Professionalism & The Art of Wellbeing

Presented by: Lorelei Lein, General Counsel, Alabama League of Municipalities

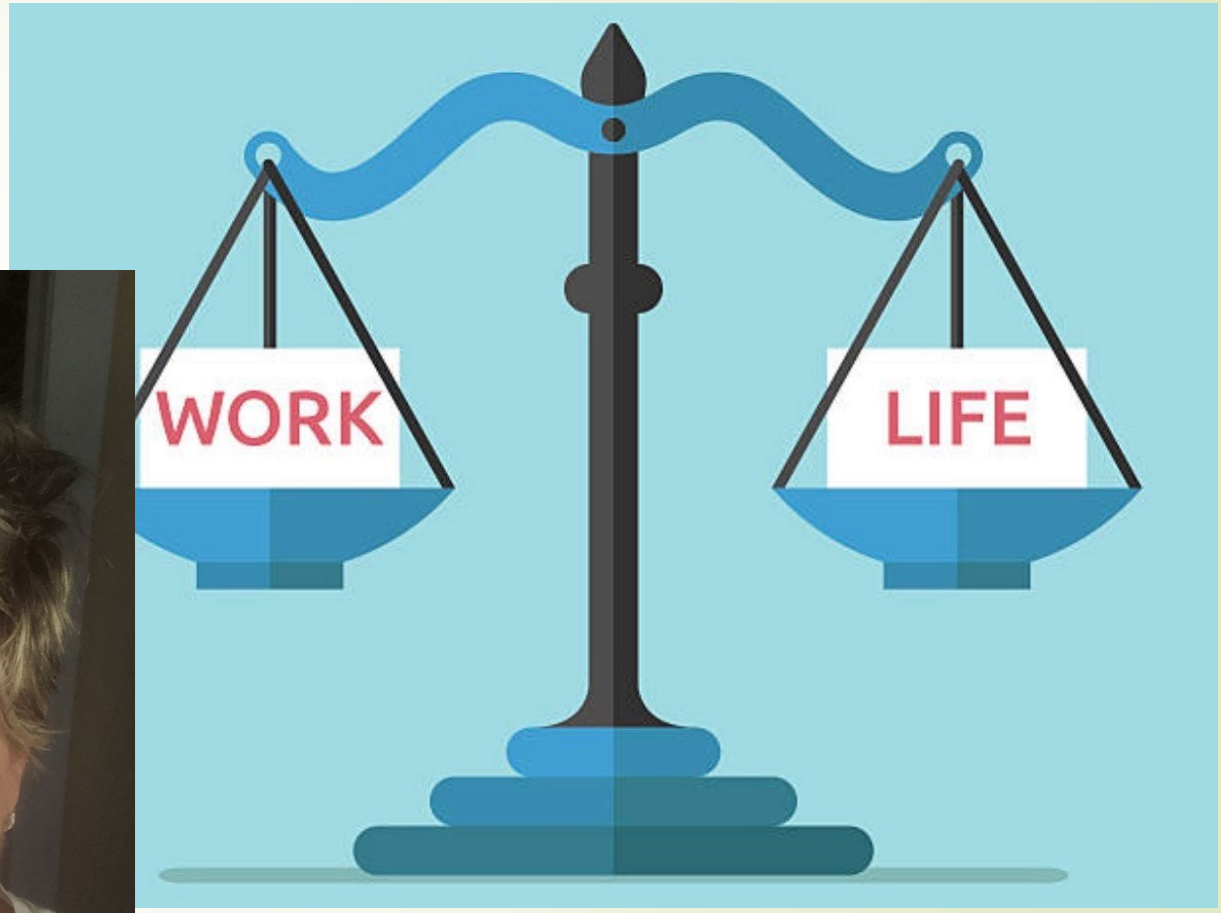
Disclaimer: Who I'm NOT

- I am not a licensed medical or psychological professional and am not providing medical advice. The content of this presentation is not intended to be a substitute for professional medical or psychological advice, diagnosis, or treatment. Always seek the advice of your physician or other qualified health provider with any questions you may have regarding a medical condition, physical or emotional.

Who I am

- I am is a licensed attorney (AL, NM and CO) with 27 years of pract
- I am a wife, mother, daug friend and frustrated artist many personal struggles b and life.





