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NATIONAL STUDY ON LAWYER SUBSTANCE USE AND MENTAL HEALTH

For the first time ever, a national research study has been undertaken to empirically quantify the prevalence of substance use and other behavioral health conditions within the lawyer population of the United States. Results of the study, jointly undertaken by the American Bar Association (ABA) and the Hazelden Betty Ford Foundation (ABA-Hazelden Study), have been published in the February 2016 edition of the *Journal of Addiction Medicine*. The study, “The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys,” presents a revealing picture of our profession that is old news to some and disturbing news to many others.¹

Nearly 13,000 currently employed attorneys completed anonymous surveys assessing alcohol and drug use and symptoms of depression, anxiety, and stress. Specifically, the survey utilized (1) the Alcohol Use Disorders Identification Test (AUDIT)², a self-report instrument developed by the World Health Organization to screen for hazardous use, harmful use, and the potential for alcohol dependence; and (2) the Depression Anxiety Stress Scales-21 (DASS-21)³, a widely used self-report mental health questionnaire.

The study sample’s demographic profile was obtained by the participants’ self-reports. The personal characteristics of the group were as follows:

GENDER*	
Men	53.4%
Women	46.5%

*Election options limited to the male-female gender binary.

AGE	
30 or younger	11.9%
31-40	25.2%
41-50	21.0%
51-60	23.2%
61-70	16.1%
71 or older	2.7%

Participants were asked to identify legal, illicit, and prescribed substance use within the preceding 12 months. Participants reported as follows:

Alcohol	84.1%
Tobacco	16.9%
Sedatives	15.7%
Marijuana	10.2%
Opioids	5.6%
Stimulants	4.8%
Cocaine	0.8%

The study also elicited detailed information about the participants’ professional characteristics, asking respondents to identify their age (≤30, 31-40, 41-50, etc.), their years in the field (≤10, 11-20, 21-30, etc.), work environments (solo practitioner, private firm, government, non-profit, corporation in-house, etc.), firm position (junior associate, senior associate, junior partner, etc.), hours worked per week (≤10, 11-20, 21-30, etc.), and whether or not they did litigation. All personal and professional data obtained were statistically analyzed, revealing the following regarding the rates of substance use⁴ among practicing attorneys in the United States:

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- Over 20% of the lawyers who responded scored at a level consistent with problematic drinking⁵; that is, using AUDIT criteria, they screened positive for hazardous and/or harmful use, having the potential for alcohol dependence. This rate is over twice that of the general adult population in this country.⁶

- Men scored significantly higher for problematic alcohol use than women, reporting 25.1% and 15.5%, respectively.

- Problematic alcohol use was highest (28.1%) among attorneys in the early stages of their careers (0-10 years), with declining rates reported thereafter:

Years in Legal Field	Problematic %
0-10	28.1%
11-20	19.2%
21-30	15.6%
31-40	15.0%
41 or more	13.2%

- Problematic alcohol use was highest (31.9%) among attorneys ages 30 or younger, with declining rates reported thereafter:

Age Category	Problematic %
30 or younger	31.9%
31-40	25.1%
41-50	19.1%
51-60	16.2%
61-70	14.4%
71 or older	12.1%

- Within different work environments, reported problematic alcohol use rates were varied, though clearly highest in private law firms (23.4%):

Work Environment	Problematic %
Private firms	23.4%
In-house gov't, public, or non-profit	19.2%
Solo practitioner	19.0%
In-house corp. or for-profit institution	17.8%

- Within private firms, reported problematic alcohol use rates tended to be inversely related to law firm seniority:

Firm Position	Problematic %
Junior associate	31.1%
Senior associate	26.1%
Junior partner	23.6%
Managing partner	21.0%
Senior partner	18.5%

The ABA-Hazelden Study produced a second, and equally revealing, set of statistical data concerning depression, anxiety, and stress within the American lawyer population, as follows:

- Utilizing the DASS-21 mental health questionnaire, male respondents reported significantly higher levels of depression than women, a finding generally contrary to conventional findings among the U.S. adult population.⁷

- Female respondents' anxiety and stress scores were higher than corresponding male scores.

