

# WELLNESS, TRAUMA & LAWYERS ASSISTANCE PROGRAM

Presentation for the Family Law Section, Idaho State Bar 2021

1

2

## Presenter

Jamie C. Shropshire – Idaho Lawyers Assistance Program Committee  
Chairperson, Member, Idaho State Bar, Wellness Task Force

2

3

The Idaho State Bar established the Lawyer Assistance Program by resolution approved by the membership in November 2001, and the Idaho Supreme Court formally adopted Idaho Bar Commission Rule Section XII, effective July 1, 2002.

3

4

#### The problem was identified as follows:

- Impairment of a lawyer's performance may result from physical, mental or emotional illness, including addiction.
- Impairment may also result from circumstantial problems of the lawyer in family, financial or other areas.
- The stress of practice adversely affects some members of the bar, as do pathological gambling, depression, neuroses and other health problems.

4

**The purposes of the LAP Program:**

- Protect the interests of clients from harm caused by impaired lawyers;
- Educate the bench, bar and community to the causes of and remedies for lawyer impairment;
- Develop and administer resources to assist lawyers and judges in securing treatment for addictive diseases and mental health issues, including but not limited to alcoholism and chemical dependency, by providing a system which encourages early entry of the impaired attorney, while recognizing the necessity for absolute confidentiality and trust;
- Provide assistance to impaired lawyers in a manner that is separate and distinct from attorney discipline proceedings and to maintain that distinction.

\*Idaho Bar Commission Rule 1201

5

All records of the LAP Program are held in **strict confidence**.

**The LAP does not maintain permanent records relating to the names of the participants or the nature of their participation.**

Each person who is the subject of any form of inquiry under these Rules is assigned a number, which shall thereafter be used in any subsequent action taken by the LAP Committee, the LAP Program or the Program Coordinator.

**The Idaho Rule of Professional Conduct 8.3(c) and Idaho Bar Commission Rule 1205(a) provide further guarantees of confidentiality for all communications made to LAP** by lawyers, judges and law students who may request treatment referrals or consultation assistance from LAP, for themselves

*Please note, however, certain LAP Committee members may be required to comply with federal and/or Idaho statutes mandating that certain crimes, such as child abuse, be reported to legal authorities.*

6

7

## Statistics

*From 2016 Hazelton/Betty Ford survey published in the February issue of the Journal of Addiction Medicine*

7

8

### A look at the extent of the problem...

- 12,825 lawyers and judges surveyed
- 21-36% respondents qualified as experiencing problematic drinking behaviors as opposed to 7% in the general population and 15% of physicians
- 28% have experienced mild, moderate or severe depression
- 61% have reported experiencing anxiety
- 11.5% reported suicidal thoughts

8

## How many get help...

- Of those, 37% received mental health services or treatment
- Only 7% received alcohol or drug treatment
- Why?
- Lawyers don't seek help because they fear someone will find out and it will discredit them and possibly affect their license.

## Idaho Formal Disciplinary Case

Last 10 years, 133 attorneys have been disciplined (*The Advocate* – August 2016)

- 32% of cases involving depression or anxiety
- 21% of cases involving substance abuse

These health problems are a product of long-term dysfunctional patterns of behavior.

- Work overload/sleep and time deprivation
- Adversarial nature of the profession
- Unhealthy relationships
- Substance abuse

Lawyers and judges often fail to seek professional help for these problems.

## What can the LAP do?

- We can help before the problem affects your license if you contact us early
- Frequently someone experiencing anxiety or depression will be frozen by those feelings and be unable to do anything
- We can “triage” what is going on and get help for the attorney and help the attorney decide what the next step should be

11

## What can the LAP do?

- We can provide a resource or just someone to talk to for the attorney; the attorney who is handling matters for an attorney who is in treatment; the family or the fellow attorneys or staff of the office of the affected attorney
- We can help contact opposing counsel and clients if necessary
- Southworth and Associates, the counseling office with which the Bar contracts can provide an intervention, monitor recovery, recommend counseling services and treatment centers

12

# Idaho Lawyer Assistance Program Website

Public Resources | About Us | Admissions | Bar Counsel | Licensing & MCLE | Member Programs & Services | Idaho Law Foundation

Home / Member Services / Programs & Resources / Idaho Lawyers Assistance Program

## Idaho Lawyers Assistance Program

The mission of the Idaho Lawyers Assistance Program (LAP) is to provide support for lawyers who are experiencing problems associated with substance abuse and/or mental health issues in a safe manner, preserving the reputation and trust of the attorney. **All information is 100% confidential and will not be reported to the Idaho State Bar.**

The program also focuses on educating legal professionals and their family and friends about the causes, effects, and treatment of alcohol and drug dependency, depression, and other mental health problems. Judges and attorneys volunteer their time to assist lawyers who suffer from these issues through the appropriate resources.

Reach the 24-Hour Hotline by dialing 866-460-9014. When calling this 24/7 confidential phone line, you will receive...

