



# LET'S TALK.

A summit addressing lawyer well-being  
and the impact on the profession of law.

## FINDINGS AND RECOMMENDATIONS FOR CONTINUED DISCUSSION

November 2019

### **/1/ PREFACE**

The State Bar of Nevada convened its first-ever summit on lawyer well-being to address issues related to attorney health. Attorneys and judges representing a cross-section of leaders in private practice, government and the judiciary were invited to share their views and identify issues they consider to be most prevalent. The **LET'S TALK** summits were held in Las Vegas on September 25, 2019 and in Reno on October 2, 2019.

#### >> Why Now?

The wellness summit followed several recently published articles and reports identifying the high rates of substance use and mental health issues faced by those in the legal profession, more so than with the general public. Specifically, a Hazelton Betty Ford Foundation study found that between 21 and 36 percent of practicing lawyers qualify as problem drinkers.

Moreover, not all lawyers are flourishing. Approximately 28 percent of lawyers suffer from some level of depression and 19 percent experience anxiety.<sup>1</sup>

Rates of job satisfaction among lawyers are also on the decline. Reasons for general job dissatisfaction include work addiction, sleep deprivation and experiencing a 'profound ambivalence' about work.<sup>2</sup> The authors of one report coined the term, "A high paid misery," to describe the profession after conducting an examination of lawyer job satisfaction studies<sup>3</sup>.

#### >> And with What Goal?

The state bar developed the **LET'S TALK** summit to take go beyond the reports and recommendations and begin the conversation about what we can do to promote happier, healthier lawyers. The first step in this process is listening to what lawyers have to say.

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<sup>1</sup> The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys, 10 J. ADDICTION MED. 46, 46 (2016).

<sup>2</sup> *What Do We Know About the Satisfaction/Dissatisfaction of Lawyers? A Meta-Analysis of Research on Lawyer Satisfaction and Well-Being*, 8 U. ST. THOMAS L.J. 225, 225 (2011).

<sup>3</sup> Richard Delgado & Jean Stefancic, *Can Lawyers Find Happiness?*, 15 SYRACUSE L. REV. 241, 247 (2007)

## /2/ PROGRAM FORMAT

The first hour of the **LET'S TALK** summit was designed to get attendees thinking about issues around lawyer wellness that they may not have previously considered. We did this through shared experiences and a brief overview of the findings from another report. The bulk of the Summit was then dedicated to a roundtable discussion.

### >> *Shared Experiences*

The state bar identified four primary issues to begin the conversation: (1) substance use, (2) secondary trauma, (3) aging in the profession, and (4) anxiety and depression. Attorneys currently dealing with these issues shared their experiences in short, 10-15-minute segments.

### >> *Findings from the Massachusetts Supreme Court Steering Committee*

In July 2019, a steering committee appointed by the Massachusetts Supreme Court issued its report on lawyer well-being. The steering committee approached the subject by taking eight issues affecting lawyer well-being<sup>4</sup> and analyzed them from the perspectives of attorneys in solo and small firm practice, large firms, the public sector, legal aid organizations and the judiciary. The perspectives brought from these practitioners shed light on the way in which each issue affected lawyers, albeit for different reasons. Highlights from this report were shared with the **LET'S TALK** attendees.

### >> *Roundtable Discussion.*

Attendees were assigned to one of four groups representing the topics explored during the shared experiences session. The groups were divided to encourage a mix of attorneys from private practice, public service, and judiciary.

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<sup>4</sup> Stigma, pace of work, financial pressures, court deadlines and dynamics, lack of diversity and inclusiveness, isolation, secondary trauma, and incivility.

### /3/ WHAT WE FOUND

Each roundtable group was posed two questions: (1) How have these issues affected your practice; and (2) What resources do you need? The groups were asked to frame their discussions around the topic assigned to that table with the caveat that the discussion could diverge into another topic if identified as being more important.

#### >> ISSUES AFFECTING PRACTICE

The top issues identified by each group are listed below in italics. Other examples and supporting information follow in the narrative.

##### >> Group 1: Secondary Trauma

*Staff/Attorney Burnout*

*Decreased Quality of Work*

*Narrative:* One example provided during the Shared Experiences segment was of a jury trial involving explicit criminal content. The images of crimes presented during trial can leave lasting impressions on the prosecution and defense attorneys, their staff, judge and jury. In criminal practice areas, especially related to murder and sexual assault, the repetitive nature of these matters can leave lasting effects resulting in burnout and decreased quality of work. High staff turnover, compartmentalization of emotions, increased feelings of fearfulness and hypervigilance, isolation and inability to separate one's personal and professional life were cited as issues related to secondary trauma.

The group discussion also identified secondary trauma as an issue affecting civil practitioners, primarily related to the effects of stress. Resulting effects include decreased productivity and revenue, transmittal of stress to staff, decreased morale and feelings of resentment.

