

# Coronavirus and Your Mental Health:

A Lawyer's Guide to Coping  
with Isolation, Anxiety and  
Fear In Uncertain times

**BRIAN S. QUINN** is a licensed attorney in Pennsylvania who currently serves as the Education and Outreach Coordinator for Lawyers Concerned for Lawyers of Pennsylvania, Inc., a Lawyers Assistance program established in 1988 for the purpose of helping lawyers, judges and law students recover from alcoholism, drug addiction and mental health disorders. He obtained his undergraduate degree his J.D. degree and a certificate in Drug and Alcohol counselling from Villanova University. Prior to working for Lawyers Concerned for Lawyers of PA, Mr. Quinn was engaged in private practice for nearly 40 years and he has also worked in the field of Alcohol and Drug Counselling at Mirmont Treatment Center and Malvern Institute in suburban Philadelphia. He is a past member of the Board of Directors of Lawyers Concerned for Lawyers of Pennsylvania and served as a peer volunteer for over six years prior to accepting his current role as the organization's Educator in 2017. As LCL's Educator, Mr. Quinn has written articles and conducted CLE presentations for Bar Associations, private law firms and professional organizations in Pennsylvania, as well as for National CLE providers, on a variety of topics in the fields of Lawyer wellness and impairment in the legal profession.

# ABA / Hazelden- Betty Ford Study

(Published February, 2016 *Journal of Addiction Medicine*)

## Problematic Drinking\*

- 6.4% of entire U.S. population
- **21%** of *all licensed attorneys*
- **32%** of *all attorneys under 30 yrs.old*

\* Problematic drinking defined as hazardous, possible dependence

# ABA / Hazelden- Betty Ford Study

(Published February, 2016 *Journal of Addiction Medicine*)

## Depression, Anxiety and Stress Scale

- Depression – **28%** *of all attorneys*
- Stress – **23%** *of all attorneys*
- Anxiety – **19%** *of all attorneys*
- Higher rates among younger lawyers

# Mental Health By The Numbers

A recent survey conducted by ALM Intelligence and Law.Com revealed:

- 74% feel the profession has had *a negative impact* on their mental health
- 44% use alcohol to deal with *stress*
- 64% feel they suffer from *anxiety*
- 31% feel they are *depressed*
- 74% feel their *work environment* contributes
- 18% have contemplated *suicide* at some point in their careers

# Mental Health By The Numbers

A recent survey conducted by ALM Intelligence and Law.Com revealed:

- 65% feel they could NOT take an extended leave from employment to tend to mental health issues
- 35% do not feel safe discussing their mental health at work
- 78% felt an extended leave would hurt career trajectory
- 62% know a colleague who is *depressed* and
- 50% know a colleague with an alcohol problem

# What Causes Depression ?

- Depression has many possible causes, including faulty mood regulation by the brain, genetic vulnerability, stressful life events, medications, and medical problems. It's believed that several of these forces interact to bring on depression.



# “AM I DEPRESSED ?”

## Symptoms of Depression

- Flat, apathetic, sad, and/or irritable mood most days
- Decreased pleasure and/or loss of interest
- Feelings of worthlessness, excessive/inappropriate guilt
- Feelings of helplessness, hopelessness

