

Lawyer Mental Health: Acknowledging the challenges, raising awareness and providing solutions

Report of the Special Task Force on Lawyer Mental Health Issues

**Presented April 27, 2007 to
The State Bar of Texas Board of Directors**

INTRODUCTION:

The Texas Bar Journal reserves one page of every edition for an article by the current State Bar President. This short article is appropriately called My Opinion. In the July 2006 My Opinion article, newly sworn-in President Martha Dickie, wasted no time in touching upon a sensitive topic. She did this to lay out a major initiative of her term as State Bar president. In that article she wrote:

One of the best things about my new State Bar responsibilities is that I get to speak to lawyers all across the state. I am taking every opportunity to appear before bar groups, both to say what's on my mind and to listen to what my colleagues have to say to me. One of the subjects that I always address is lawyer mental health. I talk about it because I think it is very important, and because I know that lawyers and judges as a group suffer disproportionately from mental health issues. We need to get the subject on the table, because if we don't acknowledge the problem, then we're certainly not going to make any progress toward fixing it.

By the time this article appeared in the Texas Bar Journal, President Dickie had already appointed a special Task Force on Lawyer Mental Health Issues to assist her, and the State Bar, in addressing this issue. The following is a report of the activities, accomplishments and recommendations to date of that Task Force.

THE CHALLENGE: LAWYERS AND MENTAL HEALTH DISORDERS

Depression. Major depression is a serious medical illness affecting 9.9 million American adults, or approximately 5 percent of the adult population in a given year. Studies have shown that lawyers are at significantly higher risk for developing the illness of depression. Unlike normal emotional experiences of sadness, loss, or passing mood states, major depression is persistent and can significantly interfere with an individual's energy level, memory, and ability to focus and think clearly. It affects behavior, mood, activity level, and physical health. All ethnic, racial and socioeconomic groups suffer from depression. An episode of major depression can last anywhere from six months to a year and if left untreated, the episodes tend to recur and can lead to suicide.

The onset of the first episode of major depression may not be initially obvious if the onset is gradual or mild. However, the symptoms of major depression characteristically represent a significant change from how a person functioned before the illness. The symptoms of depression include:

- persistently sad or irritable mood
- pronounced changes in sleep, appetite, and energy
- difficulty thinking, concentrating, and remembering
- physical slowing or agitation
- lack of interest in or pleasure from activities that were once enjoyed
- feelings of guilt, worthlessness, hopelessness, and emptiness
- recurrent thoughts of death or suicide
- persistent physical symptoms that do not respond to treatment, such as headaches, digestive disorders, and chronic pain

Some degree of anxiety, from mild to severe, is also not uncommon when a person is suffering from depression. When several of these symptoms of a depressive disorder occur at the same time, last longer than two weeks, and interfere with ordinary functioning, professional treatment is needed.

Studies have repeatedly shown that there is an increased risk for developing depression when there is a family history of the illness, which would tend to indicate a genetic predisposition to depressive disorders. Life events, such as the death of a loved

one, a major loss or change, chronic stress, and alcohol and drug abuse may trigger episodes of depression. Some illnesses such as heart disease and cancer and some medications may also trigger depressive episodes. However, it is also important to note that many depressive episodes occur spontaneously and do not appear to be linked to a life crisis, physical illness, or other risk factors.

Although major depression can be a devastating illness, it is highly treatable. Between 80 and 90 percent of those suffering from serious depression can be effectively treated and return to their normal daily activities and feelings. Many types of treatment are available, and the type chosen depends on the individual and the severity and patterns of his or her illness.

Lawyers and mental health issues. There is a paucity of research on the incidence, causes, and effective treatments for mental health disorders among lawyers and is sorely needed in order to comprehensively and effectively address the serious challenge. For this reasons, one of the recommendations of the Task Force is that a study be commissioned to obtain reliable data on the state of mental health among Texas Lawyers. What is known is that:

- Out of 105 professions studied by Johns Hopkins University in 1990, lawyers top the list in the incidence of major depression.
- Those who suffer from perfectionism are at higher risk for suicide. They are driven by an intense need to avoid failure. To these people, nothing seems quite good enough, and they are unable to derive satisfaction from what ordinarily might be considered even superior performance.
- Depression is involved in more than half of all attempted suicides.
- Substance abusers are 10 times more likely to commit suicide. And estimates from around the country indicate that the incidence of substance abuse among lawyers is as much as double the national average.

Add to this list the fact that many lawyers start out as relatively idealistic professionals who want to help others, but as their careers advance they may begin to feel alienated from these original principles and desires. They are highly concerned about their clients but often have little sense of ultimate control or influence. Consequently, they may become overwhelmed by their profession and their workload.