- Depression, anxiety, and stress scores among responding lawyers generally decreased as age increased and also as years in practice increased.

- Solo practitioners in private practice reported the highest levels of depression, anxiety, and stress, followed by lawyers working in private firms.

- In private law firm environments, more senior positions were generally associated with lower reported

Women in Recovery

A support group for women in recovery is meeting at the OAAP. The group is open to all women members of our legal community who are working on their recovery from any substance abuse or addictive behavior.

For additional information, contact OAAP Attorney Counselor Kyra Hazilla, JD, MSW, at 503-226-1057 or 1-800-321-6227, ext. 13, or at kyrah@oaap.org.

symptoms of depression, anxiety, and stress; that is, fewer senior lawyers reported greater symptom levels of these conditions.

- Significantly, when respondents' AUDIT and DASS-21 scores were compared, a correlation was found – those with problematic alcohol use scores reported higher rates of depression, anxiety, and stress.

- Finally, participating lawyers were asked about past mental health concerns over their legal career. The most common mental health conditions reported were anxiety (61.1%), depression (45.7%), social anxiety (16.1%), attention deficit hyperactivity disorder (12.5%), panic disorder (8.0%), and bipolar disorder (2.4%).

While this study is subject to certain inherent limitations (e.g., participants were not randomly selected, but rather self-selected by voluntarily responding to emails, news postings, and websites; given the nature of the survey, the participants may have overstated or understated their individual symptoms, etc.), it does produce an abundance of data that seem to reinforce in an empirical way what many intuitively suspect represents a fairly accurate description of the behavioral health of our profession. At a minimum, the study does suggest that the prevalence of problematic drinking, depression, anxiety, and stress within the American lawyer population should be cause for significant concern.

In Part II of this article we will discuss some of the implications of the ABA-Hazelden Study and, in particular, provide some recommendations that may be of value in specifically assisting our Oregon legal community.

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References

¹ http://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx

² <http://pubs.niaaa.nih.gov/publications/Audit.pdf>

³ https://www.cesphn.org.au/images/mental_health/Frequently_Used/Outcome_Tools/Dass21.pdf

⁴ For statistical reasons, no significant inferences could be drawn about participating lawyers' use or misuse of substances other than alcohol.

⁵ The AUDIT generates scores ranging from 0 to 40. Scores of 8 or higher indicate hazardous or harmful alcohol intake and also possible dependence. Scores are categorized into zones to reflect increasing severity, with zone II reflective of hazardous use, zone III indicative of harmful use, and zone IV warranting full diagnostic evaluation for alcohol use disorder. The study uses the phrase "problematic use" to capture all three of the zones related to a positive AUDIT score.

⁶ <https://www.niaaa.nih.gov/alcohol-health/overview-alcohol-consumption/alcohol-use-disorders>

⁷ <http://www.mayoclinic.org/diseases-conditions/depression/in-depth/depression/art-20047725?p=1>.

Divorce Support Group for Lawyers

Beginning in September 2016, the OAAP will offer a support group in Portland for lawyers experiencing the challenges and issues of divorce. This eight-session group will meet at the OAAP, 520 SW Yamhill Street, Suite 1050, Portland, Oregon 97204, on Fridays from noon to 1:00 p.m. The workshop facilitators will be OAAP Attorney Counselors Shari R. Gregory, LCSW, JD, and Bryan Welch, JD, CADC I. There is no fee, but advance registration is required. Attendance by phone might be possible.

To participate in this group, set up a meeting with Shari R. Gregory, at 503-226-1057 or 1-800-321-6227, ext. 14, or email her at sharig@oaap.org.