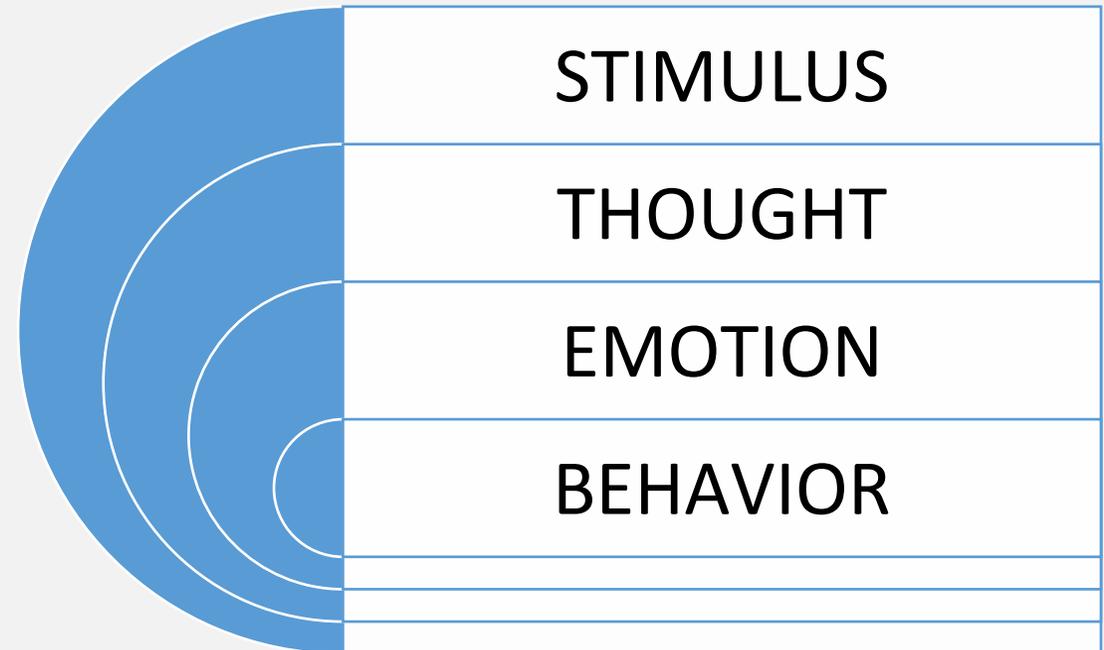
# “AM I DEPRESSED ?”

## Symptoms of Depression

- Recurrent thoughts of death or suicide
- Increased use of substances to cope (i.e., alcohol, marijuana, opiates, stimulants, etc.)
- Insomnia or hypersomnia
- Social or occupational distress/isolation

# WHAT IS STRESS ?

- Psychological stress is composed of the following sequence of elements:



# WHAT IS STRESS ?

- The central nervous system perceives a dangerous situation and then immediately begins to appraise it. Those initial appraisals are **unconscious and internal**.
- Once we become aware of our thoughts, we make **conscious** judgments in other sensory forms (visual, auditory) **which are external**.
- As the central nervous system recognizes the dangerous situation we immediately begin to experience “sympathetic” bodily responses – increase heart rate, sweating, faster breathing.
- The internal and external appraisals combine to produce an **emotion** (fear in this case)
- The emotion pushes the body to react (**behave**) externally

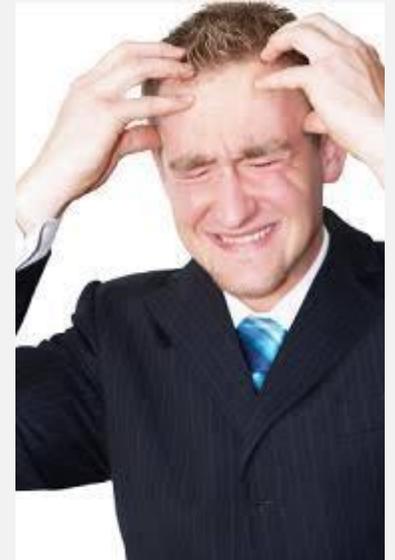
The thoughts and emotions are internal and subjective – part of the way we habitually respond to things – and are changeable, otherwise everyone would react in the same manner to a situation.



If we cannot interrupt or change the stimulus which produces the stress, then we must interrupt or change our appraisal of it.

# HOW STRESSED ARE YOU ?

- I feel overly responsible for everything and everyone.
- I overanalyze things and am too cautious.
- I often feel depressed, defeated or hopeless.
- I often rely on alcohol or drugs to help me feel good.
- I think about quitting at least once a month.
- Occasionally, I think about suicide.



# STRESS or DISTRESS ?

- Some stress is healthy. Positive stressors can energize and motivate a lawyer to be productive and creative problem solvers.
- A totally stress free life is not only unrealistic, it can actually be a harmful form of denial.
- We need to eliminate *distress*. Distress is harmful both physically and psychologically.
- Being “strong” or having “courage” and enduring distress is a sign of poor judgment or *fear* of change.

# STRESS or DISTRESS ?

- Gradual, incremental increases in responsibilities, duties, pressures and demands at home and work combined with long work days and weeks is risky.
- We become unaware that we have lost balance in our lives.
- We stay busy and “stuff” our feelings.
- Even relaxing can cause us to feel distress.
- REMEMBER, DISTRESSED LAWYERS EVENTUALLY LOSE THEIR EFFICIENCY AND EFFECTIVENESS !!