Unquestionably, the legal profession is stressful. Once these conditions begin to take a toll on their lives, lawyers are notoriously reluctant to seek help for personal issues. You would be hard-pressed to find a set of conditions more conducive to depression and suicide.

Lawyers and suicide. TLAP, along with other Lawyers' Assistance Programs across the country, know that suicide among lawyers is all too common.. While we are aware of no other studies about the incidence of suicide among lawyers, here's what we do know:

- According to the National Institute for Mental Health (NIMH), suicide was the ninth leading cause of death in the United States in 1993 (at more than 30,000 suicides per year), falling behind HIV, but ahead of homicide.
- On the average day, 84 people commit suicide and another 1,900 people attempt it (NIMH).
- 15 percent of people with clinical depression commit suicide (NIMH).
- Research conducted at Campbell University in North Carolina indicated that 11 percent of the lawyers in that state thought of taking their own life at least once a month.
- Male lawyers in the United States are two times more likely to commit suicide than men in the general population, according to a 1992 study by the National Institute for Occupational Safety and Health
- Women attempt suicide at least two times more than men, but men, because they often choose more lethal means, are "successful" four times more than women. There is no reason to believe that female lawyers are any less likely to attempt suicide than women in the general population.
- Substance abusers are 10 times more likely to commit suicide than the general population and the American Bar Association estimates that substance abuse among lawyers is as much as double the national average.

The good news about treatment: Most mental health concerns such as depression and anxiety are highly treatable. Because many mental disorders are at least

partially biologically based treatment takes many forms but the starting point should be a thorough evaluation by a qualified mental health professional.

The nature of lawyer assistance programs has changed in response to these statistics. The 2002 American Bar Association's Commission on Lawyer Assistance Program's Survey of Lawyer Assistance Programs indicates that a majority of lawyers' assistance programs has moved to provide outreach services for lawyers with mental health issues as well as the traditional outreach to those dealing with alcohol, drugs, or addictions of all other kinds. Texas has been at the forefront of this challenge. Since the mid 1990's, TLAP has offered its services to lawyers, judges and law students who are challenged by mental health and substance abuse disorders. TLAP statistics indicate that once TLAP advertised that its outreach included mental health issues, the number of these cases steadily increased to reflect a 50-50 split between substance abuse disorders and mental health concerns. Today, a lawyer presenting with complex, poly-substance abuse disorders and mental health disorders combined is more the norm than the exception. While the number of cases increases yearly, pure addiction cases and pure mental health cases make up a smaller and smaller portion of the TLAP caseload. The response remains the same, however: Crisis assistance and counseling, education, peer assistance, intervention, referral and continued outreach.

HISTORY OF THE TASK FORCE

Even during her year as president-elect of the State Bar of Texas, Martha Dickie started laying the groundwork for her lawyer mental health initiative. Specifically, she wanted to raise the level of awareness of the membership of the State Bar of the challenges presented to both individual lawyers and to the legal profession by depression and other mental health disorders. She was also interested in educating lawyers on steps they could take if they or a lawyer they knew was showing signs of depression.

In the spring of 2006, President Dickie decided to appoint a task force to assist her with this initiative. Because of his medical background and his experience addressing similar issues within the medical profession, President Dickie asked State Bar Public Board Member, Dr. Lloyd Garland, a retired neurosurgeon from Lubbock, to chair the Task Force, and Allan Van Fleet, of Houston, to be vice-chair.

The following lawyers were appointed to be members of the Task Force:

Janna Ward Clarke, Fort Worth

Shannon Dacus, Tyler

Allan DuBois, San Antonio

Dan Garrigan, Dallas

Mark Hedrick, El Paso

Randy Howry, Austin

Karen Hurwitz, Houston

Judge David Phillips, Austin

Patrick Rodriguez, Brownsville

Mark White, Amarillo

Jo Ben Whittenburg, Beaumont

DeLaine Ward, Executive Director of the Austin Bar Association and Ann Foster, Director of the Texas Lawyers' Assistance Program, were named ex officio members.

Christine Long, of the State Bar of Texas Office of Chief Disciplinary Counsel has served as staff liaison to the Task Force.

The Task Force on Lawyer Mental Health Issues held its first meeting on July 21, 2006 and received an initial charge from President Dickie to:

- Explore how local bar associations and committees can network to exchange information
- Discuss and develop systems for a low cost referral network for lawyers with mental health issues;
- Discuss and develop a system for recruiting local volunteers to intervene and assist lawyers suffering from depression and other mental health issues;
- Explore any systems that can be put in place for suicide prevention training at a local level; and
- Better understand the resources already available to assist lawyers with extreme stress or mental health issues.

It became increasingly apparent as the Task Force continued to meet that the previous work done and resources developed over many years by the State Bar of Texas Lawyers' Assistance Committee, and the program's staff and volunteers would serve as the foundation for the Task Force's efforts. As will be apparent from this report, the contribution made to the efforts of the Task Force by the Texas Lawyer's Assistance Program cannot be overstated.

