



Nurturing Resilience

Mental Health in the Legal Profession

Mark LeHocky | Robert Hamilton

ADREvolution | ADR Services, Inc. 4th Annual MCLE Day
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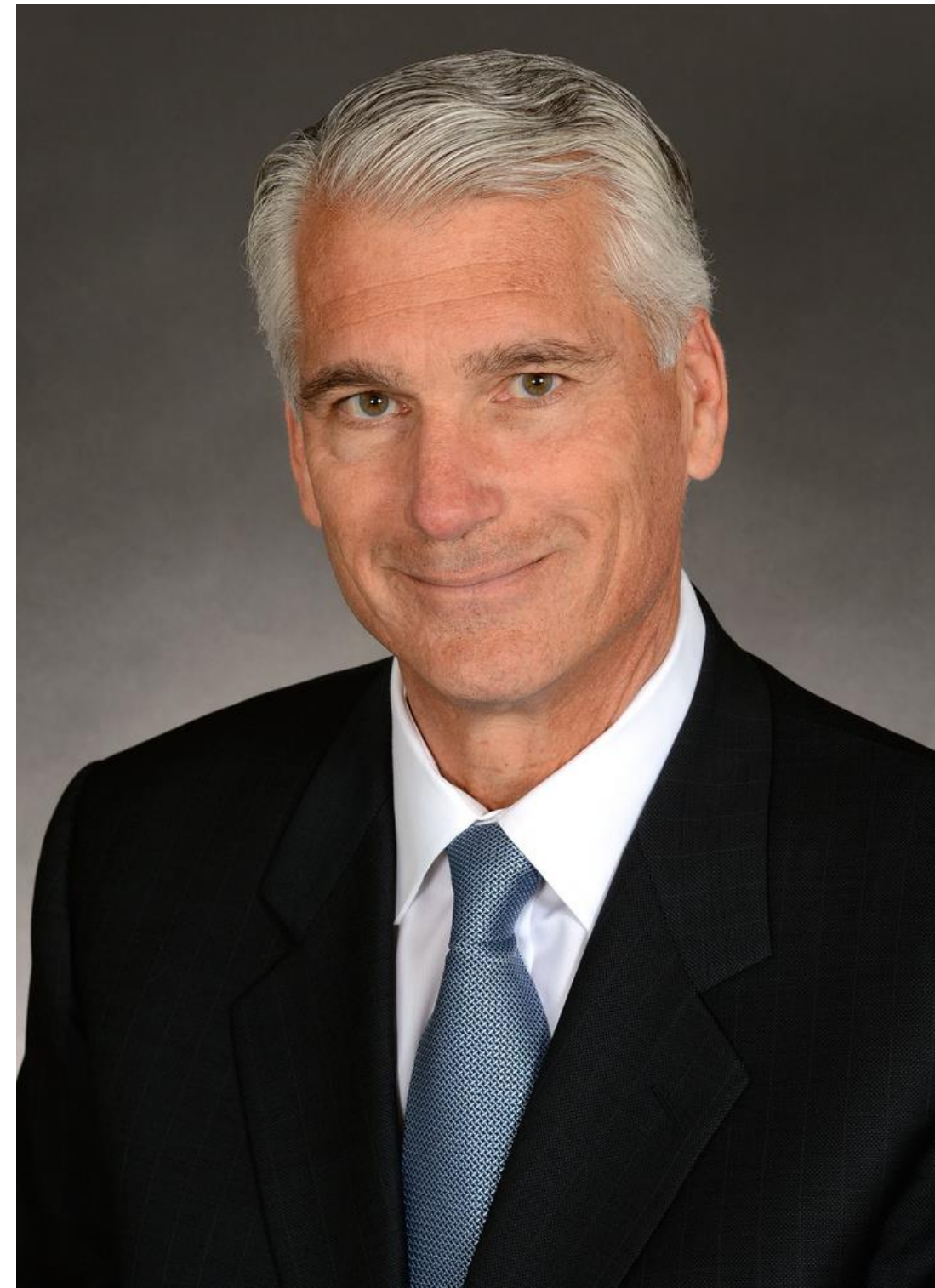
Introduction

- Objectives of Our Program
- Background of Our Panel
- An Interactive Program

Our Panel



Robert Hamilton, Esq.



Mark LeHocky, Esq.



