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TEN TIPS FOR LAWYERS DEALING WITH STRESS

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TEN TIPS FOR LAWYERS

DEALING WITH STRESS,

MENTAL HEALTH, AND

SUBSTANCE USE ISSUES

ABSTRACT

Being a lawyer in Texas is not easy. This paper provides some basic information and tools to help lawyers understand and address the serious stress, mental health and substance use issues which so many attorneys face.

I. INTRODUCTION.

For those practicing law in Texas, it may be no surprise that lawyers suffer very high rates of mental health and substance use disorders. Lawyers are handed their clients' worst problems and are expected to solve them. They are supposed to be perfect or their reputations dwindle. If they make a mistake, it can be career changing or devastating to a client's life. There is little time to smell the roses, and when that opportunity comes, it is hard if not impossible to stop thinking about the fires which need putting out at the office. It is a tremendous

understatement to say that the life of a lawyer can be very stressful and difficult.

Researchers have become interested in the strenuous life of a lawyer. They have found extraordinary differences between the mental health and substance use of attorneys compared to normal people. For example, a recent law review article noted that attorneys had the highest rate of depression of any occupational group in the United States.¹ A 1990 study indicated that attorneys suffer depression 3.6 times as often as the general population.²

With regard to alcohol use, researchers have found that attorneys have almost double the usual rate of problem drinking.³ One study found that before law school, only 8% reported alcohol problems. By the third year of law school, 24% reported a concern about having a drinking problem.⁴

In a startling 2014 law school wellness study of nearly 4,000 participating law students at 15 law schools across the country, 43% reported binge drinking in the past 2 weeks and 25% reported marijuana use in the past year.⁵ Additionally, 14% reported using prescription drugs in the past year without a prescription, 27% reported having an eating disorder, and 21% percent reported that they had considered suicide.⁶

¹ See Lawrence S. Krieger and Kennon M. Sheldon, *What Makes Lawyers Happy? Transcending the Anecdotes with Data from 6200 Lawyers*, 83 *GEO. WASH. U. L. REV.* 554 (2015), also published as FSU College of Law, Public Law Research Paper No. 667(2014); see also Rosa Flores & Rose Marie Arce, *Why are lawyers killing themselves?*, CNN (Jan. 20, 2014, 2:42 PM), <http://www.cnn.com/2014/01/19/us/lawyer-suicides/>.

² See William Eaton ET AL., *Occupations and the Prevalence of Major Depressive Disorder*, 32 *J. OCCUPATIONAL MED.* 1079, 1085 tbl. 3 (1990).

³ See Justin J. Anker, Ph.D., *Attorneys and Substance Abuse*, Butler Center for Research(Hazelden 2014)(available at

http://www.hazelden.org/web/public/document/bcrup_attorneyssubstanceabuse.pdf)

⁴ See Benjamin, G.A. H., Darling, E.J., and Sales, B. *The Prevalence Of Depression, Alcohol Abuse, And Cocaine Abuse Among United States Lawyers*. 13 *International Journal of Law and Psychiatry* at 233-246 (1990).

⁵ See 2014 ABA/Dave Nee Survey of Law Student Well-Being (co-piloted by David Jaffe and Jerry Organ and funded by the ABA Enterprise Fund and the Dave Nee Foundation).

⁶ *Id.*

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Regarding suicide, lawyers have historically topped the list of all professionals in suicide rates.⁷ They have been found to be twice as likely as the average person to commit suicide.⁸

Obviously, these are major problems. No one wants to be troubled by thinking about these issues, but they deserve real attention. This paper is an effort to provide some basic information and tools to help attorneys and others in contact the legal community understand and address the unique and substantial stress, mental health and substance use issues from which so many attorneys suffer.

II. DEFINING THE ISSUES.

While there are a large number of hardships faced by attorneys practicing law across the State of Texas, the following are some of the most common and most serious:

A. Anxiety Disorders.

Disorders relating to anxiety range from a general Panic Attack (which is Panic Disorder with or without Agoraphobia⁹) to specific phobias such as Social Anxiety Disorder (SAD), Obsessive-Compulsive Disorder (OCD), Posttraumatic Stress Disorder (PTSD), Acute Stress Disorder (ASD), Generalized Anxiety Disorder (GAD), Substance-Induced Anxiety Disorder, anxiety due to a medical condition, and anxiety disorder not otherwise specified.

Generalized Anxiety Disorder is prevalent in the legal community, although most lawyers would argue that its symptoms sound like

what one experiences every day when practicing law:

1. Excessive anxiety and worry (apprehensive expectation) which occurs more days than not for at least six months about a number of events or activities (such as work or school performance);
2. The person finds it difficult to control the worry;
3. The anxiety and worry are associated with three (or more) of the following six symptoms present for more days than not for the past 6 months:
 - a. restlessness or feeling keyed up or on edge;
 - b. being easily fatigued;
 - c. difficulty concentration or mind going blank;
 - d. irritability;
 - e. muscle tension;
 - f. sleep disturbance (difficulty falling or staying asleep or restless unsatisfying sleep);
4. The focus of anxiety or worry is not about another disorder (panic, social phobia, OCD, PTSD, etc);
5. The anxiety, worry or physical symptoms cause clinically significant distress or impairment in social, occupation or other important areas of functioning; and
6. The disturbance is not due to the direct physiological effects of a substance (drug of abuse, medication, etc.) or a general medical condition and does not exclusively occur during a mood disorder or psychotic disorder.¹⁰

B. Substance Use Disorders and Process Addictions.

Approximately 20% of the lawyers in the United States are affected by substance use disorders compared with about 10% of the general public.¹¹ The substances used to excess

⁷ According to a 1991 Johns Hopkins University study of depression in 105 professions, lawyers ranked number one in the incidence of depression. See William Eaton et al., *Occupations and the Prevalence of Major Depressive Disorder*, 32 JOURNAL OF OCCUPATIONAL MEDICINE 11, Page 1079(1990).

⁸ A 1992 OSHA report found that male lawyers in the US are two times more likely to commit suicide than men in the general population. See

<http://www.lawpeopleblog.com/2008/09/the-depression-demon-coming-out-of-the-legal-closet/>.

⁹ This is a type of anxiety disorder in which you fear and often avoid places or situations that might cause you to panic and make you feel trapped, helpless or embarrassed.

¹⁰ See www.depression-screening.org for self-assessment screening tests for anxiety disorders.

¹¹ See G.A.H. Darling et al., *The prevalence of depression, alcohol abuse, and cocaine abuse among*

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