

**CHRISTIAN LEGAL SOCIETY NATIONAL CONFERENCE
OCTOBER 2022**

SPIRITUAL WELLNESS IN YOUR LAW PRACTICE
BY DAVID W. WILLIAMS

1. The Pandemic of Stress, Depression and Addiction in the Legal Profession

• **The Statistics Don't Lie**

- “Lawyers are 3.6 times as likely to be depressed as people in other jobs, while the landmark 2016 American Bar Association and Hazelden Betty Ford Foundation study found that 28 percent of licensed, employed lawyers suffer with depression. The study also showed that 19 percent have symptoms of anxiety and 21 percent are problem drinkers.”
https://www.abajournal.com/voice/article/lawyers_weigh_in_why_is_there_a_depression_epidemic_in_the_profession
- From the David Nee Foundation, a foundation dedicated to addressing the stigma of depression and suicide:
 - Depression among law students is 8-9% prior to matriculation, 27% after one semester, 34% after 2 semesters, and 40% after 3 years.
 - Stress among law students is 96%, compared to 70% in med students and 43% in graduate students.
 - Only half of lawyers are very satisfied or satisfied with their work.
 - Lawyers are the most frequently depressed occupational group in the US.
 - Lawyers are 3.6 times more likely to suffer from depression than non-lawyers.
 - Depression and anxiety is cited by 26% of all lawyers who seek counseling.
 - 15% of people with clinical depression commit suicide.
 - Lawyers rank 5th in incidence of suicide by occupation.
 - 19% of lawyers suffer from statistically significant elevated levels of depression, according to a survey conducted on lawyers in Washington.<http://www.daveneefoundation.org/scholarship/lawyers-and-depression/>

- In January of 2019, the ABA Commission on Lawyer Assistance Programs released findings and resources addressing the “Lack of Wellness” Pandemic impacting the legal profession and compiled various resources to address the Pandemic:

https://www.americanbar.org/groups/lawyer_assistance/research/colap_hazelden_lawyer_study/

- Hazelden Betty Ford Foundation and the ABA Commission on Lawyer Assistance Programs conducted national research on lawyer impairment, and published the results in the Journal of Addiction Medicine entitled, “The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys.”
- The study found very startling results related to the lack of wellness among attorneys:
 - A sample of 12,825 licensed attorneys completed surveys assessing alcohol use, drug use and symptoms of depression, anxiety and stress
 - “Substantial rates of behavioral health problems were found, with 20.6% screening positive for hazardous, harmful, and potentially alcohol-dependent drinking. Men had a higher proportion of positive screens, and also younger participants and those working in the field for a shorter duration ($P < 0.001$). Age group predicted Alcohol Use Disorders Identification Test scores; respondents 30 years of age or younger were more likely to have a higher score than their older peers ($P < 0.001$). Levels of depression, anxiety, and stress among attorneys were significant, with 28%, 19%, and 23% experiencing symptoms of depression, anxiety, and stress, respectively.”
 - “Our research reveals a concerning amount of behavioral health problems among attorneys in the United States. Our most significant findings are the rates of hazardous, harmful, and potentially alcohol dependent drinking and high rates of depression and anxiety symptoms.”
 - Younger Lawyers appear to be most at risk: “Our findings represent a direct reversal of that association, with attorneys in the first 10 years of their practice now experiencing the highest rates of problematic use (28.9%), followed by attorneys practicing for 11 to 20 years (20.6%), and continuing to decrease slightly from 21 years or more. These percentages correspond with our findings regarding position within a law firm, with junior associates having the highest rates of problematic use, followed by senior associates, junior partners, and senior partners. This trend is further reinforced by the fact that of the respondents who stated that they believe their alcohol use has been a problem (23%), the majority (44%) indicated that the problem began within the first 15 years of practice, as opposed to those who indicated the problem started

before law school (26.7%) or after more than 15 years in the profession (14.5%). Taken together, it is reasonable to surmise from these findings that being in the early stages of one's legal career is strongly correlated with a high risk of developing an alcohol use disorder.”

- “Levels of depression, anxiety, and stress among attorneys reported here are significant, with 28%, 19%, and 23% experiencing mild or higher levels of depression, anxiety, and stress, respectively.”
- The study also found that lawyers did not seek help for behavioral health issues out of fear that that seeking such help would be used to discredit them or possibly affect their law license.
- The study concluded that too many lawyers were struggling with mental health issues that would ultimately negatively impact the legal profession as a whole and prevent the legal profession from fulfilling its call to protect their clients, serve the needs of the non-legal community and promote the rule of law.

