



Where's the Path to Well-Being?

It's right under your nose.

Complete health is not defined solely by the absence of illness; it includes a positive state of wellness.

When lawyers are not well, we are more likely to have disciplinary problems and malpractice claims. For example, major depression or anxiety disorders can lead to impaired executive functioning, which decreases skills and attributes such as focus, attentiveness, follow through, planning, and prioritizing actions. What does that mean in practical terms? Missed limitations periods, inadequate research, investigation or reflection; poor communication; mismanaged files, just to name a few. These situations are tragic not only for the client, but also the lawyer—and for the firm or organization that is left with the repercussions, including stressed coworkers who have to pick up the slack, loss of productivity while others manage the risk, strained relationship with colleagues, and increased expenses for insurance and related services.

In our increasingly connected profession where productivity is prized over most other assets, some view these mental, emotional and physical ailments as inevitable. But are they?

Most of us probably didn't feel the earth move on August 14, 2017, but for lawyers it did. That's when the Commission on Lawyers Assistance Programs (CoLAP) issued its report "The Path to Lawyer Well-Being, Practical Recommendations for Positive Change (<https://tinyurl.com/ABACoLAP>). The report summed up its findings as this: "To be a good lawyer, one has to be a healthy lawyer." It defined *lawyer well-being* as "a continuous process whereby lawyers seek to thrive in each of the following areas: emotional health, occupational pursuits, creative or intellectual endeavors, sense of spirituality or greater purpose in life, physical health, and social connections with others." The seismic shift was this—the report concludes, in part, that lawyer well-being is a core component of the lawyer's duty of ethical competence, as defined by ER 1.1.

The report grew out of studies by the CoLAP in conjunction with the Hazelden Betty Ford Foundation, which surveyed nearly 13,000 practicing lawyers and over 3,300 law students from 15 different schools. The study results are staggering: Between 21 percent and 36 percent of attorneys qualify as problem drinkers, 28 percent struggle with depression, 19 percent experience significant anxiety, and 23 percent report debilitating stress. The report describes, with quantifiable data, that lawyers suffer from significant sleep deprivation, job dissatisfaction, incivility, social alienation, substance abuse, and suicide.

The report includes a call to action to (1) identify the stakeholders who can play a role in transforming our profession, (2) end the stigma surrounding help-seeking behaviors, (3) emphasize that well-being is an indispensable part of our duty of competence, and (4) expand educational outreach and programing on well-being. The report also considers how different legal organizations (law firms, law schools, agencies, bar associations and even malpractice carriers) can begin to implement the call to action.

The report includes very helpful suggestions for education programs that can facilitate the systemic changes needed to heal

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Upcoming Mindfulness Education

State Bar Convention

Thursday, June 28

Finding the Path to Lawyer Well-Being

—Dealing with Unhealthy Stress and Increasing Resilience and Compassion

<http://www.azbar.org/convention/>

ABA Day of Mindfulness

Chicago, Friday, August 3

Mindfulness and the Path to Lawyer Well-Being

<http://mindfulnessinlawsociety.com/chicago2018/>



our profession. Our Bar's Member Services Department has been at the forefront of offering programs for our members to reduce stress beginning as early as 2006.

One area specifically mentioned in the report is mindfulness meditation, "a practice that can enhance cognitive reframing (and thus resilience) by aiding our ability to monitor our thoughts and avoid becoming emotionally overwhelmed." The report cites reports in the ever-growing body of research that support mindfulness meditation and its positive effects on reducing rumination, stress, depression and anxiety and enhancing focus, concentration, working memory, and ethical and rational decision making.

One way to get a taste of mindfulness meditation is to take the next five minutes for a brief exercise. Simply take a comfortable seated position in your chair or wherever you are reading this, close your eyes, and notice your next inhale. Then notice your next exhale. Keep your attention on the inhales and the exhales, maybe noticing how the air comes in and out of the nostrils. Thoughts will come in; that's what our brains do. But our legally trained brains can also be trained to bring the attention back to the next inhale, the next exhale.

See if you can do that for just a few minutes—less than a 0.1 on your time sheet. And after a few minutes, pause and notice how the mind and body feel.

Like the practice of law, the practice of mindfulness meditation takes some time, and it often helps to have a teacher. But just knowing that we have this tool with us everywhere we go can help us begin our journey on the path to well-being. **AZ**