



Culture Shock

A groundbreaking empirical study confirms that lawyers face unprecedented substance abuse and mental health challenges.

BY JOSEPH J. WIELEBINSKI

On February 3, 2016, the Hazelden Betty Ford Foundation and the American Bar Association Commission on Lawyer Assistance Programs released a landmark study that impacts all lawyers in Texas and across the country.¹ It revealed that lawyers have significant and widespread substance abuse and/or mental health problems that far exceed those found in other professions as well as the general population.²

Among the major findings of the study are the following:

- 21 percent of licensed working attorneys are problem drinkers.
- 28 percent struggle with some level of depression.
- 19 percent suffer from anxiety.³

Even more troubling, the study found that younger attorneys in the first 10 years of their practice exhibit the highest incidence of these problems.⁴ This study clearly demonstrates, with compelling empirical evidence, that our profession faces serious and significant challenges that must be acknowledged and promptly addressed. As noted by Patrick R. Krill, the lead author of the study, “Any way you look at it, this data is very alarming and paints the picture of an unsustainable professional culture that’s harming too many people. Attorney impairment poses risks to the struggling individual themselves and to our communities, government, economy, and society. The stakes are too high for inaction.”⁵

First Comprehensive Study in 25 Years

Previous research demonstrated a correlation between the legal profession and problematic drinking. However, the

last time anyone conducted an empirical study was in 1990, and that study was limited to approximately 1,200 attorneys in Washington state.⁶

“The available data was so limited, and so outdated. In my opinion, it was no longer credible,” Krill, director of the Hazelden Betty Ford Foundation’s Legal Professionals Program, told *Wisconsin Lawyer* magazine.⁷

The new Hazelden-ABA study involved almost 15,000 lawyers from 19 states, spanning every region of the country, and was done with the cooperation of 15 state bar associations. The participants completed an anonymous survey assessing alcohol and drug use and symptoms of depression, anxiety, stress, and other mental health concerns. Almost 13,000 respondents met the criteria for inclusion in the study.⁸

Alcohol Abuse

The study’s findings on alcohol abuse are sobering:

- 21 percent of all respondents scored at a level consistent with problem drinking.
- Alcohol abuse was identified in 25 percent of male respondents, compared to 16 percent of females.
- The highest reported working environments were bar associations and private law firms, where approximately 24 and 23 percent of respondents, respectively, were considered problem drinkers.
- In private law firms, 31 percent of junior associates identified themselves as problem drinkers, the highest compared to senior associates (26 percent), junior partners (24 percent), managing partners (21 percent), and senior partners (18.5 percent).⁹

Arguably one of the most disturbing findings is that younger lawyers are struggling the most with alcohol abuse. Respondents identified as 30 years or younger had a 32 percent rate of problem drinking, which was higher than any other age group. Attorneys 31 to 40 years old reported a 25 percent rate of problem drinking, while those at age 51 and older reported percentages below 20 percent.¹⁰

What do these results demonstrate? As reported by Joe Forward of the State Bar of Wisconsin, the data shows that the risk of developing a drinking problem is highest for attorneys in their first 10 years of practice. “Being in the early stages of a legal career is strongly correlated with a heightened risk of developing an alcohol use disorder,” Krill observed.¹¹ Most notably, 44 percent of lawyers reported that their use of alcohol was problematic during the 15-year period that followed graduation from law school. Another 28 percent reported problematic use that started before law school, and 14.2 percent said their problem drinking started in law school.¹²



Drug Abuse

Although the survey was both confidential and anonymous, only 3,419 participants (a mere 27 percent of all respondents) completed the drug abuse survey.¹³ The findings from this group are also disturbing:

- 3 percent reported substantial drug use.
- 21 percent reported intermediate use.
- 76 percent reported low use.
- 16 percent reported the use of sedatives, which include depression, anxiety, and sleep medications.
- About 10 percent used marijuana or hash.
- 6 percent reported opioid use.¹⁴

Krill said that the significant number of participants reporting low and intermediate drug use is troubling when one considers the proliferation and addictive nature of today’s prescription drugs, such as opioid-based painkillers. “If a lawyer is abusing prescription medications, it can quickly turn to ‘substantial’ or ‘severe’ use,” Krill said.¹⁵

More troubling is the concern that the illegal nature and stigma associated with drug abuse may make lawyers even more reluctant to seek help.

