

LEGAL WELL-BEING:

Overcoming Fear of Stigma and Promoting Self-Care

By Evelyn Sandeen, Ph.D., ABPP

As a practicing clinical psychologist who specializes in treating professional people and who also has a son in law school, the topic of lawyer mental health is close to my heart. There is documented reason for concern: lawyers are at particular risk for psychological distress and substance overuse, even compared with other professionals in high-stress jobs¹. Long hours, deadline-filled projects, isolating working conditions, exposure to traumatic material in the course of their jobs, stigma around admitting to mental health issues, and legal culture may all contribute to this. Additionally, there are barriers to seeking help and support from other lawyers or from mental health professionals. Fortunately, there are clear indications in the literature of actions that can be helpful in reducing stigma, improving personal and professional resilience, and overcoming barriers to seeking help as needed.

Secondary (Vicarious) Trauma

For some in the legal profession, there is daily exposure to traumatic material. Things like listening to traumatized persons' accounts, analyzing details of violent and traumatic actions, and visualizing evidence associated with acts of violence or abuse can all lead to a syndrome called vicarious traumatization. Persons who are affected in this way can have many of the symptoms of Post-Traumatic Stress Disorder (PTSD) although vicarious traumatization is a distinct phenomenon. Symptoms like heightened anxiety, intrusive thoughts or images, rumination, and problems sleeping can occur following exposure to evidence of others' suffering. This syndrome has been recognized in professions such as psychotherapy or medicine in which the professional deals with the aftereffects of traumatization. The legal profession is probably behind other client-facing professions regarding acknowledgment of secondary or vicarious traumatization².

Burnout and Stress

Burnout Syndrome officially became part of the International Classification of Disease handbook (ICD11) in 2019. It is defined as caused by chronic workplace stress and includes the following categories of symptoms: 1) energy depletion 2) increased mental distancing from the job through cynicism, negativity, or irritability with others,

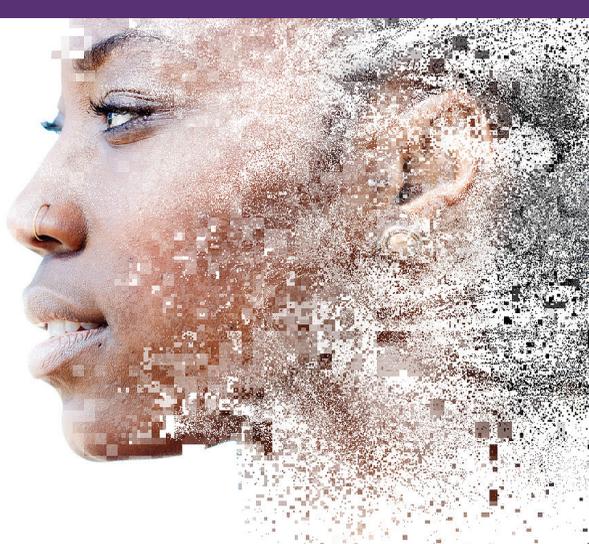
3) reduced professional efficiency. Risk factors include low levels of control over one's work, low levels of social support, ill-defined job requirements, unrealistic deadlines and getting little or no satisfaction from one's job.

Legal Culture

While there is undeniably great diversity in legal workplace cultures, some in the field see standard legal culture as part of the problem in terms of lawyer well-being. Mark Cohen writing in Forbes describes legal culture as follows: "Legal culture was forged by white, middle-aged lawyers for their peer group.... Legal culture is rigid, hierarchical, pedigree-centric, internally-focused, cautious, reactive, and rewards input, not output."³. James² refers to legal culture as likely discouraging acknowledgment of personal vulnerability due to stiff competition for clients and jobs, and due to internalized stereotypes of lawyers as robust, self-confident and independent. Many studies have found that workplace cultures that accept bullying are associated with negative mental health outcomes for attorneys.

Stigma and other Barriers to Help Seeking

Clement et al.⁴ found that stigma about mental health and substance abuse was one of several barriers to seeking help for these problems. Their review of many studies on help seeking found that internalized stigma (i.e., shame and embarrassment) had a small but consistent negative effect on help-seeking. Other factors included concerns about confidentiality, lack of access to mental health resources, a belief in self-reliance and associated denial of the need for care, and fear about the act of help-seeking itself (e.g., "will I be judged?"). Importantly, these authors found that gender stereotypes (e.g., men should be strong without needing others' help) and professional stereotypes (as mentioned above, lawyers may be unconsciously responding to stereotypes that they should be "bulletproof" and project confidence at all times) interact with stigma. In other words, for lawyers, internalized stigma associated



with admitting to mental health or substance overuse issues may be a significant barrier to recovery and renewal.