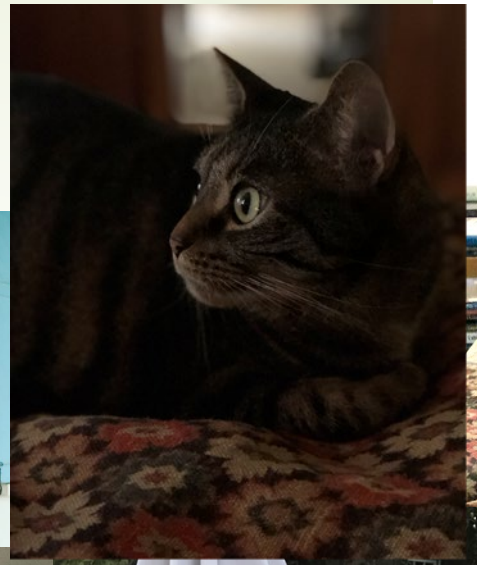
Who I am

















Who I am


YOGA TEACHER TRAINING 200 HOURS

Certificate of Completion

Yoga Gem

4923 Carmichael Road
Montgomery Alabama, 36106

Certifies that:

Lorelei Lein

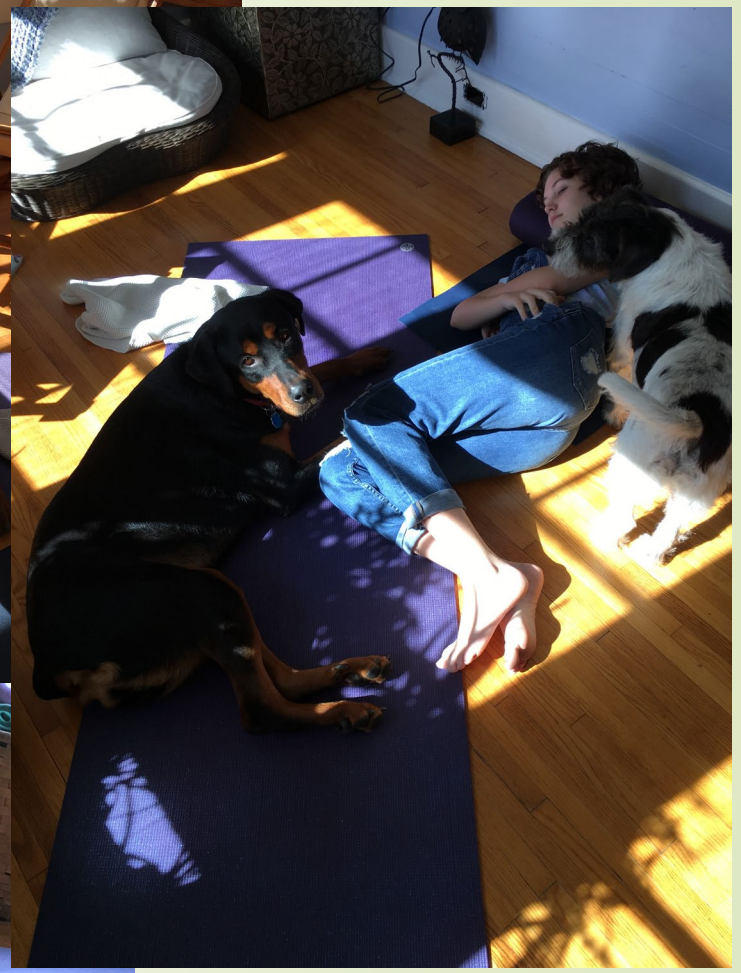
Has successfully completed 200 hours of Yoga Teacher Train
eligible to register with Yoga Alliance.

Instructor-Liz Campbell E-RYT 200 Date: March 7, 20

March 7, 2015







The Problem



The Problem

- "Competition, long hours, high expectations, and chronic stress can wear down even the most competent and energetic lawyer, often leading to depression, anxiety, relationship problems, gambling issues, substance abuse, and other problems."

  New Mexico Judges & Lawyers Assistance Program

Lawyer Well-being Defined

"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. Lawyer well-being is part of a lawyer's ethical duty of competence."