Depression, Stress, and Anxiety

Almost 11,500 participants completed a 21-question survey focused on depression, stress, and anxiety.¹⁶ The results from that study showed the following:

- Approximately 61 percent experienced concerns with anxiety.
- Almost 46 percent acknowledged depression at some point in their career.

- 16 percent reported experiencing social anxiety.
- 12.5 percent experienced attention deficit hyperactivity disorder.
- 8 percent experienced panic disorder and 2.4 percent experienced bipolar disorder.
- More than 11 percent reported suicidal thoughts during their career.¹⁷

Similar to the rates associated with alcohol use, mental health conditions were higher in younger or less experienced attorneys and generally decreased as age and years of experience increased. The study also revealed significantly higher levels of anxiety, depression, and stress among those with problematic alcohol use, meaning that mental health concerns co-occurred with an alcohol use disorder.¹⁸

“We see that many lawyers are drinking as a way to cope with stress, anxiety, or depression. Others may experience those mental health conditions as a direct result of their drinking,” said Linda Albert, program director of the Wisconsin Lawyer Assistance Program at the State Bar of Wisconsin. “In both equations, alcohol is a common denominator that, if removed, will improve a lawyer’s health and wellness.”¹⁹



Impediments to Treatment

One of the most insightful, but troubling, areas of the study was focused on whether people were seeking treatment and the barriers to getting the help needed.

A mere 7 percent of participants said that they sought

treatment for alcohol or drug use. Of those respondents, only 22 percent went through programs specifically designed for the legal profession, although such programs appeared to have better results.²⁰

When asked to identify the major impediments to seeking drug or alcohol treatment, the responses were not surprising. The majority stated that they were concerned with privacy and confidentiality, while others expressed concerns over losing their law license or did not know whom to ask or didn’t have the money for treatment. Respondents raised similar concerns when asked about the impediments to seeking help for mental health issues.²¹

Two responses deserve specific attention. Almost 70 percent of respondents said alcohol and drug addiction or mental health topics were not offered in law school. This was surprising. In addition, approximately 84 percent said they were aware of lawyer assistance programs but only approximately 40 percent said they would be likely to use those services if the need arose, citing privacy and confidentiality concerns.

According to Bree Buchanan, the director of the Texas Lawyers’ Assistance Program, “It’s important for us to underscore that all communication with the Texas Lawyers’ Assistance Program is confidential by statute. We don’t keep records. We don’t get anyone in trouble. And we never, ever relay information for disciplinary purposes. If lawyers are concerned, they can even contact us for assistance and remain anonymous.”

The Underlying Causes are Uncertain

The authors of the study are not certain why the legal profession has such high incidence rates (in a similar 2014 study on substance abuse, it was reported that about 6 percent of adults ages 26 or older had an alcohol use disorder²²). However, they suspect lawyers may have higher rates than other professionals or educated populations based on the inherent stress of the job.²³ As advocates and counselors, lawyers are trusted to handle important matters with high stakes for clients. Other potential causes included isolation, the profession’s drinking culture, “compassion fatigue,” “and a harshly judgmental and highly competitive environment.”²⁴ “This new research demonstrates how the pressures felt by many lawyers manifest in health risks,” ABA President Paulette Brown said.²⁵

“In addition, younger lawyers are entering the profession with higher rates of student loan debt and fewer job opportunities, aside from the normal stress of learning to be a practicing lawyer,” Albert reported. “Those additional factors may contribute to the higher rates of substance abuse and mental health concerns among younger lawyers with fewer years of practice.²⁶ Newer and younger lawyers may be forced to take or work in jobs they don’t like because they just need the work. There is real stress that compounds from that, stress that can lead to depression, anxiety, and substance abuse issues. It’s logical to conclude that those issues could arise.”²⁷

Addressing the Problems and Challenges

Like any problem that is both prevalent and pervasive in a profession, there is no one cause, and no one cure. “This research is a call for action for every part of the legal profession,” Albert said. “From bar associations, to law schools, to admissions, to regulation, to large firms and beyond, we need a systems approach to improve the health and well-being of the legal profession.”