Our Objectives

Understand Mental Health Issues for Counsel and Clients

- The available data, Covid's impact and its aftermath
- Understanding the impact of stress and how we manage it
- Resources for assessment, assistance and further learning

Strategies for Reducing Stress and Anxiety

- Preparing clients and managing expectations
- Dealing with adverse interests in negotiations, and ADR settings
- Strategies to improve outcomes

Part One: The Increasing Prevalence of Mental Health Issues for Counsel and Clients

The “Covid Years” Exacerbated a Problematic Trend in Lawyer Mental Health Issues

Lawyers: ALM’s 2021 Mental Health & Substance Abuse Survey reports:

71% of responding attorneys experienced anxiety (up from 64% in 2019)

37% reported symptoms of depression (up from 31% in 2019)

14% reported other types of mental illness (up 2% from 2019)

70.35% reported that Covid has made their mental health worse

Everyone: Center for Disease Control (CDC) March 2021* reports:

- Adults with symptoms of anxiety rose to 41.5% from 36.5% in preceding 6 months
- Adults who report needing mental health counseling rose from 9.2% to 11.7%

More Recent Indicators of Mental Health Issues

According to "Pandemic Anxiety Wanes, but Legal Industry Mental Health Struggles Persist" by Patrick Smith (May 10, 2022), of the 3,400 law firm respondents:



The Mental Health Landscape Remains Challenging Today

44%

Of employees globally say they are stressed in 2023 – matching the 2021 high and following years of increasing levels

<https://www.gallup.com/workplace/509726/help-employees-cope-stress.aspx#:~:text=Story%20Highlights&text=Forty%2Dfour%20percent%20of%20employees.reaching%20the%20levels%20seen%20today.>

According to a 2023 study published in the journal Healthcare entitled “Stressed, Lonely, and Overcommitted: Predictors of Lawyer Suicide Risk”:

- Lawyers generally experience higher levels of stress, depression and anxiety, and those diagnosed with at least one mental illness are 1.8 times more likely to report suicidal thoughts
- Almost 9% report suicidal thoughts, and the odds of having such thoughts were 2.2 times higher with “higher work overcommitment”
- 46% of lawyers with suicidal thoughts are considering leaving the legal profession due to stress or burnout

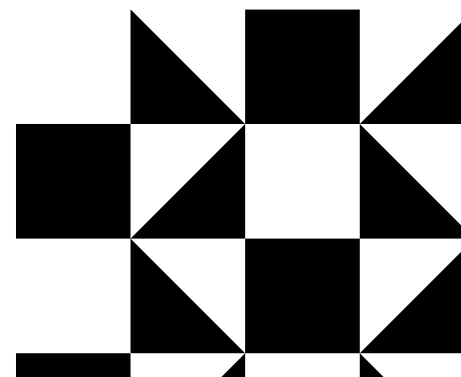
And it's not just Covid's impact


More feedback from ALM's 2021 Survey*:

“I am expected to be on 24/7. I get calls and emails all night and over the weekend, and late nights and weekend deadlines have become the norm. It is starting to ruin my personal relationships. ...Pre-Covid, similar concerns applied, but it wasn't as bad. The root of it is client expectations.”

61% report they “can't disconnect” from clients or work, **up from 58% in 2020**

*Dylan Jackson, Legal Professionals Were Already Struggling With Stress and Isolation, and the Pandemic Has Made Things Much Worse, The American Lawyer [May 3, 2021] <https://www.law.com/americanlawyer/2021/05/03/lawyers-were-already-struggling-with-stress-and-isolation-and-the-pandemic-has-made-things-much-worse/>





Is it the **stress**, or
how we **react** to it?

What The Data Appears to Show:



Can Stress be Managed, and Even Become an Advantage?

The Upside of Stress: Why Stress Is Good for You, and How to Get Good at It by Stanford psychologist Dr Kelly McGonigal.: <https://www.goodreads.com/en/book/show/23281639>

- As the data shows, stress can be good for us if we look at it as something necessary and part of leading a productive and fulfilling life of achievement. When stress is viewed as something bad and to avoid, it can and does make us sick.

TED Talk by Dr. McGonigal: “How to make stress your friend”

https://www.ted.com/talks/kelly_mcgonigal_how_to_make_stress_your_friend?language=en