The America Bar Association National Task Force on Lawyer Well-Being, created 2016

ABA Comm'n on Lawyer Assistance Programs & Hazelden Betty Ford Foundation Study

- 2016 Study: "*The Prevalence of Substance Use & Other Mental Health Concerns Among American Attorneys*"*
- Over 13,000 participants who were actively licensed and employees attorneys



*P.R. Krill, R. Johnson, & L. Albert, 10 J.ADDICTION MED. 46 (2016)

ABA Comm'n on Lawyer Assistance Programs & Hazelden Betty Ford Foundation Study – Suicidal Thoughts

- 11.5% had suicidal thoughts at some point in their career
- The national average for adults 18 years and older?
- 3.9%

2014 ABA Survey Among Law Students

- 23% of students screened positive for mild to moderate anxiety
- 14% of students screened positive for severe anxiety.
- 43% of students reported binge drinking at least once in the prior two weeks (22% of students reported binge drinking two or more times in the prior two weeks)
- 25% of students affirmatively answered two or more of four questions that comprise the CAGE Assessment, a widely used alcoholism screening tool.
- 44% of law students meet the criteria for clinically significant levels of psychological distress.


BODY
MIND
Fatigue
Headaches
Tight Muslces
Skin Irritations
Low Immune System
Constricted Breathing
Worrying
Indecision
Negativity
Foggy Thinking
Hasty Decisions
Impaired Judgement
STRESS
Loss of Confidence
Apprehension
Indifference
Depression
Irritability
Insomnia
Substance Abuse
Loss of Appetite
Accident Prone
Restlessness
Loneliness
Insomnia
EMOTIONS
BEHAVIOR

What is it About the Legal Profession?

- Conflict
- Competition
- Perfectionism
- Overload & Decision Burden
- Isolation
- Lack of Control
- Failure
- Emotional Trauma

Why Do We Suffer in Silence?

- **Biggest fear for Law Students:** pursuing treatment will hurt chances of passing the character and fitness examination of the bar
- **Biggest fear for Lawyers:** losing their license to practice law

FALSE

- Taking responsibility for one's health evidences strength of character
- Seeking treatment to manage any symptoms that might interfere with one's personal or professional life may be necessary to be fit to practice law in a given state.

Professional?

- Competency
- Honesty & Integrity
- Accountability
- Self-regulation
- Image

- Missing important deadlines
- Calling in “sick”
- Covering up mistakes
- Loosing our “cool” with opposing counsel
- Not taking care of personal appearance

The Rules

- "Lawyer wellbeing is 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. Lawyer well-being is part of a lawyer's ethical duty of competence."

The America Bar Association National Task Force on Lawyer Well-Being, created 2016

The Rules – The Big Four

- **1. <u>Competency</u>:** ABA Model Rules, Rule 1.1. "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation."

- **2. <u>Diligence</u>:** ABA Model Rules, Rule 1.3. "A lawyer shall act with reasonable diligence and promptness in representing a client."

The Rules – The Big Four

- **3. <u>Impairment</u>:** ABA Model Rules, Rule 1.16(a) " … a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

  (1) the representation will result in violation of the Rules of Professional Conduct or other law;

  (2) the lawyer's <u>physical or mental condition materially impairs</u> the lawyer's ability to represent the client; or

  (3) the lawyer is discharged.

The Rules – The Big Four

- **4. <u>Professional Misconduct:</u>** ABA Model Rules, Rule 8.4. "It is professional misconduct for a lawyer to:

  A. violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so or do so through the acts of another;

  B. commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or <u>fitness as a lawyer in other respects</u>;

  C. engage in conduct involving dishonesty, fraud, deceit or misrepresentation;"

The Rules – Duty to Report



- **Reporting Misconduct:** ABA Model Rules, Rule 8.3. "A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate professional authority." (State Bar Disciplinary Board).

The Rules – Supervising/Managing Attorneys

- **Responsibilities of Partners, Managers & Supervisory Lawyers:** ABA Model Rule, Rule 5.1 "(c) A lawyer shall be responsible for another lawyer's violation … if:

  …

  (2) the lawyer is a partner or has comparable managerial authority in the law firm … or has direct supervisory authority … and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action."

