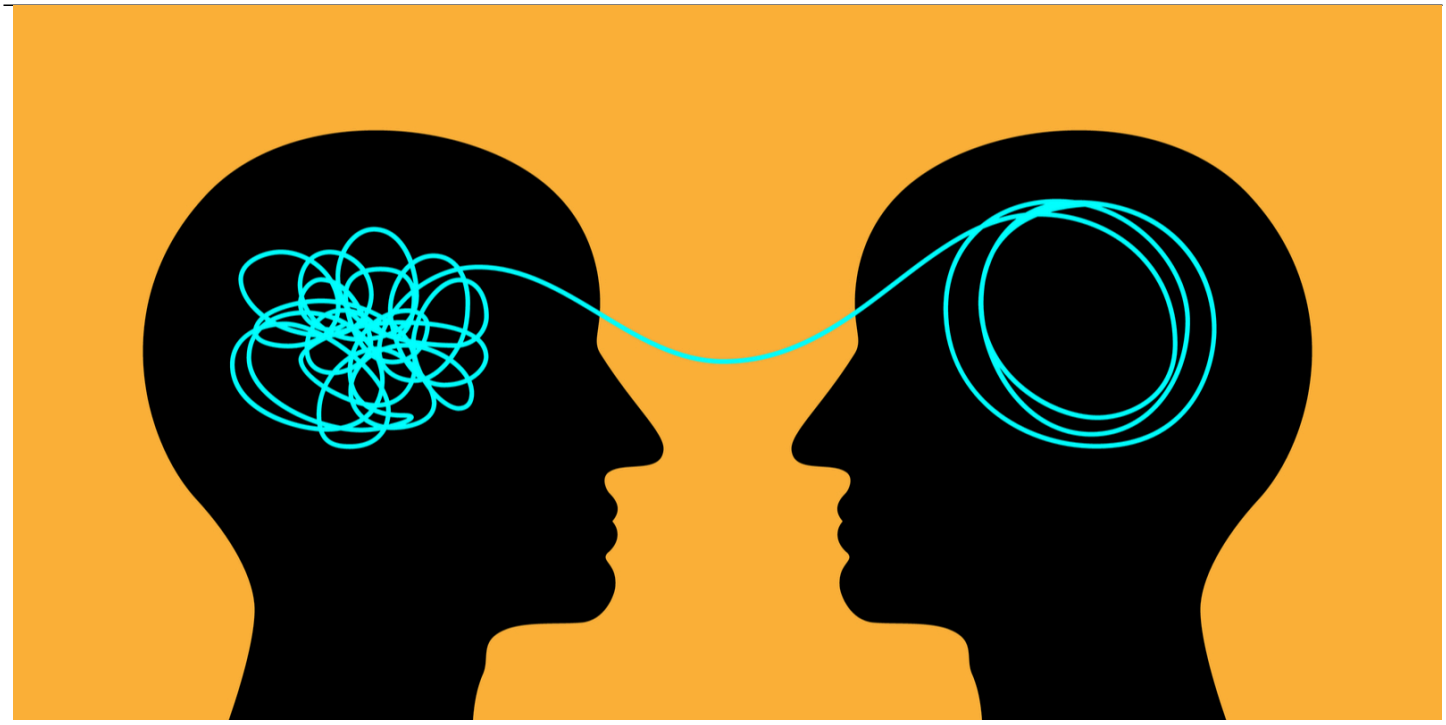


Feeling Overwhelmed? Lawyer Assistance Programs Can Help

Law Department Management



Cheat Sheet

Don't ignore the problem. Ignoring legal workplace stressors can suppress excellence in outcomes and intensify illness.

Reducing stigma. The promotion of “positive recovery” and “resilience-boosting strategies” by the Lawyer Assistance Program (LAP) will help address any stigma, shame, and fear so more attorneys to access these free services.

Hope for the future. With LAPs, we have the capacity to create a better future for corporate counsel.

Call to action. LAPs should be called upon and supported to fulfill their full potential.

How do you cope with your problems?

Lawyer A works in a toxic environment and feels as though she is swimming in a circle — slowly going under after a messy divorce. During the pandemic, her son was diagnosed with a learning disability and isn’t thriving at school. At times she says she can’t breathe under the pressure and needs assistance with change and coping resources.

Lawyer B is using heroin. He became addicted to painkillers after back surgery and resorted to illegal solutions. His life is out-of-control. His relationships at work and home are deteriorating fast; he needs help.

Lawyer C just lost his brother to a freak accident and is now the primary caregiver to his aging parents. He just got a promotion and isn't coping well with the added responsibility. He's finding his personality is changing, and he can't go to sleep without a drink.

These lawyers are real people, and each found the assistance they needed from their US state bar Lawyers Assistance Program (LAP).

The LAPs in each jurisdiction see and hear stories like these, including life changes, depression, alcohol or chemical abuse or dependence, gambling addiction, financial stress, relationships, parenting, and aging. Essentially, your state LAP is a confidential service that provides information and meaningful assistance to judges, lawyers, and even law students in the legal community. The program follows you throughout your entire legal career and offers support through retirement issues.

LAP is the general equivalent of an Employee Assistance Program (EAP) that you might find in many corporations or private companies. The only difference is that this program is designed specifically for the legal community, offers additional confidentiality, and provides peer support.

Many attorneys believe the LAPs only function is to work with the state bar Disciplinary Committee and be a controlling strong arm of the bar, letting no attorney loose from their clutches so they might earn the opportunity to practice law again. Even in cases involving formal action against the legal professional or a supervisory referral, there is often a restorative nature to the proceeding.