https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx

- The ABA Study also found a number of factors that contributed to a pandemic of stress, anxiety and substance abuse:
 - “Conflict and competition are the norm in the profession”
 - “External sources of conflict and competition (e.g. opposing counsel and often the judge)”
 - “Internal sources of conflict and competition (e.g. Competition within the law firm for clients, advancement, etc.)”
 - “Clients are generally starting from a place of unpleasant emotions (loss, anxiety, grief, conflict, anger). In other words, people aren’t generally “happy” to be seeing an attorney.”
 - “Fact that the entire job centers on solving problems, which are seldom solved to the complete satisfaction of the client (including the bill at the end).”
 - “High—and possibly unrealistic—client expectations.”
 - “Good lawyering skills don’t necessarily translate into good workplace skills. (i.e. emphasis on “winning” instead of collaboration; skilled at “debate” and “arguments” rather than discussion and collaboration).”
 - “Distrust of colleagues and inability to share frustrations, problems, issues, emotional/behavioral conditions---fears that you will look weak or colleague will use against you.”
 - “Time pressures such as deadlines from the court, administrative agencies, the client”
 - “Long hours”

- “Increasingly anxiety-based profession based on excess number of lawyers and limited number of jobs”
- “Required billable hour”
- “Required origination of business (this applies particularly to partners)”

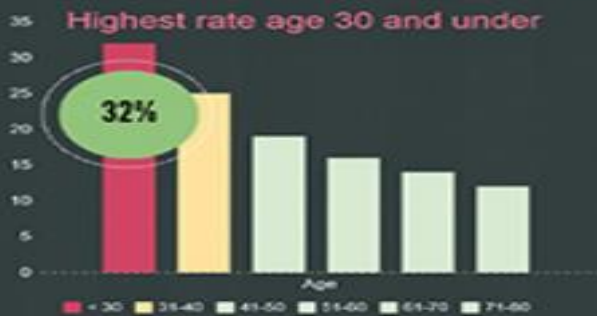
https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_aba_hazelden_research_sept_2016_webinar_powerpoint_presentation.pdf



Most at Risk?

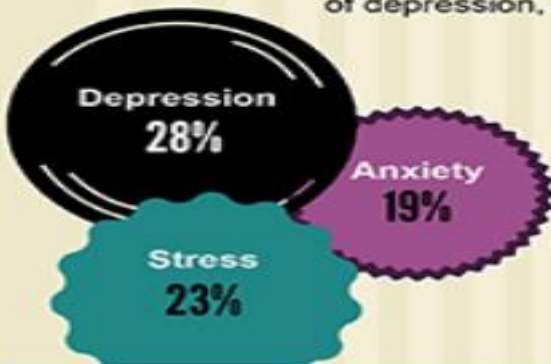
Younger lawyers in first 15 years, working in private firms

Problematic Drinking



Mental Health Symptoms

Lawyers with alcohol use disorders also had highest rates of depression, anxiety, and stress.



Sources:
 Knill, P., Johnson, R., Albert, L. "The Prevalence of Substance Abuse and Other Mental Health Concerns Among American Attorneys." *Journal of Addiction Medicine*. Jan/Feb issue, 2016. <http://journals.lww.com/journaladdictionmedicine/pages/default.aspx>.
 U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration. "Behavioral Health Trends in the United States: Results from the 2014 National Survey on Drug Use and Health." September 2015.

<https://www.wisbar.org/NewsPublications/WisconsinLawyer/Pages/Article.aspx?Volume=89&Issue=2&ArticleID=24589>

- **But Why Does This Happen to Lawyers?**

- “I think that a large basis for the prevalence of depression and substance abuse in the legal industry is self-selecting. Lawyers tend to be driven perfectionists, which is often why they entered such a difficult profession. The demands of clients and supervising attorneys tend to exacerbate what in most instances is a pre-existing issue.”
—*Andrew Winters, co-founder of Cohen & Winters, a Concord, New Hampshire, firm that focuses on criminal defense, personal injury and family law*

- “Lawyers must constantly scan the horizon, trying to predict the next threat or catastrophe. They constantly ask the question, ‘What’s the worst thing that could happen?’ As a result, lawyers are in permanent ‘fight or flight’ mode, constantly on guard. Also, lawyers have nothing to sell but their time and advice. They’re not cranking out widgets. They can’t make more time. As their workload grows, something has to give. First, it’s vacations. Then weekends. Then evenings. Then family and friends.”

—*James A. Fassold, a shareholder at Tiffany & Bosco in Phoenix who is a certified meditation instructor and practices probate law and trust litigation*

- “I think technology has made the profession of law more anxiety- and depression-inducing. Emails, texts and cellphone calls—there is no escape. At night or early in the morning, your phone or PDA is beeping, dinging and ringing. Then on weekends, your clients are emailing or texting. To make matters worse, in the techno world in which we live, clients, colleagues and opposing lawyers expect an immediate answer. Sometimes mere minutes are too long! Because there is no break and no respite, there is no release for the constant pressure. Taken to an extreme, there is no hope. This can push lawyers over the edge.”