She offered the following specific recommendations:

1. Lawyer assistance programs being funded at a level that allows for statewide outreach and the ability to do screenings, counseling, peer assistance, education, and monitoring.
2. Mandatory classes in law school addressing health and wellness as being analogous to professional responsibility.
3. Statewide mentoring programs for young lawyers engaging senior lawyers as guides.
4. Admission agencies making regular referrals to lawyer assistance programs when they receive at-risk applicants.
5. Conditional admission in all states.
6. All regulatory agencies having the ability to make formal referrals to the lawyer assistance program before, during, and after discipline.
7. CLE requirements in all states for a certain number of credits addressing alcohol, drug, and mental health education.
8. Legal entities partnering with other health and wellness organizations to learn from one another and hold profession-wide summits to develop and implement strategies for improving the health and well-being of legal professionals.

Recently, there has been growing recognition of drug, alcohol, and mental health problems in the legal profession. In our state, TLAP, local peer assistance programs, and organizations like Texas Lawyers Concerned for Lawyers do a tremendous job in trying to address the issue. But the Hazelden-ABA study shows that the problem is both widespread and pervasive and is particularly acute among young practitioners. Additional resources and a emphasis on prevention and attorney wellness are sorely needed. A greater, more comprehensive, and focused response is needed at all levels across the profession. As Albert noted, “[A]s a systemic problem, we need a systemic response.” This study is an important first step in recognizing the breadth and scope of the problem, but our profession has a long way to go to deal with these challenges. **TBJ**

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Notes

1. ABA, *Hazelden Betty Ford Foundation Release First National Study on Attorney Substance Use, Mental Health Concerns*, Feb. 3, 2016, <http://www.hazelden.org/web/public/attorney-substanceabusesurvey-page>.
2. *Id.* Patrick Krill, Ryan Johnson, and Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, *Journal of Addiction Medicine*, Feb. 2016, Vol. 10, Issue 1, pps. 46-52, http://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx.
3. *Id.*
4. *Id.*
5. ABA, *Hazelden* supra at 1.
6. See *Prevalence* supra at 46, citing G. Andrew H. Benjamin, Elaine J. Darling, Bruce Sales, *The Prevalence of Depression, Alcohol Abuse, and Cocaine Abuse Among United States Lawyers*, *Int'l J. Law Psychiatry*, 1990; 12:233-246.
7. Joe Forward, *Landmark Study: U.S. Lawyers Face Higher Rates of Problem Drinking and Mental Health Issues*, *Wisconsin Lawyer*, Feb. 3, 2016.
8. *Prevalence* supra at 47; the study included lawyers licensed in the United States and currently employed in the legal profession as attorneys and judges. Both men and women participated in the study, including lawyers in private firms, state bar associations, government or nonprofit organizations, and other working environments. *Id.* at 47.
9. *Prevalence* at 47-49; *Landmark Study* at 2-7.
10. The data suggests that a higher rate of newer lawyers engage in problem drinking behavior, and problem drinking slightly decreases as they move up the law firm ranks.
11. *Landmark Study* supra at 3.
12. *Id.*
13. *Prevalence* supra at 49.
14. *Landmark Study* at 3-4. Drug abuse was defined as the nonmedical use of illegal substances or prescription drugs, or the use of prescribed or over-the-counter medications in excess of prescribed or directed amounts. *Prevalence* supra.
15. *Landmark Study* at 4.
16. *Prevalence* at 46-48.
17. *Prevalence* supra at 49-50. Approximately 28 percent of those responding reported concerns with mild or high levels of depression, with males reporting at a higher rate than females. Mild or high levels of anxiety were acknowledged by 19 percent, with females reporting at a higher rate than males. Of all respondents, 23 percent reported mild or high levels of stress, which involves mental or emotional strain attached to a certain event. Anxiety involves a constant or consistent feeling of worry. *Id.*
18. *Landmark Study* at 4.
19. *Id.* at 4.
20. *Prevalence* at 50; *Landmark Study* at 5.
21. *Landmark Study* at 5.
22. *Behavioral Health Trends in the United States: Results from the 2014 National Survey on Drug Use and Health*, U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, September 2015, <http://www.samhsa.gov/data/sites/default/files/NSDUH-FRR1-2014/NSDUH-FRR1-2014.pdf>.
23. *Landmark Study* supra at 5.
24. *Landmark Study* supra at 5.
25. ABA, *Hazelden* supra at 2.
26. *Landmark Study* supra at 6.
27. *Id.*



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is a shareholder in Munsch Hardt Kopf & Harr in Dallas. He is the 2016 chairman of the Dallas Bar Association's Peer Assistance Committee, which works closely with the Texas Lawyers' Assistance Program on initiatives to ensure that lawyers who are experiencing the problems mentioned in the study know that help is available.