

No One Makes It Out Unscathed:

The Effects of Personal Trauma and Stress On Our Lives



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Presented by -Brian S. Quinn, Esq. – Education and Outreach Coordinator, LCL of PA, Inc.

Brian S. Quinn, Esquire 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.

Mr. Quinn obtained his undergraduate degree in 1970, his law degree in 1973 and a certificate in Drug and Alcohol counselling in 2012, from Villanova University. Prior to his work with Lawyers Concerned for Lawyers, he was a private practitioner for over 40 years and has also worked in the field of Alcohol and Drug Counseling in suburban Philadelphia.

Mr. Quinn 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. He has written and presented on lawyer wellness topics to law firms, Bar Associations and legal education providers for state, national and international groups as well.

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 negatively well being
- 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:

- 36% use all of their vacation time
- 35% do not feel safe discussing their mental health at work
- 36% feel the billable hour has a *major* effect on stress level
- 62% know a colleague who is *depressed* and
- 50% know a colleague with an alcohol problem



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
- 78% felt an extended leave would hurt career trajectory
- 77% were fearful of what the firm would think
- 56% felt they had too much work to take an
- extended leave



Common Warning Signs at 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 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



WHAT IS STRESS ?

Psychological stress is composed of the following sequence of elements:

- ☐ STIMULUS
- ☐ THOUGHT
- ☐ EMOTION
- ☐ BEHAVIOR

WHAT IS STRESS ?

- The central nervous system perceives a dangerous situation (***stimulus***) 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 ?

- My work requires me to do too much in too little time.
- I don't have enough time to spend with my family and friends or to pursue recreational and social activities.
- Competition is making it difficult to make a living.
- The people at my law firm or department lack collegiality – e.g., are cold, unfriendly or rude.
- My firm or department is mismanaged – e.g., not enough good clerical help, compensation or procedures are unfair.

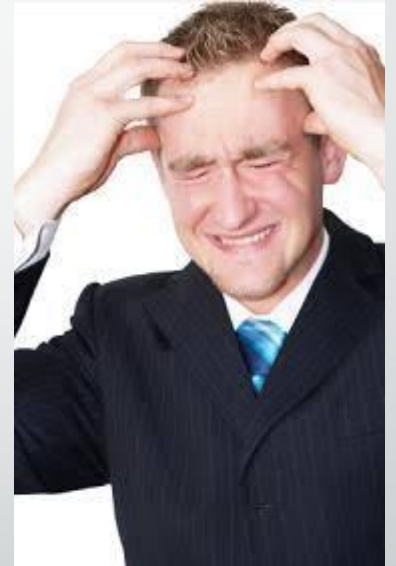
HOW STRESSED ARE YOU ?

- My firm or department is too focused on profit.
- The physical environment is unpleasant.
- My work bores me.
- I'm not good at what I do.
- I'm not making a positive contribution to society/ lives of others.
- What I am doing doesn't deserve respect /get enough respect.
- I deal with too many unreasonable and difficult people.



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 !!

HOW DO WE DEAL WITH STRESS ?

SURRENDER ?



Passive acceptance of stressful situations as being beyond your control and acceptance of negative consequences despite the ability to do something.

This behavior is driven by FEAR and HOPELESSNESS and can result in anxiety and depression disorders.

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.

HOW DO WE DEAL WITH STRESS ?

These are the most difficult, but have the best long-term results

1. Engage in a healthy, **REGULAR** eating, exercise and sleep regimen.
2. Create a cultural change in the work environment which values relationships.
3. Actually **DO** something about “the hours”- maintain a realistic Work-Life balance.
4. Treat people in a civil, professional manner *at all times*.
5. Encourage friendships, communication, mentoring and reduce isolation.
6. Create an environment that encourages the sharing and discussion of stressors.

The Power of Helping Others

In a 30,000 person study on the affect of stress over 10 years on the rate of death, people who believed that they had a very stressful year and that stress was harmful to their health had 43% higher risk of death than those who did not.



A related study showed that the effect of stress on death rate was **completely offset** where people were regularly helping others.

TRAUMA



What is Trauma ?

“Individual trauma results from an event, series of events or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has long lasting adverse effects on the individual’s functioning and mental, physical, social, emotional and spiritual well-being.”

Substance Abuse and Mental Health Services Administration a.k.a. SAMHSA

Trauma need not involve actual physical harm to oneself:

- An event or series of events that overpowers one's ability to cope
- Witness to trauma
- Learning about a loved one's trauma
- Repeated exposure to actual traumatic events and/or traumatized individuals (vicarious trauma)



Trauma must be addressed and processed emotionally, physically, cognitively and spiritually to prevent and/or treat negative long term impact on a survivor.



TYPES OF TRAUMA

VICARIOUS- aka Secondary Traumatic Distress (e.g. lawyers, first responders)

CHILDHOOD – Adverse Childhood Events (ACE) study

CULTURAL & MASS (e.g., 9/11, COVID -19)

COMMUNITY (e.g., school shootings, COVID -19)

HISTORICAL (e.g., Holocaust, slavery, COVID -19 ?)