Mindfulness Group – Portland

The OAAP will be forming a six-session group for lawyers who want to learn how to implement mindfulness-based practices in their lives. The group will meet at the OAAP in downtown Portland and will be facilitated by OAAP Attorney Counselor Kyra Hazilla, JD, MSW. If you are interested in this group, or for more information, please contact Kyra Hazilla at 503-226-1057 or 1-800-321-6227, ext. 13, or at kyrah@oaap.org.

FINDING MY BALANCE: PERSPECTIVES FROM A LAWYER PARENT

Work-life balance is the Holy Grail of professional parents everywhere, and no more so than with working lawyer parents. This elusive goal – the proverbial pot of gold at the end of the rainbow – is much discussed but seemingly just out of reach. We often read prescriptive platitudes about balance but seldom hear candidly from lawyers themselves about what works and doesn't work in their personal and professional lives. One attorney mom sat down with OAAP Attorney Counselor Kyra Hazilla and shared her thoughts about how she navigates these challenging waters.

What are your biggest challenges for balance?

Anything unscheduled or unanticipated. With a litigation practice and two kids, I have a lot thrown at me with little or no warning from people who generally view their need as urgent. Urgent and important are not the same thing. If I'm not careful and protective of my priorities, it can easily lead to a situation where I feel as if I'm being pulled in a thousand directions at once to take care of urgent tasks, but I'm not getting anything done that is actually important.

Losing perspective. As a civil litigator, I often am working and socializing within a very privileged and well-educated circle. Many of my peers are perfectionist, Type A workaholics. We're also pretty heavily invested in one of the most imposing societal institutions there is – the justice system. If I don't consciously expand my circle and my perspective, it can be easy to start thinking that how this small group sees things, lives, approaches problem solving, and how we do things is the only real truth or reality. Getting involved at my kids' school, spending time with other parents and adults who are in completely different types of work, and talking to people about their paths can be really eye-opening.

What 2-3 things do you currently do to maintain or improve balance, and how do they help?

Prioritize. Saying no and focusing on what (1) is essential and (2) needs my personal attention. I highly recommend the books *Essentialism* by

OWLS / OAAP Working Parents Roundtable

Oregon Women Lawyers and the OAAP are co-sponsoring an ongoing monthly roundtable of facilitated discussions for working lawyer parents. The topics for discussion vary and are facilitated by OAAP Attorney Counselor Kyra Hazilla. The group meets on the second Thursday of each month (except August), from noon to 1:00 p.m., at the Pacific Building, 520 SW Yamhill, Portland, in the Fourth Floor Conference Room. For more information, contact Kyra Hazilla at 503-226-1057 or 1-800-321-6227, ext. 13, or at kyrah@oaap.org.

Greg McKeown, *Tribes* by Seth Godin, and *Overwhelmed* by Brigid Schulte.

Correct my perspective. Again, I have a book recommendation – *The Happy Lawyer* by Nancy Levit and Douglas O. Linder. I also love TED talks. The Work Smarter playlist and anything from Brené Brown will definitely give you food for thought. My last practice for correcting my perspective is to find a “downward comparison,” that is, find someone whose situation is worse than yours in a meaningful way. This is basically the opposite of the Facebook effect where you go online and see all of your friends' awesome vacation photos with their perfect, clean, well-dressed kids. If you are feeling glum about your job, think about your friend who has been struggling with unemployment. The goal isn't to be mean-spirited; rather, it is to counteract the urge always to want more or something different from what we have. Then try a gratitude exercise. You can really start to get focused and appreciate all of your good fortune.

Self-care. Ugh. This is a hard one even though it should be the thing we want to do first, right? Sleeping, eating well, exercising, getting massages, spending time with friends and family, dancing, listening to music, yoga, tennis, soccer, date nights, or whatever it is for you. The key for me in this department is finding something that (1) recharges me and (2) doesn't add to my stress in some other way. So, if all I have is five minutes, I might put on a song that pumps up my positive energy. If I'm feeling stressed about money, I'll exercise by going running instead of hitting a yoga class that I

would have to pay for. If I've hardly seen my kids all week, I'll take them to the park to practice their soccer skills. Start small. Something is better than nothing.