- Guidance for lawyers in need of assistance or referral sources
- Information relating to alcohol/drug education, mental health treatment, interventions, monitoring, and/or family support
- Guidance for re-entering the workplace
- Assistance in finding lawyers who volunteer time as a temporary replacement for those lawyers entering a treatment program
- Recommendations for appropriate treatment centers

[LAP Brochure](#)
[Services Provided](#)
[Educational Resources](#)
[Upcoming Events](#)

[LAP Reference Manual](#)
[AA "Unbar" Group](#)

[LAP Treatment Providers](#)

### Who to Call

For assistance or to make a referral, please contact:

Southworth Associates  
5530 W. Emerald  
 Boise ID 83706

Alcoholism, drug addiction, and mental health problems are treatable illnesses that affect a great number of professionals, including lawyers and judges. A 2016 study by the American Bar Association Commission on Lawyers Assistance Programs and Hazelden Betty Ford Foundation found alcohol use disorders and mental health problems are occurring in the legal profession at higher rates than in other professions and the general public. Since many lawyers and judges tend to be overachievers who carry an enormous workload, the inclination to "escape" through the use of drugs and alcohol is prevalent in the legal community. These daily pressures can lead to inordinate amounts of stress and mental illness. National reports have shown that a majority of disciplinary problems involve chemical dependency or emotional stress. The effects can be devastating – both to the individual and to those around them. Fortunately, there is help.

13

# VICARIOUS TRAUMA

People experience vicarious trauma from exposure to those who have experienced primary trauma, and, as they are hearing about those traumatic experiences, they become witnesses to the pain, fear and terror that the survivor has experienced.

American Counseling Association

14

## Trauma effects:

- Trauma affects brain function and the nervous system
- Decreases blood flow
- Short term memory
- Spatial memory which can cause disorientation

K. Hazilla, Presentation to CO-LAP Conference, 2019

15

## WARNING SIGNS

- Difficulty talking about feelings
- Jumpiest
- Difficulty sleeping
- Anger/irritation
- Exhaustion
- Tardiness
- Negative attitude
- Low motivation
- Lack of flexibility
- Feelings of helplessness and hopelessness
- Impairs problem solving ability
- Sense of persecution

16



Lizard brain-Ancient brain (limbic system: largely the amygdala and hippocampus).

The fight, flight, freeze part of the brain.

When experiencing trauma can become too active and can override the analytic part of your brain.

K. Hazilla. 2019 Presentation to CO-LAP Conference

17

## WHAT CAN YOU DO?

- Acknowledge/Name the trauma
- Talk to someone about it
- Normalize that attention to trauma is vital for well-being
- Engage in regular self-assessment
- Develop a supportive work environment—employees that feel safe are better employees
- Have regular sharing sessions

K. Hazilla 2019 Presentation to CO-LAP Conference

18

TRAUMA AWARENESS LOWERS  
STRESS AND  
CREATES RESILIENCE.

IT IMPROVES YOU AND YOUR  
WORKPLACE

K. Hazilla 2019 Presentation to CO-LAP Conference

19

## AFFECTS OF TRAUMA ON YOUR INTERACTION WITH YOUR CLIENTS AND CO-WORKERS

### Diligence, Rules of Professional Conduct, Rule 1.3

- Requires prompt response to clients
- WAYS TO AVOID TROUBLE
- Have someone proofread your work
- At night-prioritize what MUST be done the next day
- Avoid multitasking-it can overload an already overloaded brain

Caralee Lambert, Assistant Bar Counsel, Idaho State Bar

20

## COMMUNICATION Rule 1.4

- Depression, anxiety and vicarious trauma can limit one's desire to reach out for help—especially to difficult clients
- **WHAT CAN YOU DO?**
- Set **REASONABLE** expectations with clients
- Call difficult clients first—get the unpleasant tasks out of the way at the beginning of the day
- Limit text communications—too much texting leaves you on duty all the time

Caralee Lambert, Assistant Bar Counsel

21

## WITHDRAW IF NECESSARY RULE 1.16

If a physical or mental condition materially affects your ability to represent a client, you may have to withdraw.

### HOW TO AVOID TROUBLE

- Don't assume that everything will just get better tomorrow
- Confirm with your client that they are ok with your health issue—especially if there will be delays. Don't assume that just because you have explained the problem that the client accepts the consequences, like delays in their case.

Caralee Lambert, Assistant Bar Counsel, Idaho State Bar

22

## WELLNESS-WHAT IS IT?

Wellness is a process, a way of orienting oneself toward life, examining actions and responses as they impact one's body, mind and spirit.

Wellness is feeling good over the long run.

Wellness means making incremental changes in how one eats, sleeps, communicates with others and handles stress.

WELLNESS IS HOW YOU NAVIGATE LIFE.

Mauk & Shropshire, *Wellness, Schmellness, What's It All About*, ADVOCATE, Jan. 2020

23

## HOW TO PROMOTE WELLNESS IN YOUR LIFE

### MEDITATION

- Quietness
- Contemplation
- Focus inward
- Access a deeper reality

### VISUALIZATION

- Feeding your brain with new images to replace the old ones
- Retrain your thinking

Mauk & Shropshire, ADVOCATE, Jan. 2020

24

## PLEASURABLE ACTIVITIES

Do something that brings enjoyment to your life

## CONSCIOUS EATING

Pay attention to what you are eating so you eat more nutritiously

Mauk & Shropshire, ADVOCATE, Jan. 2020

25

## EXERCISE

- Make it a routine-3 to 5 times a week
- Include cardio and strength. Include something new like Tai Chi or yoga

## SPIRITUAL PRACTICE

- Identifying with something larger than yourself

Mauk & Shropshire, ADVOCATE, Jan. 2020

26

## SELF-WORK

- Look at where you are at in life
- Set goals-where would you like to be
- Chart a course on how to get there

## SERVICE

- Find your community and be a part of it
- Give back to your community/profession
- Get outside of yourself

Mauk & Shropshire, ADVOCATE, Jan. 2020

27

THANK YOU

QUESTIONS?

Contact  
Jamie Shropshire  
208-305-2344

[jenksjc1986@gmail.com](mailto:jenksjc1986@gmail.com)

28