After some discussion at its first two meetings, the Task Force decided to focus its efforts in three areas:

- Education to increase awareness and reduce stigma

- Prevention and wellness
- Assistance for lawyers in crisis

Members of the Task Force along with a team lead were assigned to one of these three areas as determined by the member's interests. A summary of each subcommittee's goals and accomplishments follows:

EDUCATION

San Antonio lawyer Allan DuBois served as the lead for the education subcommittee. Two goals were identified:

- Raising the level of awareness among State Bar membership of the signs and symptoms of mental health concerns such as depression and substance abuse and dependency.
- Providing all lawyers with a few simple guidelines for intervening with an individual about whom they are concerned and providing information about how to access professional help.

Raising Awareness. It was recognized that despite its statistically high incidence within the profession, the majority of lawyers will not be personally challenged or affected by these illnesses. Yet at some point in their careers, most lawyers will have contact with someone about whom they care – a colleague, a partner, a friend, or a family member – who manifests the signs and symptoms associated with these various mental health issues.

The education team agreed that identification was a crucial first step. Because of fear, embarrassment, shame or denial, many lawyers go to great lengths to hide their struggles and to avoid admitting they need help. An expression of concern from a person the lawyer respects, and an offer of support in helping the lawyer gain access to assistance, can go a long way in enhancing the chances of recovery. However, many lawyers are reluctant to approach the person they are concerned about for fear of saying the wrong thing or somehow making the situation worse.

Education on how to help. Recognizing this fear, the second goal of the Education

Subcommittee was to arm all lawyers with a few simple guidelines for intervening with an individual about whom they are concerned and providing information about how to access professional help.

Video: Practicing in the Shadows. A great boost to the education team's goals was the joint effort by Ann Foster (Director of the Texas Lawyers' Assistance Program) and Paul Burks (of the video production staff of the State Bar) which has already resulted in the production of a video on the impact of depression on lawyers. This video has been part of the many presentations President Dickie has made over the past several months to local bar associations, at CLE events, and in other venues.

The video will also be shown at the numerous presentations made statewide every year by the Texas Lawyer's Assistance Program (TLAP) and at many of the CLE events put on by Texas Bar CLE. Viewing the video has been accredited for MCLE ethics credit. A copy of the video has also been distributed to local and specialty bar associations around Texas to be used in whatever way they see fit. The video includes powerful personal accounts from Texas lawyers who have struggled with debilitating mental health challenges which threatened not only their careers, but their lives as well. Seeing these lawyers willing to step forward may help to remove some of the stigma of depression that prohibits so many others from trying to get help for themselves.

In addition to providing information on the signs and symptoms of depression, a primary focus of the video is on practical steps for a concerned lawyer to take in assisting another lawyer who appears to be struggling with depression. Included is information on how to contact the Texas Lawyers' Assistance Program (TLAP) to access the expertise of their professional staff and the many supportive services they offer statewide. The video is compelling, informative, and of professional quality and the Task Force recognizes and applauds the countless hours expended by the staff and volunteers of TLAP and Paul Burks in producing the video.

Adding TLAP contact information to Bar Cards. The ability of a lawyer in crisis to easily access needed assistance is critical. In order to insure that all lawyers licensed in Texas have easy access to the TLAP hotline number, the education team enlisted the assistance of the State Bar Membership Department in researching the steps and costs involved in adding the following or similar information to all new and replacement bar

cards:

The Texas Lawyers' Assistance Program Hotline: 800-343-8527
Confidential help for lawyer mental health and substance use concerns.

Addition of this language to the bar cards must be approved by the State Bar of Texas Board of Directors and by the Supreme Court of Texas before the project can go forward. Approval by the Board will be requested by Dr. Lloyd Garland, the Task Force Chair, at the Board's April 26, 2007 meeting. It is our hope that this project can be fully implemented by the summer of 2007.

For the thousands of bar cards already held by the membership of the State Bar, the Task Force recommends that budget approval be obtained to purchase and print self-adhesive labels listing the TLAP hotline number. These stickers could be handed out at CLE events, local and specialty bar events, the State Bar annual meeting, at events where the depression video is shown, and at presentations given by TLAP staff and volunteers. Individual lawyers will then choose whether or not to adhere the sticker to their bar cards.

Informational insert into TexasBarCLE course materials. The education team was also able to facilitate an effort by TLAP to have a one page insert on the signs and symptoms of depression in lawyers added to the Texas Bar CLE course materials. A copy of this insert is attached to this report.