Where do you find support in the legal community for parenting?

For me, the best support for parenting in the legal community comes from other attorney moms. Our profession has some unique demands and quirks. Other attorney moms get it. But (and this is a BIG but), we aren't all cut from the same cloth. And that's okay. One of the best things that has happened to me is that I've met and developed friendships with a couple of attorney moms who share similar values and goals with me. I find it very difficult to take advice from people I don't really admire personally. Usually, I just end up feeling defensive, combative, and sometimes defeated. So consider the source of any advice, and seek out sounding boards you can respect.

What are your future work-life balance goals?

Streamline and simplify everything. I feel as if I'm constantly struggling with information overload and paper and keeping track of my kids' events. I try to make sure that work and household routines are working for us as a family and that we're doing things that are important to us. It's so easy to spend time reacting that you never have time to take a breath. I want to have meaningful memories with my kids. I also want to be mindful of what I'm modeling for them about work-life balance.

Enjoy more frequent "special" everyday moments. I think back about strong childhood memories and I wonder, are we doing those things? Are we recognizing meaningful moments in our kids' lives? Are we really enjoying, for example, our kids' Saturday morning soccer games or just running around with our hair on fire? Our kids will remember that we enjoyed them rather than being on the phone or running errands during the game. The real question is not what is the activity, but did it feel hassled or fun? Did we sit down and eat dinner together and actually talk, rather than just rushing around? Even if the rest of the week is really busy, creating space around those ordinary moments affects how I feel about the week.

Take more photos. Everything is moving so fast. I hear people saying all the time, "I can't believe it's already summer," or, "I can't believe my kids are al-

ready 12." We're so busy trying to get through what's right in front of us that it's hard to remember what happened each day unless you really pay attention. So it's partly about being mindful. I also find that taking pictures is a great way to remind yourself about what is special. I have a photo of my daughter on her birthday on my bulletin board, and it gives me a special feeling every time I look at it. Pictures mark what's important but can also give you an instant reminder and correct your perspective.

How will life be different if you accomplish your life balance goals?

My hope is that I will feel less fragmented and have more energy. I left a large firm to work at a smaller firm and then, ultimately, transitioned to a solo practice so that I could have more control over the impact that work has on my life. I had to go through this process of trying different things to figure out what works for me. Solo has been the best fit so far, but there are still things that are not perfect. I think of it like a marriage. You are constantly negotiating. It's like any relationship. You have to compromise, give and take. And all that is happening in the context of the rest of your life. Work is a big part of my life. I love what I do. But, for me, my work doesn't define me. I have an amazing family that I love. It is also important to me to be physically active and fit.

Ultimately, we are in a helping profession. It can be really hard to keep our needs separate from those around us. Our financial well-being is also tied up in how well we help people. So helping others becomes a means to provide for our own lives. That balance is tricky. I believe that I can be a good lawyer and help people without sacrificing the things that give my life meaning.

People think that there will be some marker in life when it all becomes easier, such as your kids reaching a certain age. I believe that once something lets up, something else crops up that needs your attention (caring for aging parents, for example). There is so much about parenting that is dynamic. The needs of individual family members change. Our career needs also change. And the job market changes. Work-life balance is about figuring out how to deal with all that and be grateful.

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How do you juggle your parent/professional roles and maintain both identities?

I try to take things as they come. If something isn't working, I try to change it. I don't worry too much about past "mistakes." We're all learning as we go, and nobody knows the demands of your life better than you. Instead, I focus on what I want and what is good for my family. I have an amazing husband. While he's a really great dad and is very involved with our kids, he's not a stay-at-home type, so he's really supportive of my trying to figure out how to fit my work into our life instead of fitting our life into my work. I do a lot of reading, thinking, and talking with my husband and friends about what we're struggling with and why. Balancing parenting and professional roles is really challenging. Establishing a legal career is complex. Raising kids takes stamina. Nurturing a marriage is hard. Doing all of these things at once is, hopefully, an opportunity for tremendous personal growth.