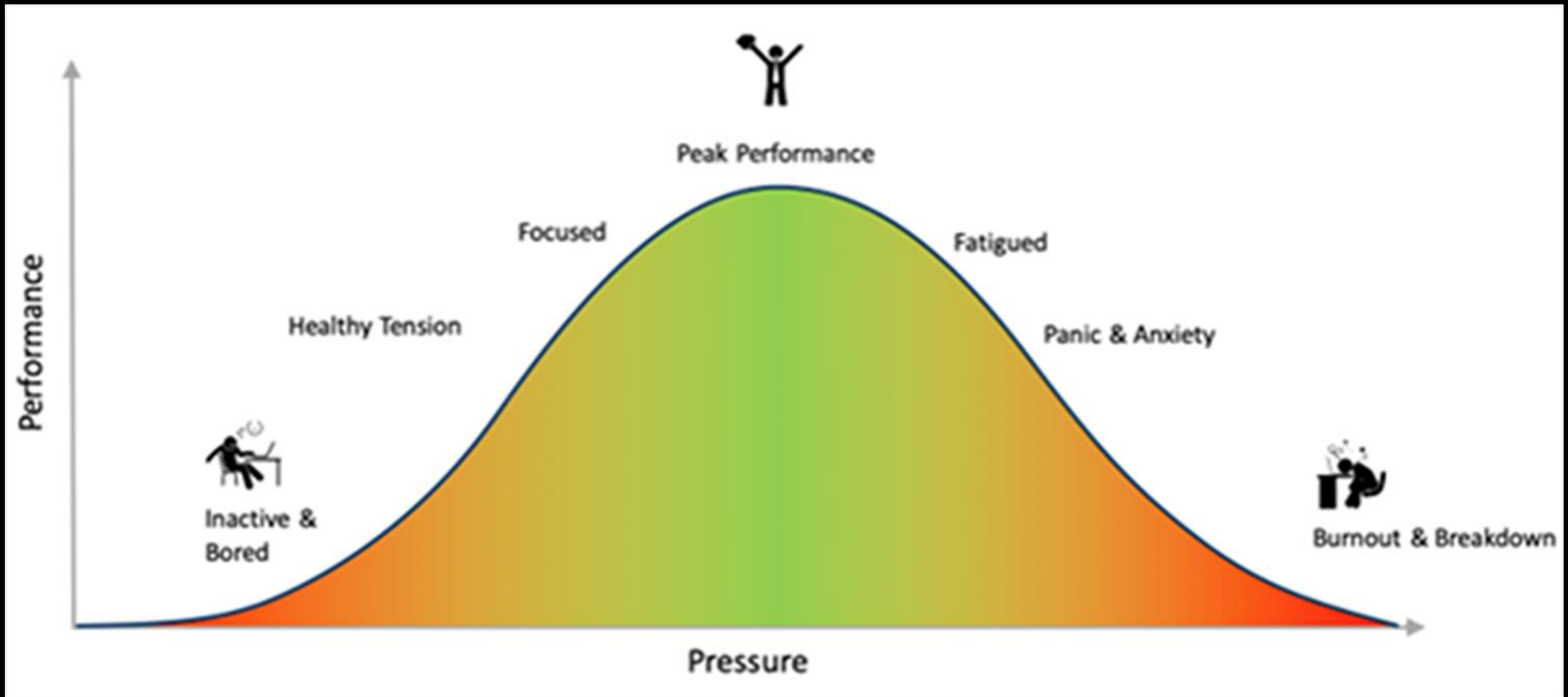
Key Insights from “The Upside of Stress”

In 1998, 30,000 adults in the US were asked how much stress they had experienced in the last year. They were also asked if they thought stress was harming their health. Eight years later, researchers reviewed public records to see who had died. Their findings were that high levels of reported stress increased the risk of death by 43%-but only those who thought stress was harmful to their health.

The stress paradox-high levels of stress are associated with distress AND wellbeing. Research shows that people who believe stress is enhancing are less depressed and more satisfied with their lives than those who views stress as harmful. Notably, people who experienced highest number of life stress events considered their lives more meaningful.

Pressure & Performance Tied to Stress Management

Image from *Combatting Stress in the Legal Profession: the 'New Normal'*, Helen Pameley, January 5, 2022.