TLAP staff used their expertise to develop the content of the insert which includes information about how to contact TLAP, and Pat Nester director of Texas Bar CLE instructed his staff to include the insert in all future course materials. This may be the best single vehicle for putting something in the hands of each Texas lawyer to raise awareness of this important initiative. The Task Force extends its appreciation to Mr. Nester for his assistance in implementing this project.

Suicide Prevention Training. It's hard for most of us to talk about the topic of suicide even in a general way. Much more difficult is thinking about, talking about, or dealing with the potential or actual death by suicide of someone we care about. But it is a topic that cannot be ignored or set to the side because of the fear and awkwardness we feel. Most individuals either have no ideas what to say or fear that their response will do more harm than good. For this reason, it is imperative that lawyers be educated about how to

respond in an appropriate way.

Because so many Texas lawyers access the services of the Texas Lawyers' Assistance Program in times of crisis, TLAP has begun a statewide suicide prevention effort by training its volunteers. The curriculum is currently under development and will be presented in June of this year in conjunction with the annual statewide conference of TLAP's sister organization, Texas Lawyers Concerned for Lawyers. Once its volunteers have been trained, TLAP will work with local and specialty bar associations around the state to offer similar training to lawyers around the state. Task Force members are committed to assisting in this process by working with their local bar officials to facilitate the scheduling and coordination of the trainings. Information about suicide and suicide prevention has also been added to the TLAP website

PREVENTION AND WELLNESS:

Janna Clark, a Fort Worth lawyer, served as the lead for the Health and Wellness Subcommittee of the Mental Health Task Force which was charged with identifying methods to make the general bar population aware of overall wellness issues, to assist local bar associations in utilizing resources available to assist in educating their members about wellness and to emphasize both the short term and long term benefits to the membership of lawyer wellness.

Wellness Resolution. To meet this challenge of increased awareness of the mental health issues facing the general bar population, to show the State Bar's resolve to tackle the mental health issues within our profession as well as their commitment to wellness, and to encourage lawyers and the entities that hire them to acknowledge and address these issues, the subcommittee drafted a Wellness Resolution which has been presented to and unanimously adopted by the Board of Directors of the State Bar of Texas at its January, 2007 meeting. This Resolution supports the promotional video produced as part of President Dickie's Mental Health and Wellness Initiative.

Outreach to Local and Specialty Bars. This subcommittee, working with the Texas Bar Journal, TLAP and other related entities, also drafted a letter to local and specialty bar associations making available to them various written materials on mental health

issues for re-print in their monthly newsletters and for general circulation as the local bar presents lawyer health and wellness programming for its members. The materials and resources have also been made available to Texas law schools for utilization in their programming related to wellness within the legal profession.

Outreach to those who employ lawyers. To go hand in hand with the Wellness Resolution, the subcommittee has drafted two additional documents which are attached in the appendix to this report. The first document is a letter to be sent to large and mid-sized law firms, corporate legal departments, legal services and government offices, various voluntary groups focusing on solo practitioners and law schools explaining the genesis of the Task Force for Lawyer Mental Health Issues, the challenges to wellness confronting lawyers and the importance of lawyer developing and maintaining wellness. In this letter, to be signed by both President Dickie and President Elect Gib Walton, these entities will be asked to follow the lead of the State Bar and formally sign a document which accompanies the letter which is entitled Commitment to Wellness.

This separate document tracks the language of the Wellness Resolution already adopted by the State Bar Board of Directors. It is our hope that we will be able to assist entities concerned with lawyer performance in focusing on the long term health of its lawyers, both mentally and physically, for a healthy lawyer is a better performer.

Recognition for those who participate. It is our recommendation that each firm or other entity that signs on to the Commitment to Lawyer Wellness be publicly recognized in an appropriate manner to be displayed in the State Bar of Texas building lobby, and in the Texas Bar Journal noting their commitment to this lifestyle practice change. We also hope that local bar associations will recognize and give publicity to those that sign on to the Commitment to Wellness via their local publications.

We believe that employers who recognize, encourage and allow time for wellness will not only retain and attract lawyers to our profession, they will also see other benefits, such as decreased absenteeism, reduced burnout, reduced mental and physical illnesses, reduced health care costs, happier and more productive lawyers producing better quality work, and reduced incidence of grievances and malpractice

FINANCIAL AND PRACTICE ASSISTANCE

This subcommittee of the Task Force was led by Jo Ben Whittenburg of Beaumont. The starting point for the subcommittee was the acknowledgment that for every lawyer in crisis much is at stake. Although lawyers in all legal settings are challenged by mental health issues and substance abuse or dependency, the struggles of solo practitioners are often the most visible. On a personal level, these lawyers are often facing considerable family and financial stress. On a professional level, the negative impact on their practice, their clients and their reputation can not be overstated.

As it applies to lawyers in crisis, the Task Force has identified need for:

- funds to access health care, including treatment, and
- short-term limited custodial assistance for the lawyer's law practice until he or she is able to resume practicing.

