

## A Mindful Lawyer Combating Legal Stress with Jon Krop

- Lawyers Are Experiencing Heightened Stress
  - A significant majority, about 80%, of in-house attorneys are experiencing stress or burnout. Furthermore, a study by the American Bar Association revealed that 38% of lawyers are engaged in extensive work hours. Lawyers often experience extended periods of high stress. Unaddressed, it can have adverse health effects and lower job performance.
- What is mindfulness
  - Mindfulness: practice of being in the present moment and observing one's experience as it is, rather than turning away from it because it's unpleasant. A training to help let go of unproductive thoughts and better manage stress.
  - Mindfulness mental, emotional, and physical health effects
    - Studies have shown regular mindfulness practice can lead to increased regional brain gray matter density.<sup>1</sup> In Dr. Sara Lazar's study, results showed increased gray matter concentration in brain regions involved in memory, learning, and emotion control.
    - Other studies have shown similar health benefits, including greater ability to moderate emotions and responses to stressors, improving focus and attention to detail, and increasing emotional resiliency.
- Stress and anxiety among lawyers
  - Dr. Martin Seligman's theory on why lawyers are unhappy<sup>2</sup>
    - Pessimism: tendency to interpret the causes of negative events and view bad events as unchangeable.
    - Low decision latitude: low decision latitude combined with high pressure can have adverse mental and physical health effects.
    - Zero-sum games and emotion: adversarial nature of the legal system can compound negative emotional consequences.
  - Lawyers are more likely to suffer from depression and alcohol and drug abuse than the general population.
  - Prevalence of problem drinking, substance abuse, and mental health issues among lawyers (ABA and Hazelden Betty Ford Foundation 2016 study)<sup>3</sup>
    - Survey of 12,825 licensed attorneys

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<sup>1</sup> "Mindfulness practice leads to increases in regional brain gray matter density," Dr. Sara Lazar et. al, Psychiatry Research: Neuroimaging, Volume 191, Issue 1, 20 January 2011

<sup>2</sup> "Why Lawyers Are Unhappy" by Dr. Martin Seligman et. al:  
<https://ojs.deakin.edu.au/index.php/dlr/article/view/268/272>

<sup>3</sup> Krill, Patrick R. JD, LLM; Johnson, Ryan MA; Albert, Linda MSSW (2016) The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys. Journal of Addiction Medicine 10 (1).  
[https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The\\_Prevalence\\_of\\_Substance\\_Use\\_and\\_Other\\_Mental.8.aspx](https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx)

- Levels of depression, anxiety, and stress among attorneys were significant, with 28%, 19%, and 23% experiencing symptoms of depression, anxiety, and stress, respectively.
- 33% reported problem drinking. Newer lawyers were more likely to have issues with problem drinking.
- 61% reported anxiety in their careers.
- Stress and anxiety on job performance
  - Compounded stress and anxiety can affect mental sharpness and make the lawyer more prone to mistakes. It can affect the lawyer's ability to focus on tasks and meet deadlines. It can also erode the lawyer's capacity to measure emotional responses during high-stress situations.
- Mindfulness tips for busy lawyers
  - Practicing mindfulness for just a few minutes a day consistently can have measurable effects. "Short sessions, many times."
  - Sitting meditation
    - Tips:
      - Sit with a straight spine, feet flat on the floor.
      - Shift toward the edge of the chair if helpful.
      - Focus on the breath. When you notice that your attention has wandered, you can gently return your focus to your breath.
    - Your mind may wander during the meditation, which is completely natural and normal. Notice that your mind has wandered and shift your focus back to your breath.
    - Sitting meditation involves a series of focusing on the breath, wanderings, and returning to the breath.
    - For lawyers with busy schedules, a short sitting meditation practice for a few minutes a day in the morning or in the office is an easy way to incorporate mindfulness training in their daily lives.
  - Mindful pause
    - An even easier way to incorporate mindfulness practice in short bursts throughout the day is to engage in the mindful pause.
    - Mindful pause is a quick 30-second
      - Tips:
        - One slow deep breath in and out.
        - Rest your attention on the breath.
        - Tune into the sensations you're feeling in your body.
        - Repeat as necessary.
    - The mindful pause is easy to incorporate throughout the day prior to or during high-stress moments, whether before a deposition or a negotiation, as a break during doc review or research.

- Labeling practice
  - Set yourself up for a mindful meditation session. Choose a focus like the breath or footsteps if walking.
  - As you experience sensations, label them as “feeling” or “thinking.” Return your attention to your breath.
- While, mindfulness practice is not a cure-all for ongoing mental health or problem drinking issues, studies have shown that incorporating mindfulness training into daily life improves overall mental, emotional, and physical well-being.
- What the profession and legal employers can do
  - National Task Force on Lawyer Well-Being Report (2018)<sup>4</sup>
    - Includes recommendations on:
      - Identifying stakeholders and role each can play in reducing toxicity
      - Eliminating stigma associated with help-seeking
      - Emphasizing connection between well-being and lawyer duty of competence
      - Educating the profession on well-being issues
      - Taking incremental steps to change how law is practiced
  - ABA Attorney Well-Being Committee<sup>5</sup>
    - Provides resources and tools to help in career satisfaction, work/life balance, mental/chemical health and addiction issues, physical well-being, and other areas.
  - ABA Well-Being Campaign and Pledge<sup>6</sup>
    - Call upon legal employers to recognize substance use and mental health issues in the profession and work to adopt practices to build a better profession.
    - Many law firms and legal employers have joined the campaign and signed the pledge.
    - Is now under the leadership of the ABA Commission on Lawyer Assistance Programs.

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<sup>4</sup> Report from the National Task Force on Lawyer Well-Being, November 9, 2018:  
[https://www.americanbar.org/groups/lawyer\\_assistance/task\\_force\\_report/](https://www.americanbar.org/groups/lawyer_assistance/task_force_report/)

<sup>5</sup> ABA Attorney Well-Being Committee:  
[https://www.americanbar.org/groups/law\\_practice/committees/attorney-well-being/](https://www.americanbar.org/groups/law_practice/committees/attorney-well-being/)

<sup>6</sup> ABA Well-being Pledge Campaign:  
[https://www.americanbar.org/groups/lawyer\\_assistance/working-group\\_to\\_advance\\_well-being\\_in\\_legal\\_profession/](https://www.americanbar.org/groups/lawyer_assistance/working-group_to_advance_well-being_in_legal_profession/)

Additional Resources

- National Task Force on Lawyer Well-Being: <https://lawyerwellbeing.net/>
- Directory of Lawyer Assistance Programs:  
[https://www.americanbar.org/groups/lawyer\\_assistance/resources/lap\\_programs\\_by\\_state/](https://www.americanbar.org/groups/lawyer_assistance/resources/lap_programs_by_state/)