##### >> Group 2: Anxiety/Depression

*Identifying and managing stressors*

*Stressful practice areas*

*Lack of time, understanding and civility*

*Financial impacts*

*Narrative.* Stressors in the legal profession were cited as contributing factors to anxiety and depression. For many in the group discussion, the feeling of burn out among attorneys and staff were contributing factors to anxiety and depression, as was a lack of understanding. For some, time management and a lack of control over the volume of cases were sources of stress, leading to a sense of being "frozen." This can lead to anxiety, burnout and self-isolation. Other noted consequences included not enjoying the practice of law and difficulty recruiting new attorneys to the firm or organization.

Although not directly related to anxiety and depression, attendees also cited health issues such as: making time for healthy activities, inability to pay for health insurance, dealing with aging parents, and feelings of isolation when practicing in rural areas or serving as a member of the judiciary.

**>> Group 3: Aging and Transitioning out of Practice**

*Mentoring*

*Perception of being “put out to pasture”*

*Succession Planning*

*Narrative.* This issue was placed on the agenda for discussion in recognition of the growing numbers of baby boomers who have started to transition out of practice or who intend to “retire in place.” Some of the concerns noted by group members were feelings that they were dispensable – or being put out to pasture after a long career. A lack of succession planning, or not having an “exit strategy” was also a stated concern, both in terms of transferring clients and not knowing what life would look like if not practicing.

Conversely, younger attorneys cited a lack of mentoring by older attorneys. They also noted feelings of a lack of advancement opportunities and personal growth if older attorneys opt to not retire.

Other concerns noted by group members included: physical ailments, cognitive deficiencies, lack of awareness, fatigue, lack of estate planning resources and saving/planning for life in retirement.

**>> Group 4: Substance Use**

*Potential malpractice*

*Narrative.* Aside from the obvious health issue substance use can pose, the main concern noted among attendees was a potential for malpractice. Attendees also cited a lack of knowledge about how to identify a substance use issue and when to call LCL, and issues surrounding the duty to report a fellow lawyer with substance use issues.

**>> Civility**

One recurring topic discussed among all groups was civility. Although this topic was not set out to be discussed in a group setting, it is noted in this report as a topic that has an impact on the health and well-being of Nevada attorneys. Specifically, attendees noted that a lack of civility creates a culture of fear and depression, poor morale from a negative work environment, and anxiety from bullying in the workplace.

**>> NEEDED RESOURCES**

The groups identified specific resources that would contribute to the overall health and well-being of attorneys. The most identified resources have been grouped under three general categories.

*>> Create Awareness and Break the Stigma*

- Create opportunities to talk, share experiences and build awareness at conferences, bench bar meetings and additional roundtable discussions.
- Continue educational programs on recognizing the signs and symptoms of addiction and behavioral health disorders and how to address the needs of attorneys within a firm or organization who may need help.
- Establish new and promote existing support systems outside the office to discuss issues affecting health and well-being without repercussions.
- Explore the link between incivility and attorney well-being and discuss how to address incivility within the profession.

*>> Develop Well-Being Best Practices*

- Develop online self-assessment tools to recognize signs of stress, anxiety, depression and substance use disorders.
- Publish regular wellness columns in *Nevada Lawyer* on matters related to improving attorney health, success stories, etc.
- Launch wellness days focused bringing awareness to attorney well-being issues.

*>> Create a Toolbox for Attorney Well-Being*

- Provide tools for firm and legal organization managers to address the health and well-being of legal and support staff, including stress management, creating a culture of well-being, and responding to requests for assistance.
- Build support for solo and small practice attorneys and issues unique to their practices.
- Increase awareness of available practice management, attorney support and health insurance resources.
- Develop planning workshop for attorneys to create their own wills/trusts and practice succession plans.
- Make available online training videos addressing well-being issues ranging from stress management to firm financial management.
- Coach attorneys on developing an identity separate from being a lawyer.

#### **/4/ PROGRAM EVALUATION**

Attendees at the **LET'S TALK** Summit were offered the opportunity to complete an online evaluation following the Summit where they could share additional information and indicate which aspects of the Summit were important/useful to them. Some key findings from the evaluation are provided below. The full program evaluation is attached to this report.

>> Additional Resources. More information and resources are needed for topics including anxiety/depression and secondary trauma.

>> Barriers to Lawyer Well-Being. The group identified secondary trauma, stigma and incivility as the top barriers to wellness.

>> Future Priorities. Communication of available resources was identified as a top priority for addressing lawyer well-being in the future.

#### **/5/ NEXT STEPS**

The **LET'S TALK** Summit was intended to begin the discussion and set a framework for future direction. Some key areas of focus going forward include continuing the discussion, increasing awareness of available resources, determining how to address the identified issues affecting the profession and developing the resources needed to create happier, healthier lawyers.

#### **/6/ SPECIAL THANKS**

The State Bar of Nevada would like to extend a special thank you to Kristine Kuzemka, Nevada Lawyer Assistance Program Director for her work to develop the **LET'S TALK** Summit and to the following individuals who shared their personal experiences:

- >> Larry Digesti
- >> Jerry Gillock
- >> Tom Hall
- >> Ali Hilsher
- >> Alzora Jackson
- >> Hon. Thomas Stockard
- >> Hon. Jennifer Togliatti (Ret.)