Funds for needed health care. The direct experience of TLAP has been that many lawyers in crisis have no medical insurance or funds available to enable them to access needed treatment. Following the lead of programs established by local bars such as the Austin Bar Foundation's Mack Kidd Memorial Trust, and the Houston Bar Foundation's Lawyer Assistance Program, and programs such as the Texas Lawyers Concerned for Lawyers' Pat Sheeran Memorial Trust, the Task Force is actively exploring options for raising funds to be used for this purpose.

Because one component of the mission of the Texas Bar Foundation (TBF) is to fund programs that "strengthen and enhance the quality of the legal system," the Task Force is lending its assistance and support to an effort by TLAP to secure a grant from the TBF. Given the high cost of health care and because the need to assist lawyers will be a continuing one, the grant application will request funds to engage the services of a professional fund raiser to develop and implement an ongoing effort to raise funds to assist lawyers in this manner.

This application will be submitted to the TBF this summer for review and consideration by their trustees in August 2007. Should the request be granted, the Task Force recommends that any funds raised be managed and disbursed under the existing structure of the Pat Sheeran Memorial Trust established in 1995 by Texas Lawyers

Concerned for Lawyers, which for some number of years has had policies and procedures in place for those wishing to apply for assistance, criteria for determining eligibility and a mechanism for disbursing funds directly to providers.

Practice Assistance. Every year, a number of State Bar of Texas programs such as TLAP, the Law Office Management Program (LOMP), and the Client Attorney Assistance Program (CAAP) have numerous requests from lawyers for temporary help with a law practice. TLAP receives such requests when a lawyer must take medical leave to properly address serious physical or mental health issues. LOMP, TLAP, and the CDC also receive such requests for help when a lawyer is injured or dies. CAAP receives hundreds of calls from the clients of lawyers whose caseload need immediate attention in a variety of ways to prevent serious client harm.

Whether a lawyer's crisis involves a debilitating depressive episode, substance dependency, cancer, a stroke, or a serious car accident, the condition often stretches to the breaking point the lawyer's ability to attend to his or her practice and to meet the needs of clients. Clearly, a serious health crisis most directly impacts the thousands of solo practitioners in Texas who often have no one to even minimally maintain the practice until the lawyer recovers sufficiently to return to his or her practice.

Developing and implementing a program to assist lawyers in these circumstances presents a formidable challenge at several levels however the Task Force has identified this as a critical need for the membership of the State Bar of Texas. Such a program can help save lawyers' careers, prevent the filing of grievances by clients who feel neglected or abandoned, improve the public perception of lawyers, and to enhance efforts to protect the public.

With additional support by the State Bar of Texas in terms of staff, the Texas Lawyers' Assistance Program is uniquely situated and qualified to help coordinate this additional service through local bar associations and has begun the process of identifying and recruiting key individuals who would be willing to work in a volunteer capacity to put together this vital and much needed service. This new Committee/Task Force could be instrumental in developing the program, with special attention being given to the premiere issues of development, administration and proposed implementation.

SUMMARY OF GOALS AND STATUS OF PROJECT OF THE TASK FORCE

Goal: Education to raise awareness and reduce stigma.

Project 1 - Identify and facilitate the distribution of existing articles and other materials on mental health and wellness issues to the State Bar of Texas membership and others interested in or impacted by the health of lawyers.

Steps Completed: Letter drafted, signed by President Dickie and Task Force chair, Dr. Lloyd Garand; mailed to all local and specialty bar association leadership providing information on the lawyer mental health initiative, offering them to access to existing articles on the incidence, symptoms and impact of mental disorders on lawyers for use and/or publication in local bar newsletters, e-bulletins, and at local CLEs. TLAP developed the list, coordinated distribution of the education materials, and alerted recipients to additional information on TLAP's website.

Steps Remaining: None

Project 2 - Enlist the assistance of Texas Bar CLE in promoting the educational effort by the inclusion of a one page insert on the signs and symptoms of depression in lawyers in all CLE materials.

Steps Completed: Task Force representative meets with Pat Nester, director of Texas Bar CLE, to make request; request granted; graphics department formats and adds graphic to insert developed by TLAP, Pat Nester directs his staff to implement the inclusion of the insert in all course materials.

Steps Remaining: None

Project 3 - Addition of TLAP information to bar cards.

Steps Completed: Task Force representative meets with Kathy Holder, director of the State Bar of Texas membership department in enlist her assistance and guidance with this project. Ms. Holder researches the steps involved and cost considerations and meets with the Task Force. Task Force provides requested wording and votes to request funding of this project by the Board of Directors at the April 27, 2007 meeting.

Steps Remaining: Obtain approval of board to add language to bar cards and to fund additional cost to membership department to implement project. Obtain approval of Supreme Court of Texas to add language to bar cards.

