism

Alcoholism and drug addictions create mental and physical cravings for alcohol or drugs. Addiction is indicated by a pattern of use leading to distress and/or impairment in 3 or more of the following during a 12-month period.

- Tolerance (need for increased amounts)
- Withdrawal symptoms
- More frequent and longer binges
- Unsuccessful attempts to cut back or control
- Much time spent obtaining, using and recovering
- Giving up job, social or home activities
- Continued use despite knowledge of having physical or psychological problems due to use

**Symptoms include unexplained changes in finances, behavior and sleep patterns as well as deterioration in health and relationships.**

### Psychotic Disorders

Psychosis is the inability to distinguish fact from fantasy. It includes hallucinations, delusions, and illusions.

**Psychosis is a symptom of several categories of mental disorders including:**

- Schizophrenia
- Bipolar Disorder
- Substance-Induced Psychotic Disorder
- Neurocognitive Disorders (Dementia, Delirium, and Traumatic Brain Injury)

Your mental health condition may be relevant to ongoing legal matters. You may confidentially inform your lawyer of your mental condition so that your lawyer can determine how it affects your legal matter.

### Empowerment Resources

If you or someone in your family needs to see a mental health professional –

- Find mental health services in the yellow pages or online
- Call SAMSA National Helpline **1-800-662-HELP**
- Contact your EAP representative at work
- Contact your physician
- Contact your religious counselor
- Ask your lawyer
- Call HopeLine **877-235-4525**
- [mentalhealthadvocacyinc.org](http://mentalhealthadvocacyinc.org)
- [debtorsanonymous.org](http://debtorsanonymous.org)

### Additional Resources

[nceb.uscourts.gov/mental-health-project](http://nceb.uscourts.gov/mental-health-project)  
**919-856-4752**

**Eastern Bankruptcy Institute**  
PO Box 1654  
New Bern, NC 28563

*"I feel like  
I want  
to jump  
out this  
window"*

Brochure reviewed by Dr. Jay C. Williams.

**FINANCIAL  
DIFFICULTY  
& Mental Health**

## A Lawyer's Story

A bankruptcy lawyer tells the story of a client who came to see him. The lawyer's office was on the 14th floor. The client, before he sat down, looked out the window, a brilliant day of blue skies and white puffy clouds. The client saw no beauty. "I sure hope you can help me, Lawyer. If you can't, I feel like I want to jump out that window."

The client was depressed because of his financial difficulty. Resolution of his financial problems helped alleviate his depression. He did not jump out of any windows.

*The client saw no beauty. "I sure hope you can help me, Lawyer. If you can't, I feel like I want to jump out that window."*

Financial difficulty can sometimes worsen mental health conditions, or mental health conditions sometimes create or worsen financial difficulty. Mental health problems are not always resolved by settling financial difficulties. Underlying mental health conditions need to be understood and treated.

This brochure summarizes certain mental health conditions. If you or a family member suffer from mental health issues, help is available.

## Depression

Depression is characterized by a disturbance of mood that impairs functioning and/or causes significant personal distress. Temporary mood changes occur in the stress of life, such as adjusting to loss whether it be the death of a loved one, the loss of a job, or marital discord. These are not considered depression.

Depression is among the most common mental disorders. It is estimated that 10 - 25% of women and 5 - 12% of men will experience Major Depressive Disorder during their lifetime. 6% of the population will experience Dysthymia (Persistent Depressive Disorder), a milder but more enduring form of depression. Up to 2% experience Bipolar Disorder.

### Depression involves the following mood changes:

- Sadness
- Irritability
- Pessimism
- Guilt
- Low self esteem
- Lack of initiative
- Inability to gain pleasure from the joys of life
- Preoccupation with death
- Suicidal thoughts

### Depression may manifest physical symptoms such as:

- Sleep disturbance
- Lack of appetite or the opposite, comfort feeding
- Fatigue
- Low sex drive
- Trouble concentrating or remembering
- Psychosomatic issues

The most effective treatment of depression is a combination of therapy and medication.

## Bipolar Disorder

Bipolar Disorder is characterized by cycling from Major Depression to Mania or Hypomania. Mania is elevated mood, hyperactivity, grandiosity, reduced need for sleep, flight of ideas, agitation, high risk behavior, distractibility, and irritability. Symptoms are sometimes not only bizarre but psychotic. Hypomania is abnormally elevated mood, energy, activity, and confidence without bizarre or psychotic symptoms and may occur in productive, creative people.

## Anxiety Disorders

Anxiety is a normal reaction to danger which may be physical or psychological. Anxiety involves both subjective distress such as worry and hyper-alertness, and physiological reactions, such as trembling, sweating, increased heart rate, and shortness of breath.