Take the Pledge



- Provide enhanced and robust education with workplace mental health training.
- Develop proactive policies and protocols to support assessment and treatment of substance use and mental health issues
- Provide CONFIDENTIAL access to assessments and resources
- Demonstrate that help-seeking and self-care are CORE CULTURAL VALUES
- Reduce the expectation of alcohol (decentralize at events)

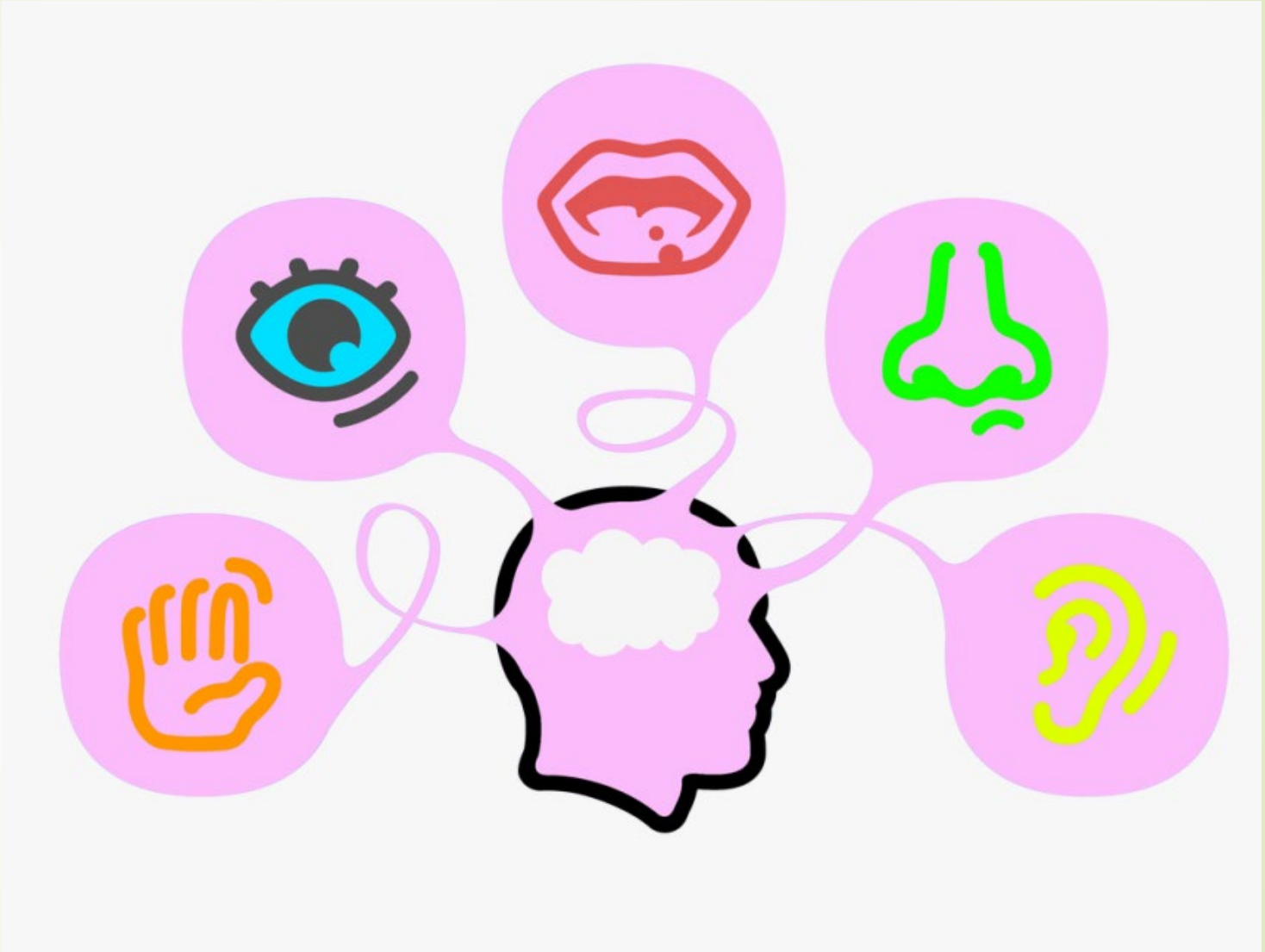
The Science: Stress and Your Body



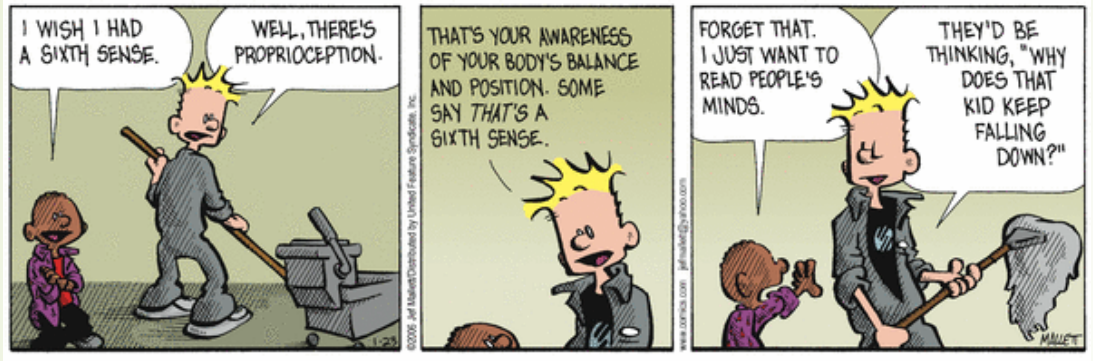
The Five Senses?

