

# "To Be a Good Lawyer, One Has to Be a Healthy Lawyer"<sup>1</sup>

By Tish Vincent

**M**erriam-Webster defines "stakeholder" as one who is involved in or affected by a course of action.<sup>2</sup> The legal profession has many stakeholders. Defined broadly, all individuals and entities that secure the services of a lawyer or law firm are stakeholders in the legal profession. They rely on the integrity and competence of the lawyers to whom they turn.

Defined more narrowly, stakeholders in lawyer well-being are judges, regulators, legal employers, law schools, bar associations, professional liability carriers, and lawyers' assistance programs.

San Francisco hosted the American Bar Association Annual Meeting in August 2016. At that meeting, a group of lawyers from diverse associations decided to establish a National Task Force on Lawyer Well-Being. The task force was "conceptualized and initiated by the ABA Commission on Lawyers Assistance Programs, the National Organization of Bar Counsel, and the Association of Professional Responsibility Lawyers."<sup>3</sup> Jim Coyle, attorney regulation counsel for the Colorado Supreme Court, and Bree Buchanan, director of the Texas Lawyers Assistance Program, co-chaired the effort.<sup>4</sup>

The task force's goal was to publish a report on their progress in 2017. A sense of urgency surrounded the endeavor. This dedicated group of individuals prevailed, publishing *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* in August 2017 following the ABA Annual Meeting in New York City.<sup>5</sup>

In February 2016, the American Society of Addiction Medicine published an article titled "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys."<sup>6</sup> The article reported on research conducted by the American Bar Association Commission on Lawyers Assistance Programs in partnership with the

Hazelden Betty Ford Foundation—the first study of this magnitude since 1990.

The findings showed that 21 percent of respondents indicated they engaged in hazardous alcohol usage, 28 percent of respondents reported high levels of depression, and 23 percent reported high levels of anxiety.<sup>7</sup> Barriers to seeking help included not wanting others to find out they need assistance and concerns regarding privacy and confidentiality.<sup>8</sup>

The project's lead investigators presented their findings at the ABA 2016 Annual Meeting. The willingness to address the challenges noted in the research was high. Many lawyers and judges remarked on the need for a cultural change. Recommendations following the 1990 research were never implemented.<sup>9</sup> This time around, stakeholders were passionate about not repeating that mistake.

This cultural change must grow organically from the many corners of the legal profession. No one group can identify a solution and convince everyone else it is a worthwhile undertaking.

A physical copy of the report was mailed to Supreme Court chief justices nationwide. The working group is following up with the efforts each state is making to read the report, embrace its major goals, and implement some of the recommendations.

The task force identified five core steps for a sustainable culture in the legal profession:<sup>10</sup>

- (1) Identify stakeholders and their roles in bringing about cultural change.
- (2) Diminish the stigma associated with seeking help for disorders.
- (3) Emphasize that well-being is part of the duty of competence.
- (4) Expand educational outreach on mental health, substance use disorders, and issues related to well-being.

- (5) Change the tone of the legal profession to make health and well-being a top priority.

In the months to come, this column will cover the task force report recommendations. I hope that you, as stakeholders, will read the report and get involved with these important issues.

From the first day of law school until we retire from the practice of law, we owe it to our colleagues, our clients, and ourselves to be healthy, competent lawyers. ■

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## ENDNOTES

1. Buchanan & Coyle, Introduction to *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* [The Report of the National Task Force on Lawyer Well-Being], American Bar Association (August 2017) <<https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportFINAL.pdf>>. All websites cited in this article were accessed December 8, 2017.
2. "Stakeholder," Merriam-Webster Online Dictionary, 2017 <<https://www.merriam-webster.com/dictionary/stakeholder>>.
3. Introduction to *The Path to Lawyer Well-Being*.
4. Buchanan & Coyle, *Report from the National Task Force on Lawyer Well-Being*, American Bar Association <[https://www.americanbar.org/groups/lawyer\\_assistance/task\\_force\\_report.html](https://www.americanbar.org/groups/lawyer_assistance/task_force_report.html)>.
5. Introduction to *The Path to Lawyer Well-Being*.
6. Krill, Johnson & Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J Addict Med 46 (January/February 2016). Also available at <[http://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The\\_Prevalence\\_of\\_Substance\\_Use\\_and\\_Other\\_Mental.8.aspx](http://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx)>.
7. *Id.*
8. *Id.* at 50.
9. *Id.* at 46.
10. Introduction to *The Path to Lawyer Well-Being*.