

Utah Bar JOURNAL



Volume 31 No. 6
Nov/Dec 2018

Lawyer Well-being: A Call to Action

by Keith A. Call

Two short stories:

Story No. 1. I met “John” in March of 2017. He was twenty years old, extremely personable, worked at a fast food joint, and dreamed of owning his own business. He was also severely addicted to alcohol and homeless, having recently been kicked out of a sober living home after months of expensive rehab followed by relapse.

I came to know John closely over the ensuing weeks and months. I remember being sleepless, thinking about my friend trying to stay warm and dry through a rainy, snowy night. I knew he was in a sleeping bag under a tree behind a bank in our relatively affluent suburb. I wondered if he was using alcohol to help him get through it. I saw him lose a few jobs, get kicked out of the gym where his family bought a membership so he could shower, and spend time on Rio Grande street giving in to his demons. I wondered if he would die.

Fortunately, John is now on his way to recovery. He has spent the last several months living and working at the John Volken Academy, a therapeutic community near Seattle that operates a two-year in-patient program. I hope and believe he will succeed.

Story No. 2. Actually this story is a conglomeration of many stories I have experienced. I have lunch with a colleague who, after blustering through how great life and law practice is, becomes deeply personal and expresses how stressful his life is, full of long working hours, high expectations, conflict with clients and opposing counsel, uncertainty about the future, and work-life balance problems. I feel both empathy and anxiety, perhaps in part because I can so easily relate. The experience reminds me of lawyer friends whose lives and families have been significantly impaired (even lost) after they turned to drugs and alcohol to cope. It also makes me think of many people, known and unknown to me, who suffer deeply through

the rigors of law and life without the aid of artificial substances.

As lawyers, chances are you have stories like these of your own. They might even be your story. If not, they are almost certainly a reflection of someone close to you. A recent Task Force Report sponsored by the ABA and other cooperating organizations found that between 21% and 36% of practicing lawyers are problem drinkers, and that 28%, 19%, and 23% are struggling with some level of depression, anxiety, and stress, respectively. “The parade of difficulties includes suicide, social alienation, work addiction, sleep deprivation, job dissatisfaction, a ‘diversity crisis,’ complaints of work-life conflict, incivility, a narrowing of values so that profit predominates, and negative public perception.” *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*, Nat’l Task Force on Lawyer Well-Being, Aug. 2017, at 7 (Task Force Report). I bet there is something in that last sentence that makes the issue more personal for each of you.

It is especially alarming that the highest rates of problem drinking and depression are among younger lawyers in their first ten years of practice. *Id.* This is something each of us should care about.

The Task Force Report is not just about bad statistics. It contains a host of specific and concrete suggestions for improvement. These recommendations are directed at judges, regulators, employers, law schools, bar associations, insurers, lawyer assistance

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programs, and individuals. For example, the Report includes a checklist to help employers audit their policies and practices related to well-being, and numerous other helpful resources. It includes similar resources for other stakeholders.

Many among our bar have already gone to work in response to the Task Force Report. Our Supreme Court has formed a Joint Committee on Lawyer and Judge Well-Being, chaired by Justice Paige Petersen. The Committee seeks to implement the recommendations of the Task Force Report. The Committee has already assembled a number of excellent resources to help lawyers and stakeholders address well-being issues. *See* <https://www.utcourts.gov/utc/well-being/documents/> (last viewed Oct. 2, 2018). Utah is one of approximately twenty states across the country that have formed a state-level task force on lawyer well-being.

More needs to be done on institutional and individual levels. “The benefits of increased lawyer well-being are compelling and the cost of lawyer impairment are too great to ignore.” Task

Force Report, p. 10. Our various organizations, such as bar committees, employers and others should become familiar with the Task Force Report, the issues it raises, and the resources that are available to educate, train, and change behaviors. Individuals should raise their voices in support of change and work hard to eliminate the stigma attached to seeking help. Each of us needs to become more aware of what may be happening next door, down the hall, or across the street.

Finally, if *you* are the one suffering and need help, please don’t delay. Confidential help is available through Utah Lawyers Helping Lawyers, available at (801) 579-0404, or toll free at (800) 530-3743.

I am interested in hearing your feedback on these important issues. You can reach me at kcall@scmlaw.com.

AUTHOR’S NOTE: *This article should not be construed to state enforceable legal standards or to provide guidance for any particular case.*