- 1. Sight
- 2. Sound
- 3. Smell
- 4. Taste
- 5. Touch

- 6. Proprioception
- 7. Interoception



Proprioception – body awareness



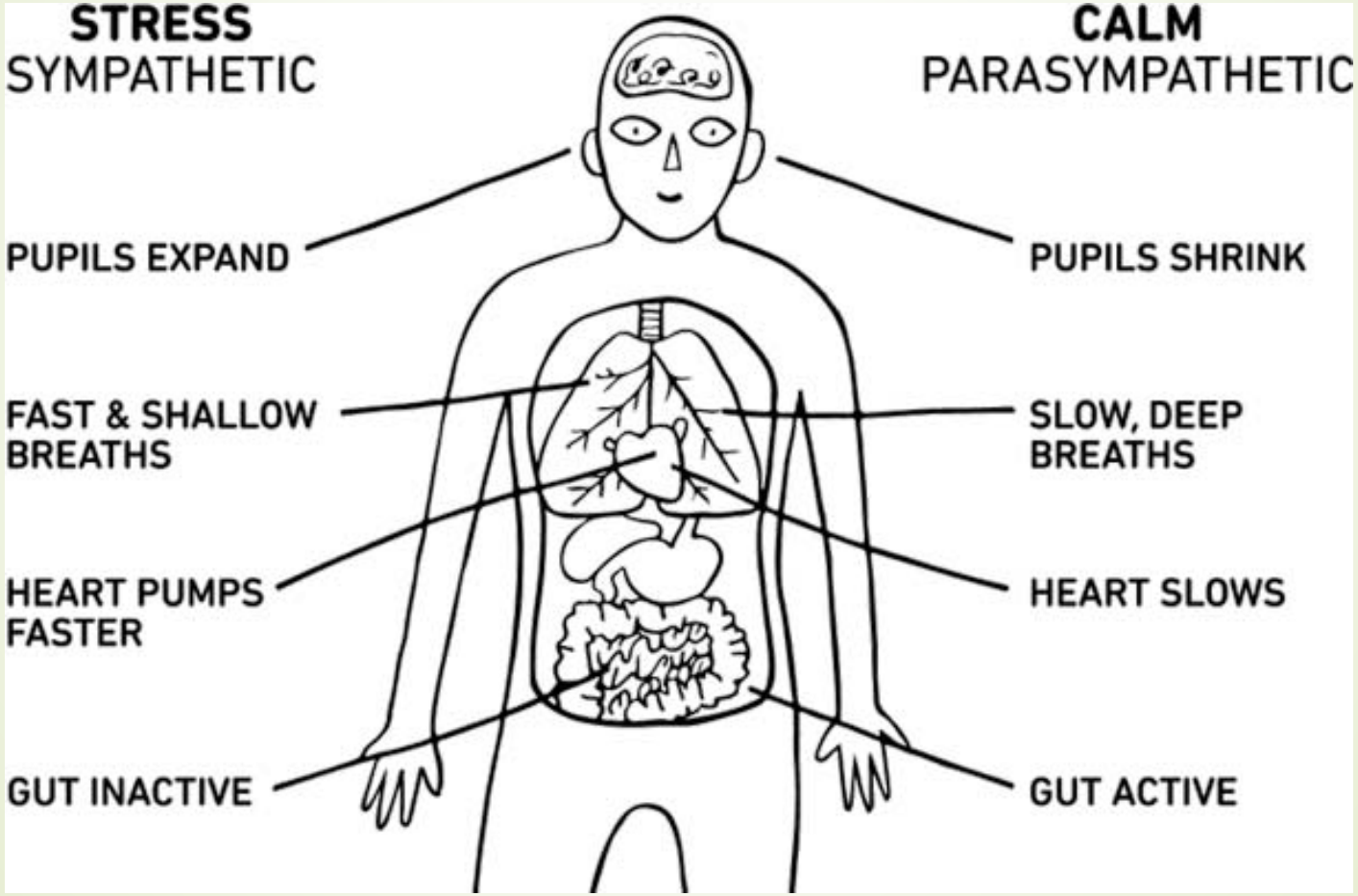


Interoception – internal awareness

- Needing to Use the Bathroom
- Thirst
- Itching
- Nausea
- Pain
- Sexual Arousal
- Heart Rate
- Breath Awareness



The Autonomic Nervous System



The Fight or Flight Response: It's Hardwired Into our DNA to SURVIVE!



