

PRESENTED AT
12th Annual Advanced Texas Administrative Law Seminar
August 24-25, 2017
Austin, Texas

IMPAIRED ATTORNEYS AND TEXAS LAWYERS'
ASSISTANCE PROGRAM: WHAT LAWYERS SHOULD
KNOW FOR RESILIENCE

Presented by Allan K. Dubois

Prepared by Chris Ritter, JD, Staff Attorney for TLAP (chris.ritter@texasbar.com)

www.TLAPHELPS.org

800-343-TLAP(8527)

512-427-1453

TABLE OF CONTENTS

I. Introduction	3
II. Tips to Lawyer Resilience: Five Evidence–Based Strategies	5
1. Practice Gratitude.....	5
2. Practice Mindfulness	6
3. Help Others	8
4. Practice Self-Compassion	9
5. Develop a Sense of Humor	11
III. Conclusion: Call TLAP!	11
IV. Appendix 1: Help and Hope from TLAP: A <u>Safe</u> Place to Call	13
V. Appendix 2: Financial Help: The Sheeran-Crowley Memorial Trust.....	17
1. Sheeran-Crowley Memorial Trust and Donation Form	18

IMPAIRED ATTORNEYS AND TEXAS LAWYERS' **ASSISTANCE PROGRAM: WHAT LAWYERS SHOULD** **KNOW FOR RESILIENCE**

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.

For decades, researchers have looked at the strenuous lifestyle and bad habits of lawyers. They have found extraordinary differences between the mental health and substance use of attorneys compared to people generally.

A recent law review article noted that attorneys have the highest rate of depression of any occupational group in the United States.¹ Another study showed that attorneys suffer depression 3.6 times as often as the general population.²

In 2016, the American Bar Association Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation released a groundbreaking study of almost 13,000 employed attorneys. It showed that 21% of attorneys suffer from problematic drinking, defined as "hazardous, harmful, and potentially alcohol-dependent drinking" (some have referred to these people in the past as "alcoholics"), 28% suffer from depression, and 19% suffer from clinical anxiety.³ Perhaps even more disturbing, 36% reported drinking alcohol in a quantity and frequency that would indicate "hazardous drinking or possible alcohol abuse or dependence," 46% felt they suffered depression in the past, and 61% reported concerns about anxiety.⁴

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 Patrick Krill, Ryan Johnson, and Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, Journal of Addiction Medicine, Feb. 2016, Vol. 10, Issue 1, pp. 46-52,

http://journals.lww.com/journaladdictionmedicine/FuIltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.asp

⁴ *Id.*

As a reference to how these numbers stack up to the general population, about 6% of adults over 26 years of age suffer from problematic drinking⁵ (versus 21% of lawyers), and only 15% of doctors reported drinking alcohol in a quantity and frequency that would indicate hazardous drinking or possible alcohol abuse or dependence (versus 36% of lawyers).⁶

Similarly, a 2015 law school wellness study of nearly 4,000 participating law students at 15 law schools across the country showed that 42% of respondents indicated that in the past year they had thought they needed help for emotional or mental health problems. Furthermore, 25% answered two or more of four questions that comprise the standard alcohol use disorder assessment, indicating as many as one-quarter of the law students should be considered for further screening for alcohol use disorder. The study also showed that 43% of law students reported binge drinking in the past 2 weeks and 25% reported marijuana use in the past

year.⁷ 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.⁸

Another law school 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.⁹ Moreover, a 2014 Yale Law School study sent shockwaves across academia when it reported 70% of its law students had symptoms of depression.¹⁰

Regarding suicide, lawyers have consistently been at or near the top the list of all professionals in suicide rates.¹¹ They have been found to be twice as likely as the average person to commit suicide.¹²

Obviously, these are major problems. No one wants to be troubled by thinking about these issues, but they demand real attention.

⁵ *Behavioral Health Trends in the United States: Results from the 2015 National Survey on Drug Use and Health*, U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, September 2015, <http://www.samhsa.gov/data/sites/default/files/NSDUH-FRR1-2014/NSDUH-FRR1-2014.pdf>

⁶ *Id.*

⁷ See Jerome M. Organ, David B. Jaffe, and Katherine M. Bender, *Helping Law Students Get the Help They Need: An Analysis of Data Regarding Law Students' Reluctance to Seek Help and Policy Recommendations for a Variety of Stakeholders*, The Bar Examiner, Dec. 2015, Vol. 4, Issue 4, http://www.ncbex.org/pdfviewer/?file=%2Fassets%2Fmedia_files%2FBar-Examiner%2Fissues%2F2015-December%2FBE-Dec2015-HelpingLawStudents.pdf

⁸ *Id.*

⁹ See G.A. Benjamin, E.J. Darling, and B. Sales, *The Prevalence Of Depression, Alcohol Abuse, And Cocaine Abuse Among United States Lawyers*,

International Journal of Law and Psychiatry, 1990, Vol. 13, pp. 233-246.

¹⁰ See Yale Law School Mental Health Alliance, *Falling Through the Cracks: A Report on Mental Health at Yale Law School*, December 2014, <http://www.scribd.com/doc/252727812/Falling-Through-the-Cracks>

¹¹ 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).

¹² 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/>.

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Impaired Attorneys and Texas Lawyers' Assistance Program: What Lawyers Should Know for Resilience

Also available as part of the eCourse

[2017 Advanced Texas Administrative Law eConference](#)

First appeared as part of the conference materials for the
12th Annual Advanced Texas Administrative Law Seminar session
"Impaired Attorneys and Texas Lawyers' Assistance Program"