An anxiety disorder is diagnosed when anxiety is severe enough to cause substantial discomfort and/or impaired ability to function. Anxiety disorders are common, and people with anxiety disorders often have more than one type.

### Anxiety disorders include the following:

- Generalized (excessive worry)
- Obsessive-Compulsive (irrational obsessive thoughts or compulsive rituals)
- Acute Stress (heightened arousal, intrusive thoughts occurring within a month of a traumatic event)
- Posttraumatic Stress Disorder (heightened arousal, intrusive thoughts enduring more than a month after a traumatic event)
- Panic Attacks
- Agoraphobia (fear of public places)
- Specific Phobia (fear of spiders, flying, etc).

## **SEVENTH CIRCUIT LAWYERS' ASSISTANCE PROGRAMS**

### **Indiana JLAP**

[www.in.gov/judiciary/ijlap/](http://www.in.gov/judiciary/ijlap/) Judges: 800-219-6474 Judges & Attorneys: 317-833-0370

JLAP offers help to judges, attorneys, and law students who experience physical or mental disabilities that result from disease, chemical dependency, mental health problems, or age, which may impair these individuals' ability to practice in a competent and professional manner. Help varies with an individual's needs or a particular case, but ranges from information and referral to assistance with organization of an intervention. In addition, JLAP provides education to the bench and bar on relevant issues.

Because of the sensitive nature of addiction and psychological problems, law students, attorneys, or judges who need help—or want to assist someone else who might need help—are often reluctant to seek assistance. Recognizing this concern, and in order to foster early and confidential contact, the Indiana Supreme Court authorized the creation of JLAP with the passage of Rule 31 of the Indiana Rules on Admission to the Bar and Discipline of Attorneys.

### **Illinois LAP**

[www.illinoislap.org](http://www.illinoislap.org) 312-726-6607

Lawyers' Assistance Program is a not-for-profit organization that helps Illinois lawyers, judges, law students, and their families concerned about alcohol abuse, drug dependency, or stress related issues like anxiety, burnout, depression, and many others. Our services include individual and group therapy, assessments, education, peer support, and intervention.

Confidentiality is guaranteed. Illinois Supreme Court Rule 1.6. cloaks in confidentiality all information received by LAP volunteers and trained interveners during interventions and related meetings. Both the volunteer and client are assured that anything disclosed is specifically protected by the attorney client privilege. The only exception is if the client signs a release of information and asks LAP to report on his or her behalf to another organization or individual. Additionally, the Alcoholism and Drug Addiction Intervenors and Reporter Immunity Law guarantees immunity for LAP Volunteers and those who participate in its work.

### **Wisconsin LAP (WisLAP)**

**Website requires login (800) 543-2625**

The Wisconsin Lawyers Assistance Program (WisLAP) is a member service of the State Bar of Wisconsin which provides confidential assistance to lawyers, judges, law students, and their families. The program is designed to help legal professionals build on their strengths and provide support through the enhancement of physical, mental, and emotional health. WisLAP maintains a professionally staffed telephone helpline and a support network of trained volunteers. Confidential support is available 24 hours a day, 7 days a week (including holidays) at (800) 543-2625. Confidentiality is the cornerstone. Personal struggles are hard to talk about, especially for attorneys. WisLAP treats each request for help with the same confidentiality as the lawyer-client relationship. WisLAP is exempt from reporting professional misconduct to the Office of Lawyer Regulation under the provisions of Wisconsin Supreme Court Rules 20:8.3 (c).

## WELLNESS AND MINDFULNESS RESOURCES

### BOOKS OF INTEREST

**Get Out of Your Mind and Into Your Life** by Steven Hayes and Spencer Smith

**The Worry Trap** by Chad LeJeune.

### BOOKS FOR SELF-GUIDED ANXIETY MANGEMENT SKILLS

**The Anxiety and Worry Workbook: The Cognitive Behavioral Solution** by David A. Clark, PhD and Aaron T. Beck, MD

**Feeling Better** by David Burns MD

### ONLINE RELAXTION, NUTRITON AND MINDFULNESS TRAINING

UCLA: <http://marc.ucla.edu/mindful-meditations>

Oprah & Deepak meditation experience <https://chopracentermeditation.com/about-us>

### APPS

**Headspace** Introductory and brief meditations for every day

**Calm** Sleep, stress reduction and meditation support

### IN PERSON MINDFULNESS TRAINING (Chicago)

**The Insight Center**, Drs. Christopher & Karen Chroniak (8 week program)