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We are our colleague's keeper: Helping lawyers overcome substance abuse

We are a self-regulated profession. That means that we have a duty to protect the public, including from impaired lawyers. We also have an obligation to help our colleagues who may be suffering from alcohol or substance abuse.

Too often I instead hear stories of lawyers covering for, or enabling, the dysfunction.

That's why I was gratified to be asked to join the National Task Force on Lawyer Well-Being. The National Task Force was formed in the wake of two studies that came out in 2016.

Professors Jerome M. Organ, David B. Jaffee and Katherine M. Bender published "Suffering in Silence," a report in the *Journal of Legal Education* based on a survey of law students' use of alcohol, drugs and their inclination to seek help. The study involved 3,300 students at 15 different law schools. The findings were shocking: one quarter were at risk for alcoholism, 17 percent suffered from depression, 14 percent had severe anxiety, 23 percent had mild or moderate anxiety, and 6 percent had suicidal thoughts within the prior year. The longer the students attended law school, the more they drank and the more anxious they got.

Meanwhile, the American Bar Association teamed up with the Hazelden Betty Ford Foundation to survey and publish a report on substance abuse and other mental health issues of attorneys. According to the report, 21 percent of licensed, employed attorneys qualify as problem drinkers, 28 percent struggle with some level of depression and 19 percent demonstrate symptoms of anxiety. The study found that younger attorneys in the first 10 years of practice exhibit the highest incidence of these problems.

The problem drinking among law students and attorneys within the first 10 years of practice

contradicts previous research that showed that rates of problem drinking increased as individuals spent more time in the legal profession.

Moreover, the studies showed that both law students and lawyers who recognized that they had problems were not likely to seek help. The factors that discouraged both law students and lawyers from seeking help were similar: a threat to academic or job status, potential threat to or removal from bar admission, social stigma; a feeling that "I can handle it myself"

The National Task Force on Lawyer Well-Being was a grassroots coming together of individuals from various organizations within the profession, including lawyers' assistance programs, organizations that prosecute lawyers (National Organization of Bar Counsel) and lawyers who represent lawyers in the disciplinary process (Association of Professional Liability Lawyers) to brainstorm action in response to the studies.

The core group quickly expanded to other lawyers from interested organizations, including law schools and various ABA entities such as the Standing Committee on Professionalism, which I chair. The group began brainstorming how to be a clarion call for action.

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In about a year, lightning speed by lawyers' standards, we had put together a report that was released in early August. The report, available on the Standing Committee on Professionalism's page of the ABA website, consists of 44 recommendations, some addressed to all of us in the profession and some to specific legal



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stakeholders: judges, regulators, legal employers, law schools, bar associations, professional liability carriers and lawyers' assistance programs.

The main reasons to take action on this issue are laid out in the beginning of the report:

- It's good for business — organizational success depends on healthy lawyers.
- It's good for clients — ethics and professionalism are undermined if lawyers are impaired and cannot meet their competency requirements.
- It's the right thing to do — untreated mental health and substance abuse disorders ruin lives and careers.

The recommendations are

many, but the themes are few. There are five core steps for a sustainable culture shift in the legal profession:

1. Identifying stakeholders and the role that each of us can play in reducing the toxicity in our profession;
2. Ending the stigma surrounding help-seeking behaviors. The

report contains numerous recommendations to combat the perception that seeking help will lead to negative professional consequences.

3. Emphasizing that well-being is an indispensable part of a lawyer's duty of competence.

4. Expanding educational outreach and programming on well-being issues for lawyers, judges, and law students.

5. Changing the tone of the profession one small step at a time. The report contains a number of small scale recommendations that can lead to transformative cultural change in a profession that has always been, and will remain, demanding.

The report already has some legs under it.

The Conference of Chief Justices passed a resolution in support, and ABA President Hilarie Bass has agreed to make this issue a priority in the year ahead.

This report should help leverage the good work already being done by lawyers' assistance programs in many states. To access the wide array of resources and services available across the state of Illinois, go to the Illinois Lawyers' Assistance Program's website at IllinoisLAP.org.

In addition, Illinois is taking the lead in mandatory Continuing Legal Education programming in the area of substance abuse and mental health. Recognizing that fear of stigma may be keeping some lawyers from attending such educational programming, the Illinois Supreme Court this year moved to make the state one of a handful to modify its CLE rules to require that lawyers take at least one hour of substance abuse and mental health CLE each reporting period.

The ABA adopted a similar Model MCLE Rule, so it is hoped that other states will follow suit. Education is an essential part of the formula for making a difference in the well-being of our lawyers.