Project 4 - Suicide Prevention Training

Note: A statewide effort to increase awareness of the indicators of a potential suicide and to provide lawyers with simple but effective tools to intervene with others is under development by TLAP. As was noted earlier, the first phase of this training will occur in June of 2007 at the statewide conference of Texas Lawyers Concerned for Lawyers. The Task Force is committed to facilitating further training at the local bar level and in assisting in the recruitment of volunteer lawyers willing to be available to TLAP to assist in their community as needed. As has been noted elsewhere, the Task Force is concerned about the strain on TLAP resources by the addition of this and other efforts to their existing responsibilities and urges increase funding for TLAP in the form of both staff and budget.

Goal: Develop and implement programs to promote prevention of mental health concerns among lawyers and to increase a commitment to wellness.

Project 1 - Obtain the formal commitment of the State Bar of Texas to the concept of lawyer self-care and wellness.

Steps Completed: Research and draft a wellness resolution for presentation to the Board of Directors, request presented unanimously adopted at January 2007 meeting.

Steps Remaining: Publication of the Resolution in the Texas Bar Journal.

Project 2 - Encourage law firms, legal services organizations, governmental agencies and other employers of lawyers to join with the State Bar in making a commitment to lawyer wellness and to implement programs to endorse and promote lawyer self-care.

Steps Completed: Draft letter to be mail to the above entities asking them to join with the State Bar in this effort; draft commitment to wellness document to be sent with the letter,

research availability of information on entities employing lawyers to be included in mailing.

Steps Remaining: Make final decision on scope of mailing; complete mailing, designate staff liaison to answer questions, follow-up as needed, and coordinate State Bar recognition of those participating.

Goal: Assistance to lawyers in crisis

Project 1 - Financial assistance for lawyers needing but lacking funds to access health care.

Steps Completed: Clarification of need, likely parameters of program and best option to develop and maintain funds; identified focus of initial efforts and research most appropriate entity (TLAP) to apply for and manage process, began process of applying for grant from the Texas Bar Foundation to hire professional fund developer.

Steps Remaining: Complete grant application process, obtain Board's approval for TLAP application for grant, complete all steps in grant application process.

Project 2 - Practice assistance for lawyers in crisis.

Note: As has been discussed earlier in the report, the Task Force discussed at length the pressing need for a program to provide short-term custodial oversight of a lawyer's practice when for specific reasons, the lawyer cannot do so himself. Because of the seriousness of this need and the many considerations and components to developing such a program, it was agreed that this project was beyond the resources of the Task Force.

RECOMMENDATIONS

The following are action items the Task Force is recommending the Board of Directors take in order implement the projects of the Task Force or move forward on items that were determined to be required in order to fully implement President Dickie's initiative.

1. BOD approval in the amount of \$3,400.00 is requested to absorb the additional costs to the Membership Department's budget to add the TLAP contact information to

new and replacement bar cards and to purchase stickers to be made available for those members wishing to add the TLAP info to their existing bar card.

2. The Task Force requests that the Board of Directors commission the State Bar of Texas Research & Analysis Department to design and conduct a study of the incidence of mental health disorders among Texas lawyers, including if practicable the incidence of impairment issues among lawyers disciplined by the State Bar of Texas.
3. Provide increased funding for the Texas Lawyers' Assistance Program both in terms of budget and staffing.
4. Designate a State Bar of Texas staff member to serve as coordinator of remaining steps of the Wellness Initiative to employers of lawyers.
5. Continue to support a comprehensive approach to these issues, including the current efforts of the CDC to identify and address lawyer impairment issues within the lawyer disciplinary system.
6. Appoint a new task force made up of appropriate members of the SBOT membership and staff to research and develop a proposed program of short-term practice assistance for those lawyers challenged by physical or mental impairments to be coordinated with local bar associations.

CONCLUDING NOTE

Submitted by Task Force Chair, Dr. Lloyd Garland

This Task Force wishes to thank President Martha Dickie and the Board of Directors of the State Bar of Texas for the exceptional honor of working on this project. The challenge of assuring the availability of quality legal representation for the citizens of Texas by lawyers with healthy mind, body and spirit has been our guiding force. In our discussions regarding lawyer's mental health the focus immediately turned to consideration of depression with its devastating effect on the quality of life and the work product of the effected individuals. Ignoring or denying this problem is no longer acceptable. Discussion of the disease of depression has to be brought out of the shadows

and into the light of daily awareness. Recognition of the disease must immediately be followed by suggestions for assistance. The traditional role of the Texas Lawyer Assistance Program (TLAP) in assisting lawyers with substance use disorders has been expanded into other areas related to mental health. TLAP's role in encouraging and training volunteers is essential and requires additional funding. Methods of education and distribution of information through both large and small bar associations are being emphasized. Reminders of the assistance hot-line phone number are planned and will be included on the new bar cards. We have suggested that reminders of the signs and symptoms of depression frequently be included in CLE course materials as well as the Texas Law Journal.