—*Marc Lamber, co-founder of the Lamber-Goodnow Injury Law Team at Fennemore Craig*

- “The legal profession combines long hours, high stress, isolation, a trained need to never show vulnerability, and work that by its very definition is antagonistic and conflict-laden, and that makes for a toxic environment conducive to addiction and mental health issues. Legal work combines all the elements that contribute to substance abuse and other disorders into one toxic pot.”

—*Kevin Chandler, an attorney and director of the legal professionals program at Hazelden Betty Ford Foundation, the nation’s largest addiction treatment provider*

https://www.abajournal.com/voice/article/lawyers_weigh_in_why_is_there_a_depression_epidemic_in_the_profession

- **My Story...How Anxiety Affected My Practice**

I have dealt with anxiety most of my teenage and young-adult life, and even into my forties. While I was able to cope with various levels of anxiety during my teenage and college years, once I moved into my professional life, trying to deal with the ongoing stress of the work environment and my natural inclination to do the best work I could, led to a toxic cycle of anxiety.

My anxiety reached its peak during my fifth year in private practice. At the time, I had recently moved into a new position as an associate attorney in a regional law firm in the Phoenix market, and I was assigned to work with a more senior partner who was very demanding of the associates that he worked with. This particular high demand for performance, led to long hours and grand expectations for near-perfect work product and billable hour expectations. I was under constant pressure from the fear of failing to meet the expectations that had been placed on me by the senior partner. While I was able to meet the billable hour expectations, the situation put extreme pressure on my home life as well as increasing my level of anxiety because I was the sole income earner for our family at the time. While the senior partner was an amazing trial attorney, he was also exceedingly difficult to work with, and his people skills were less than desirable. I was under constant pressure worrying that I would be terminated or unduly critiqued for the level of work or failing to meet this partner's expectations. While I was well liked within the firm, this particular partner was difficult to please and was always quick to dispense criticism which created an environment where my level of anxiety increased.

In the past, my anxiety had manifested in different physical symptoms. In my teenage years and young adult years, I had a noticeable twitch that resulted in fits of uncontrollable blinking. After meeting with a behavioral therapist, I learned that this was a physical reaction to the stress that my body was under from anxiety and the inability to deal with the pressure that I was placing upon myself. When I was working in my second job as an associate attorney, my anxiety began to manifest itself with stomach problems and lack of sleep. It also manifested itself with panic attacks that included intense bouts of nausea, increased heart rate, chest pains, and stomach issues. These panic attacks would happen randomly based upon the level of stress that I was under at the time.

Ultimately, I decided to leave that law firm, which was the best option for my personal well-being and that of my family. While that decision resulted in a significant pay reduction in the short term, it proved to be the right decision for my family. The Lord opened an opportunity for me to find a healthier work environment at a new firm. I have practiced at that firm for over 12 years. In the time that I have been with my current firm, I have been able to establish my own practice and I have also learned healthy ways to address bouts of anxiety. I have learned, through many of the ways that will be discussed throughout the rest of the seminar, to address problems with anxiety in a healthy and productive way and to minimize manifestation of physical symptoms of anxiety. I have learned to practice better wellness, including physical,

emotional, and spiritual wellness. I have learned to put the Lord first in my life and to seek His guidance and His approval and put Him at the center of my life, which has had a dramatic effect on my relationships with others, including my spouse, my children, my clients and my co-workers.

2. The Case For Spiritual Wellness

- What is Wellness—from the National Wellness Institute: “Wellness is an active process through which people become aware of, and make choices toward, a more successful existence.”

- Ethical Issues Related to Wellness
 - E.R. 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.”
 - In 2017, the ABA Task Force on Lawyer Well-Being issued a report entitled “the Path to Lawyer Well-Being: Practical Recommendations for Positive Change.”
<https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportFINAL.pdf>
 - The Task Force emphasized that well-being is an indispensable part of a lawyer’s duty of competence.
 - Some State Bar Associations are making well-being/wellness part of E.R. 1.1. From Vermont Supreme Court has added a comment to Vermont’s version of E.R. 1.1, which states: “[9] A lawyer’s mental, emotional, and physical well-being may impact the lawyer’s ability to represent clients and to make responsible choices in the practice of law. Maintaining the mental, emotional, and physical well-being necessary for the representation of a client is an important aspect of maintaining competence to practice law.”
<https://vtbarcounsel.wordpress.com/2019/07/10/well-being-is-an-aspect-of-competence/#:~:text=Lawyer%20well%2Dbeing%20is%20part,responsible%20decisions%20for%20their%20clients.>