# QUICK STRESS-BUSTERS

- Pause – lean back- give your eyes a rest for a couple minutes.
- Take three deep breaths and imagine your muscles relaxing from head to toe
- Be mindful. Focus on the immediate present. Enjoy the moment.
- Stretch. Walk around your office or go outside.
- Maintain a sense of humor about yourself.
- Vary your routine. Don't get trapped in a rut.
- Prioritize at work and home and manage your time effectively.
- **ASK FOR HELP.** Talk it out with someone you trust.

# QUICK STRESS-BUSTERS

- Meditate and/or pray. CONSISTENT stress reduction occurs with only 10 minutes of daily meditation.
- Unplug from social media when acutely stressed.
- Exercise.
- Eat a healthy diet.
- Cultivate a positive attitude.
- Sleep 8 hours/ night when possible.
- Avoid overuse of alcohol or prescription drugs. These short term “fixes” just mask the problem and can lead to negative health and social consequences.

# Aloneness

## Solitude vs. Loneliness

### Solitude

- The *physical* state of being alone
- Need not be a permanent experience
- Balance between solitude & togetherness
- Develop an “I’m not alone” mentality



# Aloneness

## Solitude vs. Loneliness

### Loneliness

- The *emotional* state of being alone
- Response to perceived isolation
- Belief that no one understands our circumstances, thoughts or emotions
- More importantly, a belief that no one cares



# Social Isolation

**Social isolation** is the combination of solitude and loneliness, experienced by an individual for an extended period. Both the emotional and physical state feed off of one another and can create an inability to reengage with society in a meaningful way.

# Social Isolation

## IMPACT OF COVID-19 ISOLATION

**Even perceived social isolation** can be linked with adverse health conditions such as depression, poor sleep quality, and accelerated cognitive decline.

The issues only become more substantial when the isolation is *no longer just perceived, but immediate and ongoing.*

# What is Anxiety ?

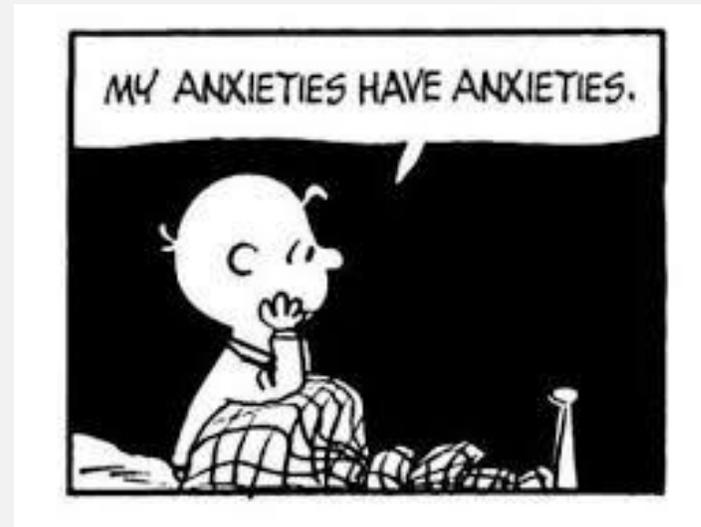
**Anxiety,** noun

A feeling of worry, nervousness, or unease, typically about an imminent event or something with an uncertain outcome

# What is Anxiety ?

Anxiety disorders are characterized by a variety of symptoms.

- Excessive and intrusive worrying that disrupts daily functioning
- Agitation and irritability
- Restlessness and fatigue
- Difficulty concentrating
- Tense muscles
- Trouble sleeping



# What is Anxiety ?

There are many types of anxiety disorders, among them:

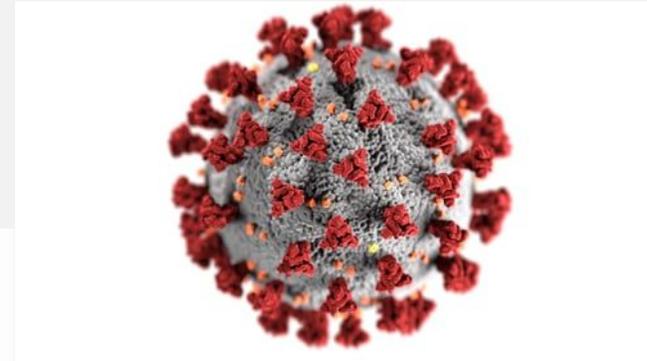
- Generalized anxiety disorder (GAD)
- Social anxiety disorder
- Obsessive-compulsive disorder (OCD)
- Agoraphobia – fear of open places
- Acute stress disorder/ PTSD
- Separation anxiety disorder
- Panic disorder



# COVID-19 : How do we calm our anxiety ?

We are feeling:

- Uncertain
- Helpless
- Scared
- Unsure
- Paralyzed



## What are we going to do ??

# COVID-19: How do we calm our anxiety ?



While Anxiety makes entry into the future a thing to be dreaded, it also eradicates any memory of the bounty of the present.

# Tips For Dealing With COVID -19

## Anxiety

Anxiety leads to a range of sleep problems-

- Maintain a consistent bedtime, limit caffeine and alcohol, exercise
- Keep bedroom cool, dark and quiet
- Stay off screens and practice mindfulness
- Spend at least one device free hour before bed

Difficulty focusing –

- Time management – reduce tasks to essentials
- Do tasks in order of priority- take breaks every 45 min.
- If you feel urge to check news “surf the urge” – delay acting on urge, noticing how it lessens with time

# Tips For Dealing With COVID -19 Fear



# Tips For Dealing With COVID -19 Fear

- Stay away from social media and up-to-the-minute news, especially if you begin to feel overwhelmed.
- Know the facts – “Pandemic” doesn’t describe the deadliness of an illness, but how widespread it is.
- Actively remind yourself of reasons **not** to worry
- Create a new routine – occupy your mind with relaxing hobbies, not your phone or computer.
- Call a friend if you live alone. Isolation is already a warning sign for lawyers. Stay connected !
- **SEEK HELP – call a medical professional or LCL**

# Tips For Dealing With COVID -19 Fear



Focus on things you CAN control

Lawyers already have control issues. As long as we're focusing on questions with unknowable answers and circumstances outside of our personal control, this strategy will get us nowhere other than **drained, anxious and overwhelmed !**

# Tips For Dealing With COVID -19 Fear

Keep the “*What If’s*” under control

## **Mindfulness**

Relinquishing our desire for certainty in these times is difficult. Ground yourself in the present moment. Bring attention to your breath and your body. Focus all your attention on the here and now: the sights, sounds, smells and what you are feeling. Gently bring your mind back to your body and breath until calm.

# Challenges to working from home

## Get set up for success !

- Phone options are available – transcribe vm to text or email
- Voice Over Internet Protocol
- Virtual Receptionist

## Website

- If you don't have one get one
- If you have one, improve it !
- Use banner mentioning virus and your status
- Make it clear that office is closed but you are working
- People can call, email or video chat with you
- No face-to face, but **YOU ARE THERE FOR THEM !**

## *Staying In Business !!*

- Lawyers, like many others including our clients, are scared they won't have a business to go back to when we return. Think about what most people might need right now (wills, POA, etc.) and what they might need later.
- Study a new area of practice – take advantage of on-line CLE's, but remember that you need to be competent to practice in any area.
- Think about what areas may grow due to the inevitable economic downturn.



# ETHICAL DILEMMAS and COVID-19

There are significant connections between anxiety and work.

- Job-related stress is likely to lead to negative coping behaviors.
- Anxiety has been shown to lead to worse outcome in negotiations.
- Anxiety negatively impacts creativity and productivity.
- Anxiety triggers feelings of self-threat, which may increase unethical behavior.

# ETHICAL DILEMMAS and COVID-19



# ETHICAL DILEMMAS and COVID-19

Anxious individuals are more willing to participate in unethical actions.

- Anxiety increases threat perception.
- Acquiring resources from unethical acts is used to “overcome” threat
- Falsifying time sheets, records
- Accessing client funds and misuse IOLTA
- Gambling on line is now legal in PA
- Anxiety increases risk of developing alcohol and substance use disorder



# ETHICAL DILEMMAS and COVID-19

Challenges to working from home for lawyers, their staffs AND clients

Data protection must be discussed with staff and clients – confidentiality still exists at the kitchen table or living room sofa.