KEEPING IT ALL IN PERSPECTIVE

Workshops: Practicing Law With ADD

The OAAP will be offering its "Practicing Law With ADD" workshop in Eugene and Salem in September. The workshops, which will meet on Thursday evening from 5:30 p.m. to 8:00 p.m. and Friday from 9:00 a.m. to 5:00 p.m., will be offered in:

- **Eugene – September 8–9, 2016, at the Hilton Garden Inn, Eugene/Springfield**
- **Salem – September 22–23, 2016, at the Red Lion Hotel, Salem**

The workshop will be facilitated by Portland psychotherapist Greg Crosby, MA, LPC, CGP. The workshop will help you understand ADD/ADHD; provide you with simple and realistic tools that will improve your ability to organize, plan, and follow through; and enhance your communication skills. Cost is \$100. The program agendas are online at www.oaap.org under CLEs/Workshops.

For more information or to register for the workshop, contact OAAP Attorney Counselor Mike Long at 503-226-1057 or 1-800-321-6227, ext. 11, or at mikel@oaap.org.

POSITIVE EMOTIONS AND TAKING IN THE GOOD

Starting with the work of the humanistic psychologists in the 1950s, such as Carl Rogers and Abraham Maslow, there has been a growing study of the benefits of positive states of mind. This research has really taken off in the past 10 years or so with the "positive psychology" movement, championed by scholars such as Martin Seligman. The research on positive emotions has found major benefits, both psychological and physical, such as promoting energy, counteracting depression and anxiety, reducing production of stress hormones, increasing resilience, promoting relationships, supporting immune system function, and promoting contemplative practice.

The Preferential Registration of Negative Experience

To experience more positive emotions, we have to overcome a fundamental challenge: our brains are hard-wired toward negative experiences. Historically, negative experiences signaled the greatest threats to survival. Our ancient ancestors who lived to pass on their genes paid a lot of attention to negative experiences. That ancient circuitry is loaded and fully operational in your brain as you drive through traffic, argue with your mate, hear an odd noise in the night, or see in your mailbox an unexpected letter from the IRS.

By understanding this machinery – alive and well right now inside your head – you start to see how to act upon it to keep it under control and to compensate for it. Yes, we can notice positive experiences and remember them. But unless you're having a million-dollar moment, the brain circuitry for the positive is just not turbocharged in the same way as the circuitry for the negative. The net result is that the brain is like Velcro for negative experiences and Teflon for positive ones.

You can see the effects in your own experience. For example, when you look back at night on a typical day, what do you usually reflect on: the dozens of mildly pleasant moments or the one that was awkward or worrisome? When you look back on your life, what do you muse about: the ten thousand pleasures and accomplishments or the handful of losses and failures?

Your own personal training in the negative – whatever it has been – shapes your view of the world and

yourself, as well as your personality, interpersonal style, and approach to life. Negative events that show up on your radar can make you even more inclined to see the negative in the future, even though the vast majority of events and experiences in your life are neutral or positive.

The Importance of Taking in Positive Experiences

Because of your brain's built-in negativity bias, it is so important to consciously and deliberately help your brain register positive experiences. You have to compensate for the hard-wired tendency of your brain to overvalue negative experiences.

This compensation is not about wearing rose-colored glasses. It's about learning from new positive experiences and having them make a difference. Healthy optimism is about using new positive experiences to counterbalance old negative ones.

How To Take in the Good

As you know from school – and corroborated by hundreds of studies – you remember something best when you make it as vivid as possible and then give it heightened attention over an extended period. Follow these three simple steps to register positive experiences in your implicit memory, which will slowly but surely change the interior landscape of your mind.