- 4 Pillars of Wellness
 - Physical—how is my health—diet, physical activity, rest
 - Emotional—connection, healthy relationships, feelings of love and acceptance
 - Mental/Intellectual—intellectual curiosity and willingness to learn and grow
 - Spiritual—a connection to something greater than yourself

- What is Spiritual Wellness to the Christian
 - From Family Life: “One of the things that uniquely characterizes us as human beings is a capacity to have a personal relationship with God, our Creator. He made us not only to live in this world but to enjoy a personal relationship with Him, starting in this life and continuing on into eternity.”
<https://www.familylife.com/articles/topics/faith/essentials-faith/growing-in-your-faith/3-steps-to-spiritual-wellness/>
 - Three suggestions for improving Spiritual Wellness:
 - Know God personally.
 - John 14:6: Jesus said to him, “I am the way, and the truth, and the life. No one comes to the Father except through me.”
 - Revelation 3:20: “Behold, I stand at the door and knock. If anyone hears my voice and opens the door, I will come in to him and eat with him, and he with me.”
 - Matthew 11:28–30: “Come to Me, all you who labor and are heavy laden, and I will give you rest. Take My yoke upon you and learn from Me, for I am gentle and lowly in heart, and you will find rest for your souls. For My yoke is easy and My burden is light”
 - Isaiah 41:13: “For I, the Lord your God, will hold your right hand, saying to you, ‘Fear not, I will help you’”
 - Isaiah 40:11: “He will feed His flock like a shepherd; He will gather the lambs with His arm, and carry them in His bosom”
 - Surrender Control to Jesus.
 - 1 Peter 5:6,7: “Therefore humble yourselves under the mighty hand of God, that He may exalt you in due time, casting all your care upon Him, for He cares for you”
 - Proverbs 3:5-6: “Trust in the LORD with all your heart, and do not lean on your own understanding. In all your ways acknowledge him, and he will make straight your paths.”
 - Psalms 9:10: “And those who know your name put their trust in you, for you, O LORD, have not forsaken those who seek you.”
 - Galatians 2:20: “I have been crucified with Christ. It is no longer I who live, but Christ who lives in me. And the life I now live in the flesh I live by faith in the Son of God, who loved me and gave himself for me.”
 - Pursue God’s Glory

- Philippians 3:8,9: “What is more, I consider everything a loss because of the surpassing worth of knowing Christ Jesus my Lord, for whose sake I have lost all things. I consider them garbage, that I may gain Christ and be found in him, not having a righteousness of my own that comes from the law, but that which is through faith in¹ Christ—the righteousness that comes from God on the basis of faith”
 - Romans 8:8: “For I consider that the sufferings of this present time are not worth comparing with the glory that is to be revealed to us.”
 - 2 Corinthians 3:18: “And we all, with unveiled face, beholding the glory of the Lord, are being transformed into the same image from one degree of glory to another. For this comes from the Lord who is the Spirit.”
- Jesus as an Example of Spiritual Wellness
 - To prepare for a major task: After Jesus was baptized He spent 40 days praying in the wilderness. After this He was tempted by Satan and then began His public ministry.
 - Luke 4:1-2, 14-15: “Jesus, full of the Holy Spirit, left the Jordan and was led by the Spirit into the wilderness, where for forty days he was tempted[a] by the devil. He ate nothing during those days, and at the end of them he was hungry . . . Jesus returned to Galilee in the power of the Spirit, and news about him spread through the whole countryside.”
 - To recharge after hard work: Jesus sent the 12 disciples out to do ministry. When they returned He encouraged them to separate from the people who were following them to rest.
 - Mark 6:30-31: “The apostles returned to Jesus and told him all that they had done and taught. And he said to them: ‘Come away by yourselves to a desolate place and rest for a while.’”
 - Jesus also prayed after the feeding of the 5,000: Mark 6:46: “And after he had taken leave of them, he went up on the mountain to pray.”
 - After healing and performing miracles: Luke 5:15-16: “But now even more the report about him went abroad, and great crowds gathered to hear him and be healed of their infirmities. But Jesus withdrew to desolate places and prayed.”
 - Before making an important decision: Early in His ministry Jesus spent the whole night alone in prayer. The next day He chose his 12 disciples.
 - Luke 6:12: “One of those days Jesus went out to a mountainside to pray, and spent the night praying to God.”
 - In a time of distress: Praying in the Garden of Gethsemane hours before he was to be arrested and face the cross.
 - Luke 22:39-44: “Jesus went out as usual to the Mount of Olives, and his disciples followed him. On reaching the place, he said to them, ‘Pray that you will not fall into temptation.’ He withdrew about a stone’s throw beyond them, knelt down and prayed, ‘Father, if you are willing, take this cup from me; yet not my will, but yours be done.’ An angel from heaven appeared to him and

strengthened him. And being in anguish, he prayed more earnestly, and his sweat was like drops of blood falling to the ground.