INTERGENERATIONAL (e.g., epigenetics and behavioral)

INTERPERSONAL (e.g., sexual assault, domestic violence)



TRAUMA

TYPES OF TRAUMA

Big “T” Trauma

Marked by a significant event (e.g., accident, death of loved one, COVID -19 ?)

Little “T” Trauma

Living long periods of time in a stressful environment; does not have to occur as an actual physical trauma (e.g. 25% of population are adult children of alcoholics)

Complex Trauma

Often a mix of big “T” and little “T” and/or if additional traumatic events occur before the prior event can be processed; survivors have poorer overall outcomes

TRAUMA is one of the West's most urgent public health issues and can affect all aspects of a person's life throughout their lifetime.

- 70 -85 % of the population has experienced a potentially traumatic event (PTE) over their lifetime. Effect on well-being varies by individual & responses exist along a continuum.
- At least 80% of clients in MH clinics have a trauma history (Breslau & Kessler, 2001)
- **A history of trauma exposure, even in the absence of a traumatic stress reaction, independently increases the risk of Substance Use Disorder (SUD).**
- 8% of trauma survivors develop PTSD (Kilpatrick et al., 2013)
- Can lead to engagement in high-risk and/or self-injurious behaviors

WHAT DOES IT MEAN TO BE TRAUMA –INFORMED ?

A program, organization or system is trauma- informed if it :

- **Realizes** the widespread impact of trauma and understands potential paths for recovery; understands the physiological and behavioral impact trauma has on clients;
- **Recognizes** the signs and symptoms of trauma in clients, families, staff, and others involved with the system;
- **Responds** by fully integrating knowledge about trauma into policies, procedures, and practices; and
- **Seeks** to actively prevent *re-traumatization* (e.g. triggering the client)

PSYCHOLOGICAL EFFECTS OF TRAUMA

Depression
28% of Lawyers

PTSD
6% of pop.

Anxiety
61% of lawyers by
report

SUD/AUD
21% of lawyers

ADHD
12.5% of lawyers

What is Worry ?

- Worry is a habit.
- Nearly everyone worries occasionally – it's a normal response to problems and the unknown



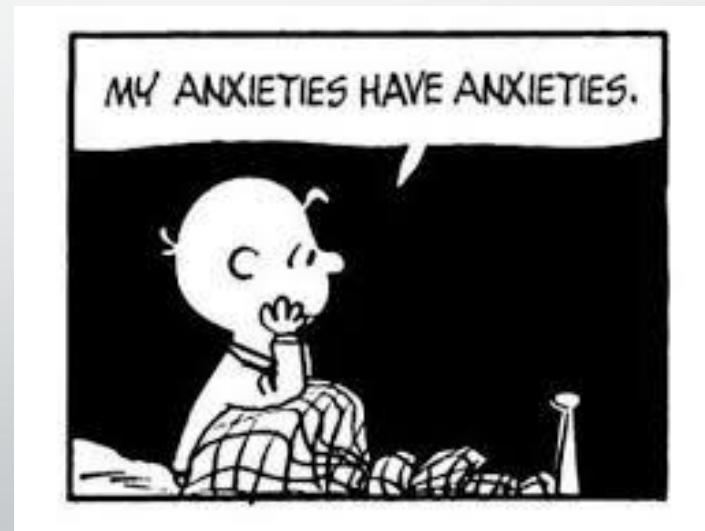
- A thought escalates into a story – “our” story in which we play out hypothetical scenarios in our imagination.

These thoughts are often in the form of a “What if” question.

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



Productive worry vs. Unproductive worry


- **Productive** – Identifying problems and using effective problem solving strategies.



vs.



- **Unproductive** - Worrying as a way of coping with problems we can't change. It adds worry and anxiety to an already unpleasant experience.



mindfulness

COGNITIVE EFFECTS OF TRAUMA

- **View of the world** – “People can’t be trusted.” “The world is a bad place.”
- **View of the future** – Sense of dread or ‘other shoe’ dropping
- **View of self** (“I am incompetent, unworthy, bad, shameful, etc.”)
- **Memory and attention**
- **Triggers** – sensory reminders of traumatic events
- **Flashbacks**

COGNITIVE EFFECTS OF TRAUMA

- **Amnesia** for parts or all of traumatic event
- **Emotional dysregulation** – difficulty regulation emotions (anger, anxiety, sadness and shame)
- **Low distress tolerance**
- **Minimization**
- **Avoidance**
- **Hypervigilance**



BEHAVIORAL EFFECTS OF TRAUMA

- Re-enactment - hypersexuality in abuse survivors; abusive relationships
- Self-harming (e.g. cutting, self-mutilation)
- Self-destructive behaviors (e.g. substance misuse)
- Restlessness & irritability
- Stealing compulsively
- Lack of boundaries
- Fear of intimacy
- Can become a perpetrator

In a state of persistent stress response, you are constantly fighting off potential 'attacks' and 'enemies' – no time to develop coping skills, self-nurturing and self-care, intimacy, relationships, etc.