Training volunteers in suicide prevention and risk identification is just beginning and continued emphasis will be necessary. Enlisting the involvement and cooperation of law firms in promoting the "Wellness Resolution" is imperative. Government agencies with their lawyers and the law schools must be included in this wellness initiative. Financial assistance for recovering lawyers and their families needs to be available. An arrangement by local bar groups to assist the practices of temporally ill lawyers needs to be addressed. A request for a grant to underwrite a fund-raising campaign is being forwarded to the Texas Bar Foundation.

The enthusiasm of the Task Force members and the gratifying response from lawyers to President Dickie's presentations this year emphasizes the concern for and the impact of depression in the legal community. The State Bar of Texas is to be congratulated for its recognition of and the willingness to confront this prevalent problem. President-Elect Gib Walton has committed to continuing the emphasis on mental health issues next year. Finally, this Task force is offering itself to help with the continued implementation of these recommendations during the coming year as well as following-up on the longer range projects, if it be the wishes of President Walton and the Board.

Respectfully Submitted:

Lloyd Garland, M.D., Task Force Chair

SPECIAL THANKS

The Task Force offers its special thanks to the following employees of the State Bar of Texas for their assistance in furthering the work of the Task Force:

Kathy Bridgman, Development Director, Texas Bar Foundation

Paul Burks, Director of Video Production

Kathy Holder, Director, Membership

Kelley Jones King, Communications Director

Pat Nester, Director, TexasBarCLE

Kevin Priestner, Managing Editor, Texas Bar Journal

Holly Wilkerson, Local Bar Services

APPENDIX

- 1. Informational insert now included in TexasBarCLE materials.**
- 2. Letter sent to local and specialty bars on articles available for reprinting.**
- 3. Wellness Resolution adopted by State Bar of Texas Board of Directors**
- 4. Letter re: wellness to be sent to law firms and other entities employing lawyers.**
- 5. Commitment to Wellness to accompany the above.**



depression

Lawyers are at high risk for depression.



If you think you or someone you know may be depressed, please don't try to handle it alone.

The clinically depressed lawyer:

- has little or no energy.
- sometimes misses deadlines.
- knows phone calls have to be returned but feels too enervated to do so.
- may spend hours at the office behind a closed door staring out the window.
- easily becomes angry or irritated.
- feels overwhelmed and immobilized by indecisiveness.
- has diminished ability to concentrate, analyze and synthesize information.
- isolates socially and professionally.
- is confused by an inability to "snap out of it," feels "weak," and berates self.
- tries to feel better by using alcohol, sedatives, stimulants or other substances, including food.
- fantasizes about some kind of escape, has fleeting thoughts of suicide.

For more information, contact the Texas Lawyers' Assistance Program:

1-800-343-TLAP or 1-512-427-1453.

All communications with TLAP are confidential by law.

This information is provided through the collaboration of the State Bar of Texas Task Force on Lawyer Mental Health and the Texas Lawyers' Assistance Program.

#2

Local Bar Association

****, Texas ****

Re: Lawyer Mental Health and Wellness Publications

Dear (Local or Specialty Bar President) {Executive Director}

As you know, promoting lawyer mental health and wellness is a primary initiative of my term as State Bar of Texas President. One element of this initiative has been the creation of a Task Force on Lawyer Mental Health Issues charged with the mission of raising awareness among the legal communities of Texas about matters related to overall lawyer mental health and wellness. In recent years, as a result of the considerable rigors of practicing law, many within our profession have suffered from the physical and mental effects of chronic stress, including heart disease, hypertension, burnout, depression and substance abuse or dependency.

To assist me in getting the message the lawyers and other legal professionals in Texas, the Task Force is coordinating a project with the State Bar of Texas to make available to local and specialty bar associations articles on lawyer mental health and self-care issues. These articles originally appeared in the Texas Bar Journal and other legal publications and are available for inclusion in your monthly newsletter, seminar materials and via other means (such as the internet). I encourage you to take advantage of this very timely and important material to assist your membership with these challenging issues. The articles will help identify lawyers challenged by these sometimes debilitating conditions and will offer information about resources, such as the Texas Lawyers' Assistance Program, available to all Texas lawyers to assist in regaining or maintaining overall mental health.

To acquire these materials, please contact the staff liaison for the Task Force on Lawyer Mental Health Issues, Ms. Chris Long, at 877-953-5535 or via email at clong@texasbar.com.

