

DRI For Life

Hang On, Help Is on Its Way (Actually, It's Already Here...)

By Karen Kahle

The results of a recent national survey of nearly 13,000 attorneys revealed an alarmingly high rate of depression, anxiety, stress and alcohol/substance abuse among licensed, employed attorneys in comparison to the general population, bringing these issues out of the closet and into the spotlight. The “DRI For Life” column from the May 2016 issue of this magazine told of one attorney’s struggle with depression, mentioned the recent survey results, and touched upon how we can help our struggling colleagues.

Most states and many Canadian provinces have established “lawyer assistance programs” (or “LAPs”), which stand ready and able to provide confidential assistance to attorneys arising from mental health and substance abuse issues. In this column, we will share more of the survey results and tell you how LAPs can help our struggling colleagues.

Just How Big Is the Problem?

An article discussing the results of the national survey was published in the *Journal of Addiction Medicine* in its January/February 2016 issue. It is available online at no charge. See Krill, P.R., et al., “The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys,” *J Addict Med* 216; 10: 46–52, <http://journals.lww.com/journaladdictionmedicine>.

Regarding problematic drinking, the survey revealed that nearly 21 percent of responding attorneys engage in hazardous, harmful, and potentially alcohol-dependent drinking. In comparison, according to the National Institute on Alcohol Abuse and

Alcoholism, seven percent of the general adult population in the United States suffered from an alcohol use disorder in 2013.

Survey results also revealed that this problem drinking prevalence changes over time in practice, and with age. Nearly 29 percent of attorneys in their first 10 years of practice engage in problematic drinking. Approximately 21 percent of attorneys in practice between 11 and 20 years report problematic drinking, with declining rates reported as time in practice increased. Based on age, the study found that reported rates of problematic drinking by attorneys under the age of 30 were highest (over 32 percent) with those age 31 to 40 years reporting problematic drinking at a rate of 26 percent, with declining rates as the attorney’s age increases.

As for depression, 28 percent of survey respondents reported mild or higher levels of depression, with 46 percent of respondents reporting a concern with depression at some point during their careers. Mental health issues often co-occur with alcohol use disorders, and the study revealed significantly higher levels of depression, anxiety, and stress among those screening positive for problematic alcohol use. In comparison, according to the Centers for Disease Control and Prevention, approximately 7.6 percent of the general population (age 12 and older) in the United States reported moderate or severe levels of depression.

With respect to anxiety, 19 percent of survey respondents indicated mild or higher levels of anxiety currently, and 61 percent reported concerns with anxiety at some point in their careers. As for stress, 23 percent of survey respondents reported mild or higher levels of stress.

What Are LAPs and What Do They Do?

The structure, staffing, and funding of LAPs varies from state to state and province to province. Generally, LAPs provide immediate and continuing intervention and assistance for lawyers who suffer from physical or mental health conditions that affect their ability to practice law. Most LAPs have an executive director or someone in a similar capacity who serves as the primary point of contact for confidential referrals and inquiries. Contact information for individual LAPs can be found at http://www.americanbar.org/groups/lawyer_assistance/resources/lap_programs_by_state.html.

The American Bar Association’s Commission on Lawyer Assistance Programs (CoLAP) provides networking and educational opportunities for lawyer assistance programs and bar associations, with the mission of “educate[ing] the legal profession concerning alcoholism, chemical dependencies, stress, depression and other emotional health issues, and assist[ing] and support[ing] all bar associations and lawyer assistance programs in developing and maintaining methods of providing effective solutions for recovery.”

Do Lawyers Perceive Barriers to Mental Health Treatment?

As lawyers, we know that “perception is reality.” Over 50 percent of the national survey respondents said they would not seek help due to concerns someone might find out; over 44 percent reported concerns about privacy or confidentiality. This widely held perception is inaccurate, and it is extremely troubling to Terry Harrell,



■ Karen Kahle is a member of Steptoe & Johnson PLLC in its Wheeling, West Virginia, office. She is a litigator, primary to the Energy Litigation Group, but her practice includes all types of complex litigation. Throughout her legal career, she has been heavily involved in the West Virginia State Bar’s efforts to assist lawyers in need, initially serving as a member and chair of its volunteer Committee on Lawyer Assistance, and since its inception in 2012, as a Board of Directors member, chair, and secretary of the WV Lawyer Assistance Program. She is also involved in the ABA’s Commission on Lawyer Assistance Programs, formerly as a commissioner and currently on its advisory committee.

Executive Director of the Indiana Judges and Lawyers Assistance Program and Chair of CoLAP. The *reality* is that confidentiality of communications with a state's LAP is typically ensured by statute or rule, and it is one of the most important features of a LAP.

Ms. Harrell notes, "When we combine the stigma associated with mental health and addiction issues with the adversarial nature of law and the lawyer's role as a problem solver and helper, it can become very difficult for lawyers to ask for help for themselves." She adds, "We need our entire profession to work toward better mental health for everyone in the legal profession. Healthier lawyers mean more competent and ethical lawyers and better service to the public. It needs to start in the law schools and become a cornerstone of our profession, addressing both prevention and recognition, on the one hand, as well as encouraging and normalizing help-seeking behaviors, on the other hand. Lawyer assistance programs and

bar associations around the country are developing creative ways to improve the health of our profession: What ideas do you have to improve the mental and overall health of our profession?"

What Can I Do to Help?

With these factors in mind, here are just some of the things lawyers can do to support their colleagues in need. Spread the word, through local CLE and bar associations, that confidential assistance is available through your local LAP. And if you have a colleague who appears to be struggling, make a call to your LAP and see if they can provide you with guidance or even direct assistance with your colleague. Finally, you can place a confidential call to your LAP about your own needs. Again, the confidentiality associated with such calls makes this a win-win situation, for you and the profession.