VICARIOUS TRAUMA (STS) IN LAWYERS AND JUDGES

- Avoiding certain clients
- Not returning phone calls
- Avoiding certain questions in client interviews
- Tardiness/absenteeism
- Decreased empathy toward clients
- Easily startled or upset- on edge-agitated
- Hypervigilance about personal/family safety
- Aggressive behavior, outbursts, rage
- Numbing out (e.g., use of D&A)
- Extreme physical reaction to trauma reminders
- Change in view of the world and others –
“The world is an unsafe place.”

VICARIOUS TRAUMA (STS) IN LAWYERS AND JUDGES

- Problems sleeping/nightmares
- Over-identifying with client
- Stomach aches, headaches, extreme fatigue
- Strained interpersonal relationships
- Withdrawal from social interactions and/or relationships
- Compromised parenting
- Irritability
- Argumentative or impatient
- Difficulty focusing, remembering or concentrating
- Feeling hopeless about or dreading work
- Having disturbing images from cases intrude into thoughts & dreams

Lawyers with unprocessed trauma may transfer their own trauma reactions and symptoms to their clients.

- RE-TRAUMATIZATION of client
- Impairment of attorney-client relationship and effectiveness of counsel



VICARIOUS TRAUMA IN LEGAL PROFESSIONALS

- Compassion Fatigue', 'Secondary Traumatic Stress' (STS)
- Cumulative effect of listening to clients' stories, gruesome testimony and photos-dealing w/ traumatized people
- Distorted view of him/herself, the world and others
- Exists on a continuum
- Esp. in family law & criminal defense attys and judges in specialty courts and those on bench >6 yrs. (*Jaffe 2009*) (*Levin 2011*)





IT WILL AFFECT YOU

REMEMBER – No One Gets Out Unscathed !

- it is "normal" to be affected by your work and traumatic events
- recognizing this is the most important coping skill that you can give to yourself
- it is okay to feel outraged, horrified, shocked, saddened etc.
- BUT...if overwhelmed seek help, be aware of what is going on

A small yellow flower with a dark center and green leaves is growing out of a crack in a weathered brick wall. The bricks are reddish-brown and show signs of age and moss. The background is blurred, showing more of the wall and some green foliage on the left.

- While a lot of things have been cancelled, RESILIENCY is not one of them.

• *Robin Arzon, Esquire, Peloton, Lead Instructor*

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

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

Lawyers who do not appropriately address their personal issues can harm their clients,



destroy their own careers, damage the reputation and viability of their law firms, and sometimes even lose their lives.



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

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

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



Lawyers are trained to deal with and solve problems. Thus, it is most difficult for the attorney to seek help since by doing so he feels he is admitting failure.



Complicating this problem further is the tendency of the attorney's or judge's peers to indulge in a conspiracy of silence (enabling), and lighten the normal stresses of our profession.

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 !!



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 ?

Our mission:

To provide a caring peer assistance program to save the lives and restore the health and professional competence of lawyers, members of their families, judges 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's do **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 the Conference of State Trial Judges, State or local Bar Association 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 LAP services.

CONSULT YOUR STATE'S RULES OF PROF. CONDUCT

GUIDANCE FROM THE COURT

MOST* Rules of Professional Conduct address that concern by providing an exception to the duty to report: "The Rule does not require disclosure of information otherwise protected by Rule or information gained by a lawyer or judge while participating in an approved lawyers assistance program."

Providing for an exception ... encourages lawyers and judges to seek treatment through such a program. Conversely, without such an exception, lawyers and judges may hesitate to seek assistance from these programs, which may then result in additional harm to their professional careers and additional injury to the welfare of clients and to the public."
(emphasis added)

*Check the Rules of Professional Conduct for 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.

When we don't reach out...

- Out of some misplaced sense of loyalty
- Due to fear of anger or retribution
- Out of concern about implications for career and firm
- Because of a 'mind-my-own-business' attitude



...people get sicker and die.

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.



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/lscolumbia_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/lscolumbia_Well-Being_Toolkit_Flier_Nutshell.authcheckdam.pdf

Additional Resources

“Need a helping hand? Here’s what a lawyers assistance program can do for you” http://www.abajournal.com/news/article/podcast_monthly_episode_97

“What Are Partners’ Duties When a Colleague is Impaired? Draft Opinion Calls for These Steps” http://www.abajournal.com/news/article/what_are_partners_duties_when_a_colleague_is_impaired_draft_opinion_calls_f/?utm_source=maestro&utm_medium=email&utm_campaign=weekly_email



Call the Lawyers Assistance Program in **YOUR** State

Directory of Lawyers Assistance Programs by State

- https://www.americanbar.org/groups/lawyer_assistance/resources/lap_programs_by_state.html