What to do?

► Addressing Stigma

One of the most effective methods of addressing stigma is to confront it head on. Yanos et al.⁴ discuss selective disclosure of mental health or substance overuse struggles to others as a primary method of overcoming self-stigma. However, for this to occur within the workplace, selective disclosure must be normalized and facilitated by leaders in the workplace.

Simple acknowledgment by leaders within the workplace that the work is stressful and sometimes distressing is an important step toward de-stigmatizing mental health concerns. Legal supervision that includes discussion of the supervisee's emotional reactions and coping strategies is another method of fostering de-stigmatization.

A lack of acknowledgment of the emotional realities involved with lawyering does nothing to promote attorney well-being. In fact, denying emotional realities promotes anxiety, depression, addiction, and burnout.

► Improving Legal Culture

Leaders of firms and workgroups can take steps to improve the culture and norms of their setting⁶. Modeling and insisting on respectful interactions among attorneys and support staff, and encouragement of attorney-to-attorney collaboration and support are minimal standards for a healthy culture. Support for self-care and, if necessary, for seeking professional help should be articulated publicly and discussed regularly in supervisory or staff meetings. Clarifying job requirements and increasing attorney control over their work when possible are helpful in addressing burnout.

► Resources and Practices for Resilience and Growth

It should be emphasized that it is *normal* to have reactions to stressful and sometimes traumatic situations encountered by lawyers in the course of their work. It is also normal to seek relief from distress through having a cocktail at the end of the day or a bag of cookies while watching Netflix. However, it is wise to engage in self-care *before* normal reactions and coping strategies become a problem that decreases your well-being. Following are some suggestions:

- **Mindfulness meditation.** There are a multitude of online resources for instruction on how to do mindfulness meditation or guided meditations. There is ample research evidence supporting meditation as a highly effective tool for modulating stress and increasing resilience. Try www.headspace.com or another online tool.

- **Exercise.** Insert a daily walk, jog or set of bodyweight exercises into your schedule at the time you normally have a cocktail or plop down on the couch with a bag of chips. Exercise is the magic bullet that brightens mood, decreases anxiety, and improves sleep.
- **Develop supportive connections at work.** See if you can develop at least one work buddy with whom you can transparently share your emotional reactions and receive empathy and support. This is different than just complaining; the goal is to be at least somewhat vulnerable and to give and receive emotional connection.
- **Find meaning in your work.** What about your work can you make an expression of your values? Is your deepest value kindness, or truth, or persistence, or service? Consciously strive to tie your work to your values.
- **Begin journaling.** There is extensive research supporting journaling thoughts and feelings being an effective method of processing difficult issues and feeling better emotionally.
- **Gratitude journal.** Related to the above, start a gratitude journal in which you intentionally reflect on moments/people/situations in your life for which you feel gratitude.

Pay Attention To

- **Moderate drinking or other substance use.** Heavy or problematic drinking is defined by the National Institute of Alcohol and Alcohol Abuse as more than 4 standard drinks on any one day, or more than 14 standard drinks in a week (for men), and more than 3 standard drinks on any one day, or more than 7 standard drinks in a week (for women). If you are drinking at or above these levels, you may want to use an app like Drinker's Checkup (www.checkupandchoices.com) to help with identifying and attaining your goals regarding drinking. Although similar standards have not yet been set for cannabis use, pay attention if you find yourself using daily or find that cannabis use is replacing other healthy activities.
- **Moderate eating and snacking.** Emotional eating (including binge eating of carbohydrates and constant snacking) can play the same role emotionally as does drinking or substance use. It can numb your emotions and contribute to weight gain, depression, and lack of initiative. Apps to monitor eating are plentiful and useful (e.g., www.myfitnesspal.com)
- **Moderate gaming, social media engagement, pornography, or other internet "addictions".** The internet has brought many activities to us that are easy to access, distracting, and superficially enjoyable, yet can result in feelings of depression or ennui. Increase real-life interactions with people instead. Try an app like Habitica to help you change habits in a fun way (www.habitica.com)