Supervision is still a must !! Most **Rules of Professional Conduct** provide that lawyers must supervise subordinate attorneys and staff.

# ETHICAL DILEMMAS and COVID-19

Challenges to working from home for lawyers, their staffs AND clients

The first step to having your employees work from home is a conversation.

- Be clear about ethical and legal obligations for confidentiality.
- YOUR obligations are their obligations.
- Create written policies.
- Set out your expectations and penalties for failure to meet them.
- The buck stops with the managing partner or YOU if you practice alone

# ETHICAL DILEMMAS and COVID-19

Challenges to working from home for lawyers, their staffs AND clients

## DISCUSS DATA SECURITY WITH CLIENTS

- Business lawyers – how are clients addressing in their companies ?
- Family lawyers – spouses in same house need to secure data.
- Remember that failure to secure data is cause for malpractice.
- Use data security as an area to mine for billable business.

# COMMON WARNING SIGNS AT THE LAW FIRM

1. Isolation; avoids interactions
2. Change in physical appearance; significant weight gain/loss
3. Mood swings; increased irritation
4. Lateness; absenteeism
5. Lots of excuses for unexplained issues
6. Missed deadlines
7. Red eyes; smell of alcohol
8. Disappearing at unexpected times

# COMMON WARNING SIGNS AT THE LAW FIRM

9. Lack of concentration/ confused thinking/ forgetfulness
10. Extended breaks/lunches
11. Looking/being tired all the time
12. Decrease in productivity
13. Client complaints; trust irregularities
14. Frequent somatic complaints
15. Unsteady gait; unexplained bruises, injuries

# Why Are Legal Professionals at High Risk of Mental Health & Substance Use Disorders?

- Conflict driven and adversarial profession
- Emotional detachment
- Win-lose, black-white, often rigid thinking
- Perfectionism
- Excessive self-reliance



*These traits are great for a successful career but not so great for mental health.*

# Why Are Legal Professionals at High Risk of Mental Health & Substance Use Disorders?

- High expectations and accountability
- Lack of work-life balance
- High stress level
- High stress levels & work-weeks >50 hrs.

are consistent predictors of SUD's and their severity.

- 67% of attorneys/judges work more than 40 hours/week.
- Inherent pessimism



# Why Can Law Professionals Be Challenging to Approach?

- Highly educated; the '**paralysis of analysis**' effect (adept at rationalization and comparison)
- Excel at debate
- Accustomed to being in control
- Excessive dependence on self-reliance
- Pressure to appear invincible



# What keeps judges and lawyers from seeking or accepting the help they so desperately need ?

1. Shame and Embarrassment
2. Denial
3. Cunning, insidious diseases
4. Enabling



# STIGMA !!!

## How do we reduce stigma?

Direct contact with someone who has personally experienced a relevant disorder:

- Removes isolation
- Removes 'uniquers'
- JCJ/LCL Peer Support



# Dealing with *Denial*

- The most potent barrier
- Psychological defense mechanism
- Rationalize and minimize behavior
- Honestly believe they are under control
- I'm not one of "them" mentality



# ENABLING

## The Conspiracy of Silence

The high functioning lawyer challenged by substance use or mental illness is successful in hiding the signs of their impairment. They may have someone in their life who is knowingly or unknowingly allowing them to avoid the consequences of their illness based misconduct or behavior.

# ENABLING

- Removes motivation to change
- Provides evidence that fuels denial
- Allows cons of treatment to outweigh pros
- PREVENTS treatment of a progressive disease
- Greater harm to career, family and well being
- Not good for YOU either !!



# ENABLING

## The Conspiracy of Silence

Are YOU an enabler ??

1. **RATIONALIZE** your colleague's behavior by blaming other situations ?
2. **CLEANUP** your colleague's messes ?
3. **IGNORE** new bad behaviors ?
4. **HIDE** your thoughts or feelings to avoid angering a colleague ?
5. **LIE & MAKE EXCUSES** for behavior to colleague's clients or coworkers ?

# ENABLING

## The Conspiracy of Silence

Are YOU an enabler ??