The Fight or Flight Response: What's Happening in Our Bodies

Noticeable Effects

- Pupils dilate
- Mouth goes dry
- Muscles tense (esp. neck and Shoulders)
- Heart pumps harder & faster
- Sweating
- Breath is fast and shallow

Hidden Effects

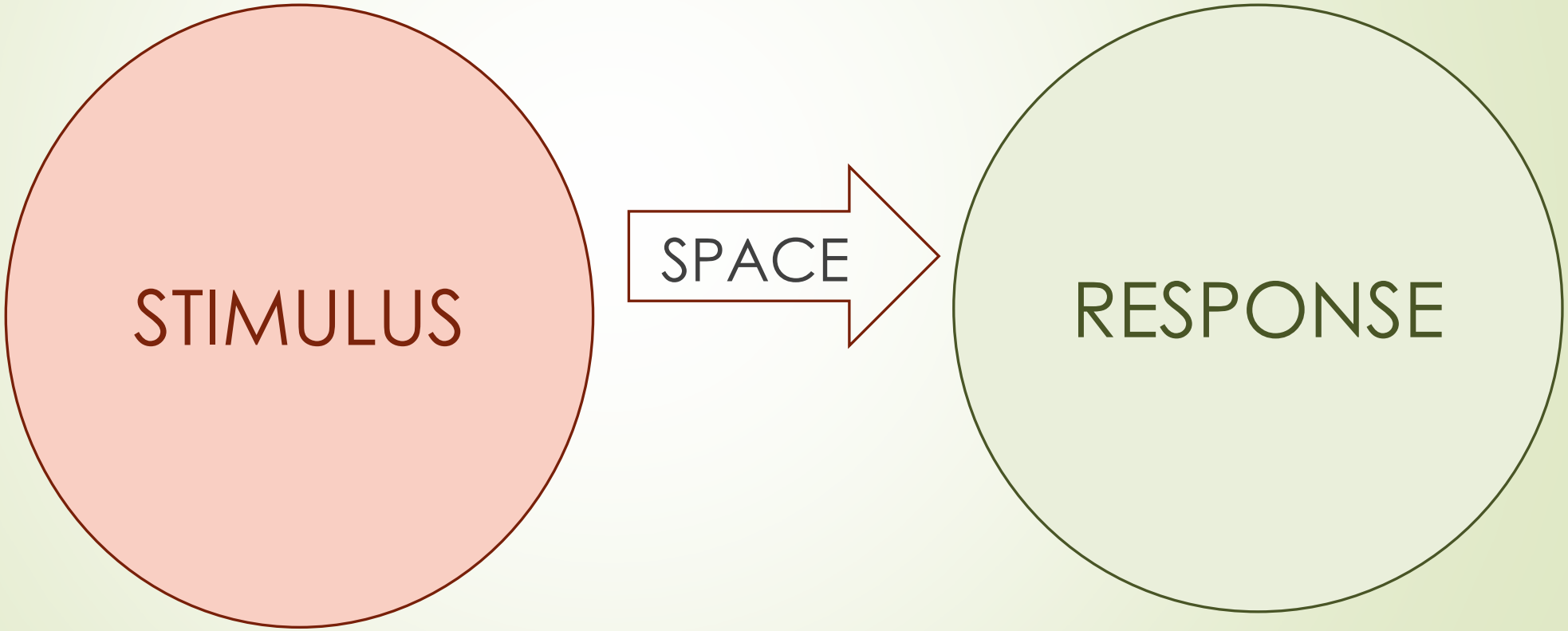
- Brain gets body ready for action
- Body flooded with adrenalin and cortisol
- Blood pressure rises
- Liver release glucose for muscle energy
- Digestions slows or stops
- Sphincters tighten