Sincerely,

Martha S. Dickie, President
State Bar of Texas

Dr. Lloyd M. Garland, Chair
Task Force on Lawyer Mental Health
Issues

A Resolution Supporting Texas Lawyers' Commitment to Wellness

Whereas we acknowledge that lawyers experience one of the highest rates of depression of all the professions and that depression is frequently associated with substance abuse,

Whereas we believe it is important to work toward the goal of decreasing the rate of depression and substance abuse among Texas lawyers and encouraging our members to make an overall commitment to good health and wellness,

Whereas we acknowledge that long work hours are generally the norm in the legal profession,

Whereas we recognize the need for lawyers to find outlets to eliminate the stress that comes with the practice of law that can lead to depression and substance abuse,

Whereas we recognize that good mental health and wellness will not only enhance the reputation of the profession and the well-being and work product of attorneys across the state of Texas but will also further the goal of protecting the public from attorneys whose performance is impaired by stress or mental health and substance use disorders,

Whereas we believe it is important to strive for the mutual goal of setting expectations for lawyers that will simultaneously meet the needs of their clients and the needs of the lawyers for maintaining good mental health and wellness,

Be It Therefore Resolved that the State Bar of Texas is committed to the goal of decreasing the rate of depression and substance abuse among its members and supports Texas lawyers' commitment to wellness. We urge law firms, corporate legal departments, courts, agencies, legal services organizations, government offices, and all other employers of lawyers to sign a statement supporting lawyers' commitment to wellness. We ask these organizations to work with local bar associations, the State Bar of Texas, and the Texas Lawyers' Assistance Program to increase education and understanding about mental health and substance abuse problems in our profession. We commit to working together to find creative solutions that will continue to achieve the highest quality work product possible in an atmosphere that recognizes and supports the needs of attorneys to maintain and sustain a healthy mind, body, and soul

ADOPTED this 26th day of January 2007 by the State Bar of Texas Board of Directors.

Martha Dickie
President
State Bar of Texas

Gib Walton
President-elect
State Bar of Texas

witnessed by

Robert A. Black
Chair of the Board
State Bar of Texas

John P. Edwards
Executive Director
State Bar of Texas

#4 - Draft of Wellness Letter to Employers

Dear

I am pleased to report that the Board of Directors of the State Bar has adopted a Wellness Resolution. This Resolution was the work of the Task Force on Lawyers' Mental Health that I appointed last fall. I am extremely proud of the work of the Task Force and the fact that Texas is the first state bar in the country to pass such a Resolution, taking a stand on the importance of wellness for lawyers.

I became very concerned about depression within our profession after a number of close friends and colleagues across the state committed suicide. As I began to review statistics on the problem I was saddened to learn that lawyers suffer from one of the highest, if not the highest rate of depression of any professional group in addition to a very high rate of substance abuse. Despite the fact that there is so much depression among us, we don't talk about it. This is unfortunately what often happens with people suffering from severe depression. There is a shame about it and a fear of others knowing. Historically society has stigmatized this disease, making it much harder for people to acknowledge the illness and seek treatment. I realized that it was time for all of us to become educated on this serious health problem and to see how we could help prevent the loss of more lives. While suicide is obviously the most tragic part of this disease, we also know that when our lawyers suffer from depression it can lead to a myriad of other problems for the lawyer, his family, his employer, his clients, and society as a whole. In essence, when someone we know is seriously depressed and his functioning is affected, it affects all of us.

The Task Force concluded that the antidote to depression is wellness; what would be the most effective way to positively bring about change would be to focus on the importance of health and well being for all attorneys. We know that when we take good care of ourselves and feel good, not only does our health improve but everything we do improves, including our work. We also know that the demands of the legal profession can make it very hard to take good care of ourselves and that the stress of our jobs can become overwhelming for even the healthiest among us. The Task Force concluded that the best way to highlight the importance of wellness was for the State Bar to adopt a Wellness Resolution. The next step was to urge lawyers, law firms, corporate legal departments, courts, government offices and all other employers of lawyers as well as law schools to adopt the Commitment to Wellness.

Today I am urging you to make a Commitment to Wellness and to evidence that commitment by signing the enclosed statement. By signing this you will be agreeing to work towards the goal of changing the environment that contributes to such a high rate of depression. We must work together in this regard. I believe that increased attention to the wellness of attorneys in our State will lead to an increase in performance and morale, a decrease in attrition and costs and an increasing desire among college graduates to go into law. I believe by making this Commitment you will gain increased respect among the attorneys in your offices, the law students you are trying to attract as well as your clients, who themselves understand that good physical and emotional health are the underpinning to being a fine attorney.

This is our generation's opportunity to make a lasting positive change within our profession. Please join me in seizing that moment.

Here's to wellness,

Martha Dickie
President, State Bar of Texas

#5 – Document to accompany above letter

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Martha Dickie
President, State Bar of Texas

Gib Walton
President-Elect, State Bar of Texas