6. **RESENT** your colleague because they don't seem to care ?
7. **HELP** your colleague by loaning money ?
8. **RESCUE** your colleague when impairment gets them into trouble ?
9. **BACKDOWN** from ultimatums that you know you can't meet ?
10. **GIVE A MILLION "LAST CHANCES"** to colleague for change?

# What can YOU do ??

Although it is difficult, remember that your end goal is to help motivate the impaired lawyer or judge to seek professional help they so desperately need.



# What Is A LAP ?

Lawyers Assistance Programs carry out a life saving service.

Our mission:

To provide a caring peer assistance program to save the lives and restore the health and professional competence of judges and lawyers, members of their families, and law students who are at risk as a result of alcohol and drug use, gambling, depression or other serious mental illness. We carry out this mission through a combination of confidential helpline services, volunteer support and education.

## We Protect Your Identity and Information

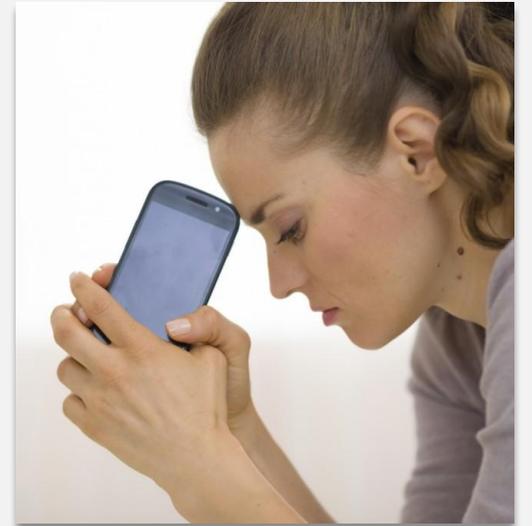
LAP does **not** report or disclose any identifying information to the Supreme Court, the Judicial Conduct Board, the Disciplinary Board, the Board of Law Examiners or any other agency of the Supreme Court; nor do we report or disclose any identifying information to a State Bar Association, local Bar Associations or any judicial or law related organization. We do not report any identifying information to anyone without your prior consent.

**You may remain anonymous and still receive our services.**

**YOU MUST CHECK THE ETHICAL RULES OF YOUR STATE**

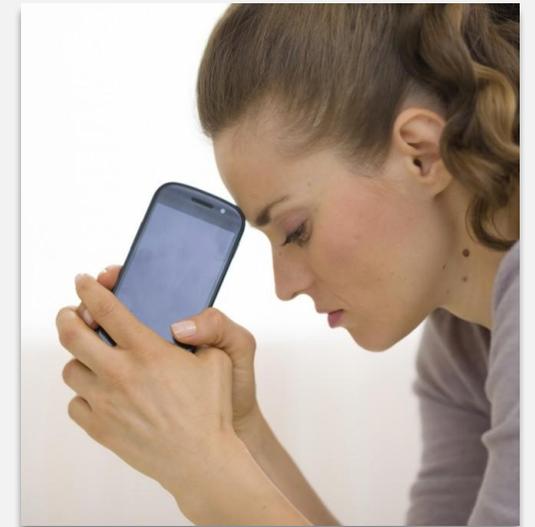
# To Call LAP...or Not to Call

- I'm ok. I can work this out for myself.
- I'm not like a "real" alcoholic anyway.
- I want help but I don't want anyone to know.
- Will I be reported to Discipline?
- I already tried to get help and it didn't work.
- I don't have the money to pay for treatment.
- What will people say about me if I ask for help ?
- It's no use – nobody will understand – I give up !



# To Call LAP...or Not to Call

- Is this really any of my business?
- I want to help but I don't want to get involved.
- Will I harm his/her or the firm's reputation?
- Must I report him or her to Discipline?
- I already tried to help and it didn't work.
- Let's wait and see. Maybe it will get better.
- I really don't have time for someone else's problems.



# Five Core Steps for a Sustainable Culture in the Legal Profession:

1. Identify stakeholders and their roles.
2. Diminish stigma associated with seeking help.
3. Emphasize that well-being is a part of competence.
4. Educate on well-being/mental health/substance use disorders.
5. Make health and well-being a top priority throughout the profession.