In fact, since the publishing of the 2017 National Task Force on Lawyer Well-being by the American Bar Association, LAPs have seen a noticeable increase in the number of calls and referrals for assistance with non-disciplinary issues. Indiana's LAP reports that less than 10 percent of their work is spent on Disciplinary Committee issues. The bulk of their work addresses attorney self-help seekers who want to maintain their confidentiality while receiving professional and peer support.

Stress by the numbers

EAPs began approximately 30 years ago. Today, they have become commonplace in work organizations, like vacation and 401(k) plans. More than 90 percent of Fortune 500 companies provide EAPs to their employees and surveys show that as many as 75 percent of medium-sized firms offer them as well.

The US Department of Labor, the Society for Human Resource Management, and numerous other agencies and organizations promote EAPs not only as a means to assist workers with alcohol and drug issues, but also to help maximize workforce performance and productivity.

Similarly, recent studies confirm that lawyers experience a high rate of depression, substance abuse and dependence, as well as other psychological, behavioral, and physical symptoms that may be related to the stress of practicing law. It is estimated that at least 25 percent of lawyers may be dealing with the issues of chemical dependence.

Other studies indicate that today 70 percent of lawyers will at some time in their professional career experience problems with substance abuse and/or dependence.

Considering the incidences of depression among lawyers, studies suggest that lawyers suffer from elevated feelings of psychological distress, including feelings of inadequacy, inferiority, anxiety, social alienation, isolation, and depression.

> Unfortunately, the legal profession tops the list in incidences of major stress and depression among the various professions. Fortunately, these diseases are generally treatable and recoveries are a reality.

Accordingly, the states' highest courts, the American Bar Association, and the Board on Professional Responsibility Office of Disciplinary Counsel realized that the legal profession is high-risk for certain diseases and that treatment works.

Therefore, a Committee on Lawyer Assistance was created to offer confidential support to attorneys. Today, the United States joins Canada and England in having a formal program to assist judges and lawyers.

Because LAPs are so well positioned to play a pivotal role in lawyer well-being, they should be adequately funded and organized to ensure they can fulfill their potential for the members of the bar.

This is not consistently the case. While LAPs exist in every state, according to the latest survey of LAPs their structures, services, and funding vary widely.

Lawyer assistance programs are organized either as agencies within bar associations, as independent agencies, or as programs within the state's court system. Many operate with annual budgets of less than US$500,000. About one quarter operate without any funding and depend solely on volunteers.

In any case, the LAP will always highlight the confidentiality of the assistance they provide. The greatest concern voiced by LAP Executive Directors in a recent survey was the under-utilization of their services stemming from the shame and fear of disclosure that are bound up with mental health and substance use disorders.

Additionally, some LAPs go beyond the traditional and are well resourced to include services that, for example, address home and budget management, career counseling, anger management, parenting supports, grief, and family counseling.

How LAPs work

By identifying the problems, facilitating treatment, and supporting recovery, LAP fulfills its mission to provide confidential assistance to judges and lawyers to help them identify and address problems

(e.g., depression, stress, substance abuse and dependence, gambling addiction, and other illnesses).

The program then assists them in developing effective solutions that culminate in a workplace atmosphere that encourages professional growth and excellence while maintaining the integrity of the legal profession.

LAPs are reaching out to help the professional legal community

Because of the sensitive nature of addiction and psychological problems, however, legal professionals who may need help are often very reluctant to seek it. In order to foster early and confidential contact with the LAP, the bar associations acknowledge the work of the program and its need for confidentiality.

Therefore, the program design of the LAP is to provide a confidential, non-disciplinary way for judges, lawyers, law students, and others working in the legal community to seek appropriate help for problems before they sabotage an individual's career and/or quality of life.

Referrals are confidential. Plus, any legal professional that seeks assistance as a self-referral can be assured that their information will be held in the strictest confidence. Similarly, those who are concerned about a coworker, peer, or other legal professional are guaranteed the same confidentiality.

LAP services

Initial assessment

A trained member of the LAP staff will meet with the legal professional either at the LAP office or off-site to evaluate the problem and recommend solutions. LAP maintains an extensive, up-to-date network of licensed healthcare professionals who are familiar with the unique issues involved in working within the legal profession.

Interventions

In appropriate situations, a member of the staff will plan, rehearse, and facilitate a formal intervention to assist with the difficult situation with a legal peer in need.

Peer support network

The person who needs assistance may be paired with a member of the Lawyer Assistance Committee in the person's area as a mentor to help in the support and/or monitoring stage.

Structured rehabilitation program

In cases involving formal action against the legal professional or a supervisory referral, the state bar can implement a structured rehabilitation program that documents a legal professional's efforts and success dealing with their issues.

Attorney support meetings

LAP sponsors regularly held meetings where attorneys help each other deal with the problems and stresses of practicing law while maintaining balance in your personal life. LAP also provides educational and other outreach activities and seminars.

Don't struggle alone in silence

> "It always seems impossible until it's done."
>
> – Nelson Mandela

Remember, lawyers, judges, and law students do not have to face overwhelming problems alone — LAPs are meant to support your legal practice for a lifetime. Equally important, each call to the LAP chips away at the stigma associated with getting help and overcoming the isolation that keeps many lawyers in unhealthy situations.

It’s a fact that the legal profession is already struggling. Our profession confronts loads of issues that can that increase toxicity to a point where it impacts our mental health and results in substance use, affecting our families, colleagues, and other important relationships. Bold change and courage require a commitment to re-envision what it means to live the life of a healthy, well-adjusted lawyer.

For more information, visit the state-by-state LAP Directory.

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