1. Help positive events become positive experiences. You can do this by:

- Paying attention to the good things in your world and inside yourself. So often, good events roll by our eyes without our noticing them. You could set a goal each day to actively look for beauty in your world, or signs of caring for you by others, or good qualities within yourself, and so on.

- Deciding to let yourself feel pleasure and be happy rather than feel guilty about enjoying life. In particular, release any resistance to feeling good about yourself.

- Opening up to your emotional and sensory responses to positive events, since that is the pathway to really experiencing things.

- Deliberately creating positive experiences for yourself. For example, you could take on a challenge; or do something nice for someone; or bring to mind feelings of compassion and caring; or call up the sense or memory of feeling contented, peaceful, and happy.

2. Extend the positive experience in time and space:

- Keep your attention on the experience so it lingers; don't just jump into something else right away. Notice any discomfort that arises around staying with feeling good.

- Let the experience fill your body with positive sensations and emotions.

In sum, savor and relish the positive experience.

3. Sense that the positive experience is soaking into your brain and body – registering deeply in emotional memory.

Take the time to do this: 5 or 10 or 20 seconds. Keep relaxing your body and absorbing the positive experience.

Every day, you have many opportunities to begin to remodel your brain. Make it a priority to take in positive experiences so they become a permanent part of you. Yes, there will still be sorrows and disappointments in life. But with a little mindful focus, you can experience more positive feelings each day through a simple change in perspective.

RICK HANSON, PHD

RICK MENDIUS, MD

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Health Insurance CLE – Save the Date!

The OAAP will present a free half-day CLE, "Health Insurance Today, at Sixty-Five, and in Retirement," on Wednesday, September 28, 2016, from 9:00 a.m. to 1:00 p.m. at the Oregon State Bar Center, 16037 SW Upper Boones Ferry Road, Tigard, Oregon 97224. To register, go to www.oaap.org and select CLEs/Workshops, or email jeanneu@oaap.org, with your name, phone number, and six-digit bar number. For more information about the CLE, please contact OAAP Attorney Counselor Mike Long at 503-226-1057 or 1-800-321-6227, ext. 11, or mikel@oaap.org.

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Finding Meaningful Work Group

Finding Meaningful Work is a confidential networking and support group for lawyers making job or career transitions. In this group, lawyers will create and execute a personalized job search plan; develop a mission statement and elevator speech; learn and practice networking skills; and hone their job search skills. If you are interested in attending, please contact OAAP Attorney Counselor Shari R. Gregory, LCSW, JD, at 503-226-1057, ext. 14, or at sharig@oaap.org.

Career Self-Assessment Workshops

The OAAP also offers career self-assessment workshops several times each year to assist lawyers, judges, and law students in identifying satisfying job and career opportunities. These workshops typically meet one evening per week from 5:30 to 8:00 p.m. for five consecutive weeks. If you would like additional information about the OAAP career self-assessment workshops, contact Mike Long at 503-226-1057, ext. 11, or at mikel@oaap.org, or Shari R. Gregory at 503-226-1057, ext. 14, or at sharig@oaap.org.

Lawyers in Transition Presentation Calendar

A "Lawyers in Transition" guest speaker is featured on the first Thursday of each month at noon at the OAAP, 520 SW Yamhill, Suite 1050, Portland, Oregon 97204. These presentations are open for anyone to attend. See the calendar below for scheduled speakers.

July & August **SUMMER BREAK**

September 8, 2016* **Marti McCausland** **Private practice to law firm recruiting and development to law school placement**

October 13, 2016* **Rima Ghandour**
Adina Matasaru
Violet Nazari
Iayasha Smith **How to Successfully Do an Office Share**

* **Second Thursday**

For current information on upcoming Lawyers in Transition speakers and topics, please visit the OAAP website at www.oaap.org and click on CLEs/Workshops.