# Additional Resources- COVID-19

## Pandemic Preparedness Resources from the National Association of Bar Executives

Contains extensive information on the following:

- Webinar script examples
- Various platforms available for teleconferencing, electronic meetings and video conferencing
- Advice and tips for working remotely
- Articles on how to take care of yourself and your team
- Government Agency Resources
- Information about the CARES Act (Coronavirus Aid, Relief and Economic Security Act) ; ABA Summary of 10 Highlights of the CARES Act; US Chamber of Commerce CARES Guide: What Small Businesses Need to Know o ASAE Summary of Provisions of the CARES Act Applicable to Associations and Foundations

# Additional Resources- COVID-19

- CORONAVIRUS (COVID-19) INFORMATION AND UPDATES Centers for Disease Control and Prevention
- The CDC site is likely to offer the most up to date information on the COVID-19 virus.
- LAWYER SPECIFIC RESOURCES
- [ABA COVID-19 Mental Health Resources](#) – a comprehensive compilation of lawyer-specific practice and mental health resources ABA Commission on Lawyer Assistance Programs – list of state lawyer assistance programs and additional resources ABA's Lawyer Well-Being Week (May 4-8, 2020)- brought to you by the National Task Force on Lawyer Well-being - Free webinars, online activities, and other events. Check out the website [lawyerwell-being.net](http://lawyerwell-being.net) for a wealth of information and activities you can pursue at any time
- NEW CLE produced by the ABA Commission on Lawyer Assistance Programs (CoLAP) - [Staying Mentally Safe, Sound and Sober During COVID-19](#) debuts as a webinar at 1pm on April 6, 2020 (free to membership, \$50 to non-members). Laurie Besden, Esq., LCLPA's Executive Director, leads the presentation.

# Additional Resources- COVID-19

- **SOCIAL DISTANCING & STAYING BUSY**

- “Stigma and Resilience” published by the CDC
- “Tips for Social Distancing, Quarantine, And Isolation During an Infectious Disease Outbreak” published by SAMHSA – see this documents pp.
- “Dealing with Social Isolation” by Brian Cuban, author of “The Addicted Lawyer”
- “100 things to do while stuck inside due to a pandemic” published by USA TODAY
- Free Online Courses from Ivy League schools

- **STRESS, ANXIETY AND GRIEF**

- “That Discomfort You’re Feeling is Grief” by Scott Berinato March 23, 2020 (Harvard Business Review)
- “Mental Health and Coping During COVID-19” published by the CDC
- “7 science-based strategies to cope with coronavirus anxiety” by Jelena Kecmanovic
- “[Lawyer] Anxiety, Self-Protective Behavior, Ethical Sinkholes, and Professional Responsibility” by Dan Defoe
- “Coronavirus and your mental health: Two experts explain why we panic and how to cope” by By Joanna Chi

# Additional Resources- COVID-19

- The National Suicide Prevention Lifeline provides 24/7, free and confidential support for people in distress, prevention and crisis resources for you or your loved ones, and best practices for professionals.
- 1-800-273-TALK [www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org)
- Crisis Text Line serves anyone, in any type of crisis, providing access to free, 24/7 support and information via a medium people already use and trust: text.
- Text “HOME” to 741741 [www.crisistextline.org](http://www.crisistextline.org)

# National Task Force on Lawyer Well-Being Recommendations

**"The Path to Lawyer Well-Being:  
Practical Recommendations For Positive Change"**

**<http://lawyerwellbeing.net/wp-content/uploads/2017/11/Lawyer-Wellbeing-Report.pdf>**

# How to Join the National Well-Being MOVEMENT

## **“WELL-BEING TOOLKIT FOR LAWYERS AND LEGAL EMPLOYERS”**

Created By Anne M. Brafford For Use By The American Bar Association

[https://www.americanbar.org/content/dam/aba/administrative/lawyer\\_assistance/lis\\_colap\\_well-being\\_toolkit\\_for\\_lawyers\\_legal\\_employers.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/lis_colap_well-being_toolkit_for_lawyers_legal_employers.authcheckdam.pdf)

## **“Well-Being Toolkit Nutshell: 80 Tips For Lawyer Thriving”**

[https://www.americanbar.org/content/dam/aba/administrative/lawyer\\_assistance/lis\\_colap\\_Well-Being\\_Toolkit\\_Flier\\_Nutshell.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/lis_colap_Well-Being_Toolkit_Flier_Nutshell.authcheckdam.pdf)