Seeking Professional Help

If you are experiencing thoughts of suicide, or if you have a substance use issue that you do not feel capable of controlling, or if any problem is interfering with your ability to function, you definitely should seek professional help. Of course, psychotherapy is also useful for those who simply want to feel better and more joyful. Any licensed therapist (Licensed Professional Counselor, Licensed Social Worker, Licensed Psychologist, or Licensed and Boarded Psychiatrist) is ethically mandated to keep to high standards of confidentiality. The only valid reasons for a licensed therapist to break confidentiality is if there is child or elder abuse occurring, or if you or someone else is in imminent danger.

Where/how to seek help:

- **Judges and Lawyers Assistance Program.** The New Mexico Judges and Lawyers Assistance Program (NMJLAP) is a free service for all members of the New Mexico bench and bar and law students. NMJLAP offers confidential professional and peer assistance to help individuals identify and address problems with alcohol and other drugs, depression, and other mental health/emotional disorders, as well as with issues related to cognitive impairment. NMJLAP endeavors to improve the well-being of its members through support and early intervention, and to help reduce the public harm caused by impaired members of the legal profession. Call NMJLAP at (505) 228-1948 for more information and referrals to peer advisors.
- **The Solutions Group (EAP).** Get help and support for yourself, your family and your employees. The Employee Assistance Program is a FREE service offered by NMJLAP. Services include up to four FREE counseling sessions per issue per year for ANY mental health, addiction, relationship conflict, anxiety and/or depression issue. Counseling sessions are with a professionally licensed therapist. Other FREE services include management consultation, stress management education, critical incident stress debriefing, video counseling, well-being webinars, and 24X7 call center. Providers are located throughout the state. To access this service call 866-254-3555 and identify with NMJLAP.
- **Word of mouth referrals.** If you know of someone who has had a good experience in psychotherapy, ask for a referral. Even if their therapist cannot see you, that person might be able to refer you to a clinician they regard as talented.
- **Psychology Today website.** This is a site for local licensed therapists which you can search for specific qualifications or specialties. Many also offer telehealth. www.psychologytoday.com
- **Panel associated with your insurance carrier.**

- **For alcohol detox:** Do not attempt to detox from alcohol dependence on your own. Alcohol withdrawal can be life-threatening. Instead, consult your physician or utilize a detox service such as the University of New Mexico’s Alcohol and Substance Abuse Program (505-994-7999).
- **Hotlines or Emergency Departments.** The national suicide hotline (800-273-8255) and local emergency rooms (in Albuquerque, UNM hospital and Kaseman hospital in particular) are resources for anyone in need of immediate evaluation.

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Endnotes

¹Krill PR, Johnson R, Albert L. The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys. *J Addict Med.* 2016 Jan-Feb;10(1):46-52. doi: 10.1097/ADM.0000000000000182. PMID: 26825268; PMCID: PMC4736291.

²James C. Towards trauma-informed legal practice: a review. *Psychiatr Psychol Law.* 2020 Feb 11;27(2):275-299. doi: 10.1080/13218719.2020.1719377. PMID: 32944127; PMCID: PMC7476614.

³Cohen, M. <https://www.forbes.com/sites/markcohen1/2017/07/03/goodbye-guild-laws-changing-culture/#951f96f70e80>

⁴Clement S, Schauman O, Graham T, Maggioni F, Evans-Lacko S, Bezborodovs N, Morgan C, Rüsçh N, Brown JS, Thornicroft G. What is the impact of mental health-related stigma on help-seeking? A systematic review of quantitative and qualitative studies. *Psychol Med.* 2015 Jan;45(1):11-27. doi: 10.1017/S0033291714000129. Epub 2014 Feb 26. PMID: 24569086.

⁵Yanos PT, Lucksted A, Drapalski AL, Roe D, Lysaker P. Interventions targeting mental health self-stigma: A review and comparison. *Psychiatr Rehabil J.* 2015 Jun;38(2):171-178. doi: 10.1037/prj0000100. Epub 2014 Oct 13. PMID: 25313530; PMCID: PMC4395502.

⁶Johnson, J. & Pearson, K. 6 steps for law firms looking to improve their culture. <https://www.law360.com/articles/1296402>