Part Two: Reducing Stress with Clients and Adversaries



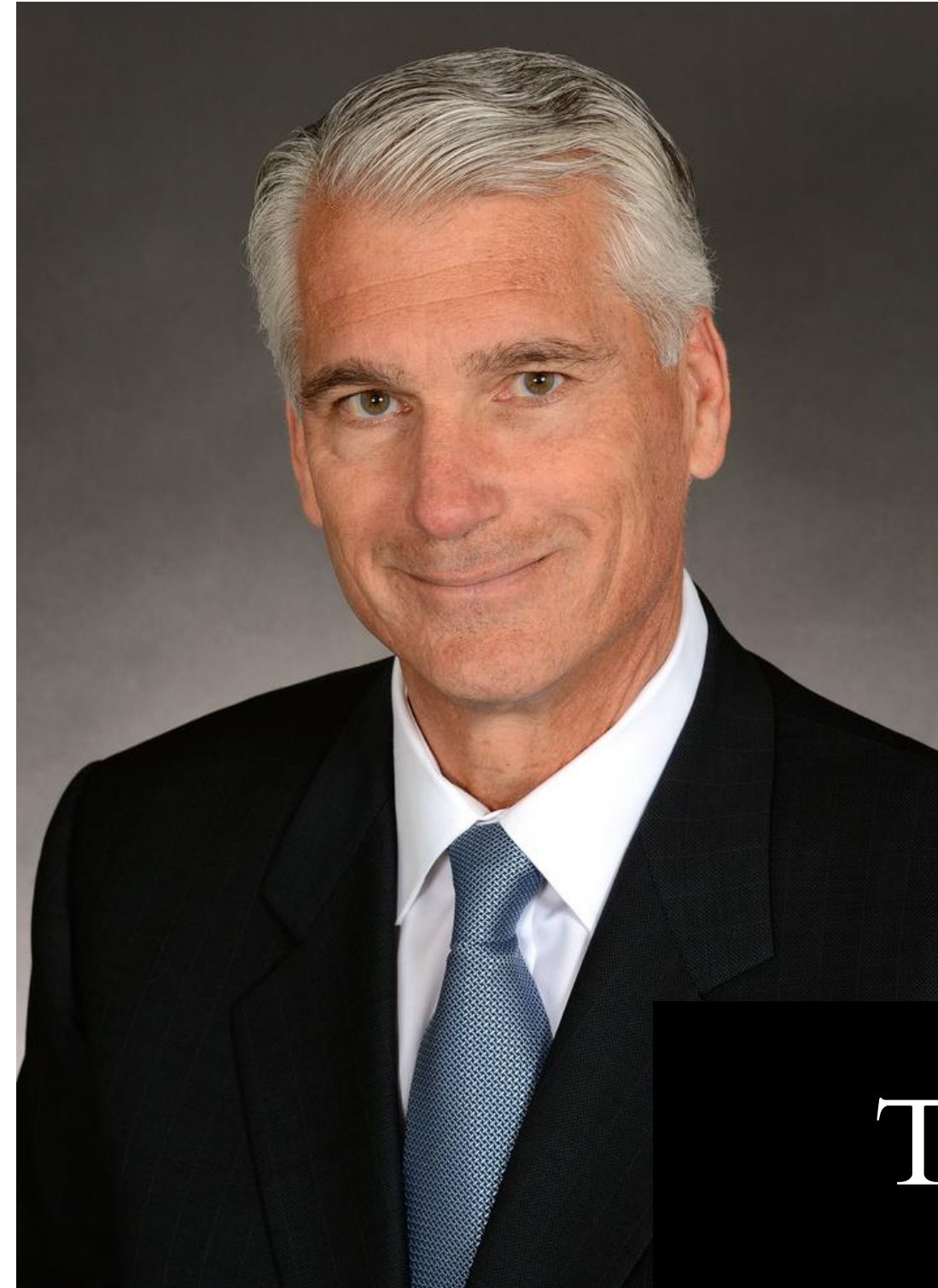
Practical Advice for Reducing and Managing Stress for Clients and You Too

- Preparing clients and managing expectations
- Dealing with adversaries in negotiations, and ADR settings
- ADR strategies to reduce stress and improve outcomes





Robert Hamilton, Esq.
rhamilton@adrservices.com
Case Manager: Joanna Barron
joannateam2@adrservices.com



Mark LeHocky, Esq.
mark@marklehocky.com
Case Manager: Katy Jones
katy@adrservices.com



Thank You

Appendix

Additional Resources and Reading to Assess and Improve Mental Health and Well-Being

- Paula Davis-Laack, The Science of Well-Being and the Legal Profession, Wisconsin Lawyer [April 2010] [Briefly elaborate on what you want to discuss.](#)
- Greg Dorst, The Healthy Lawyer (Advocati Sani): Anxiety Is Here! Build Your Own Toolkit: California Lawyers Association [October 27, 2020] [Briefly elaborate on what you want to discuss.](#)
- Jeena Cho, Karen Gifford, The Anxious Lawyer, American Bar Association [2016]
- Sharon Miki, Why Being a Lawyer Is Stressful & 7 Tips to Manage Lawyer Stress: [Briefly elaborate on what you want to discuss. ?](#)
- Community Resources for education and assistance available to all (covering Anxiety, Addiction, Depression, Family and Mental Illness, etc.): [Briefly elaborate on what you want to discuss.](#)