Rest and Digest

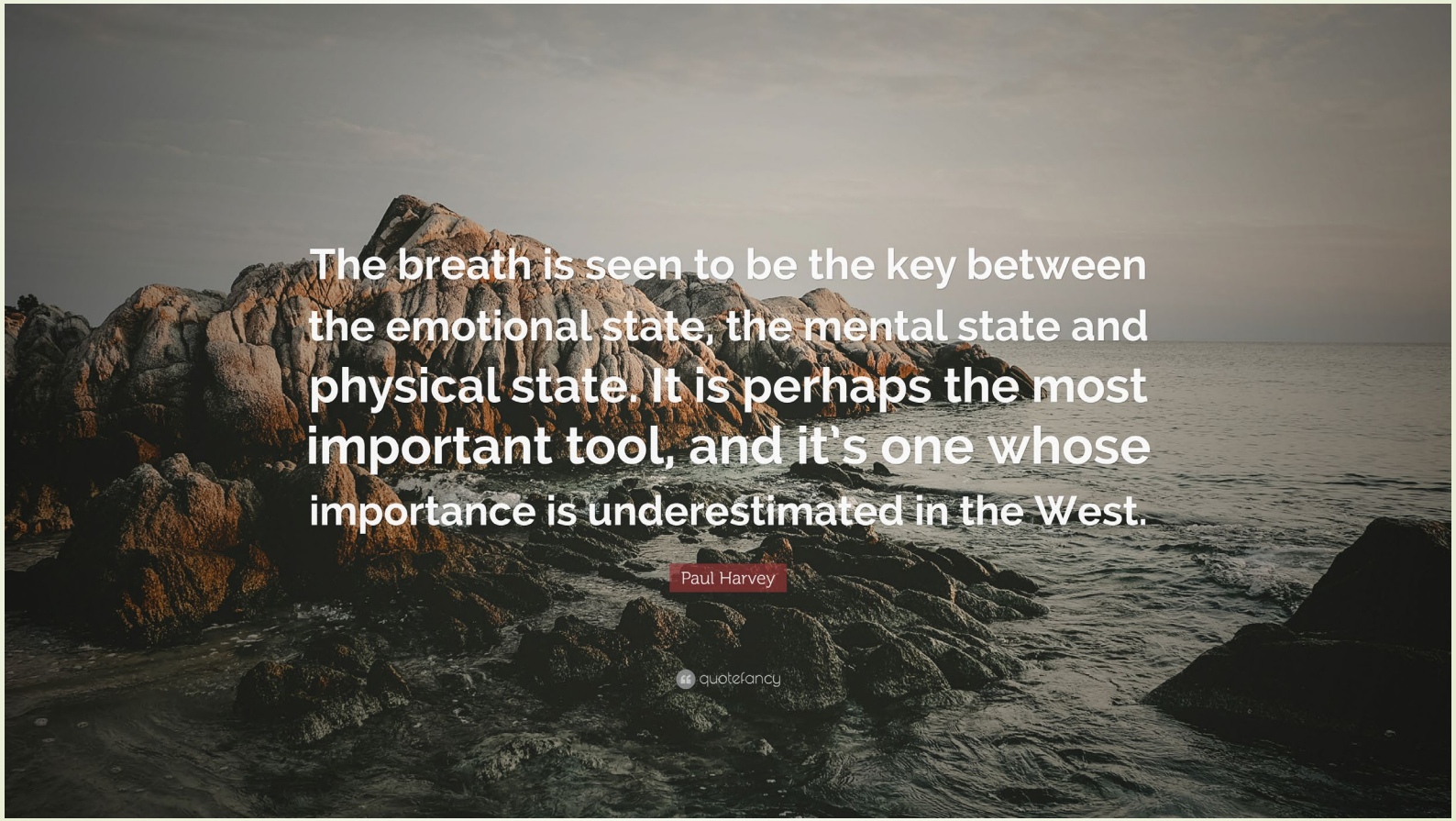
- Heart rate slows
- Lungs constrict
- Muscles relax
- Pupils restrict
- Digestion activates



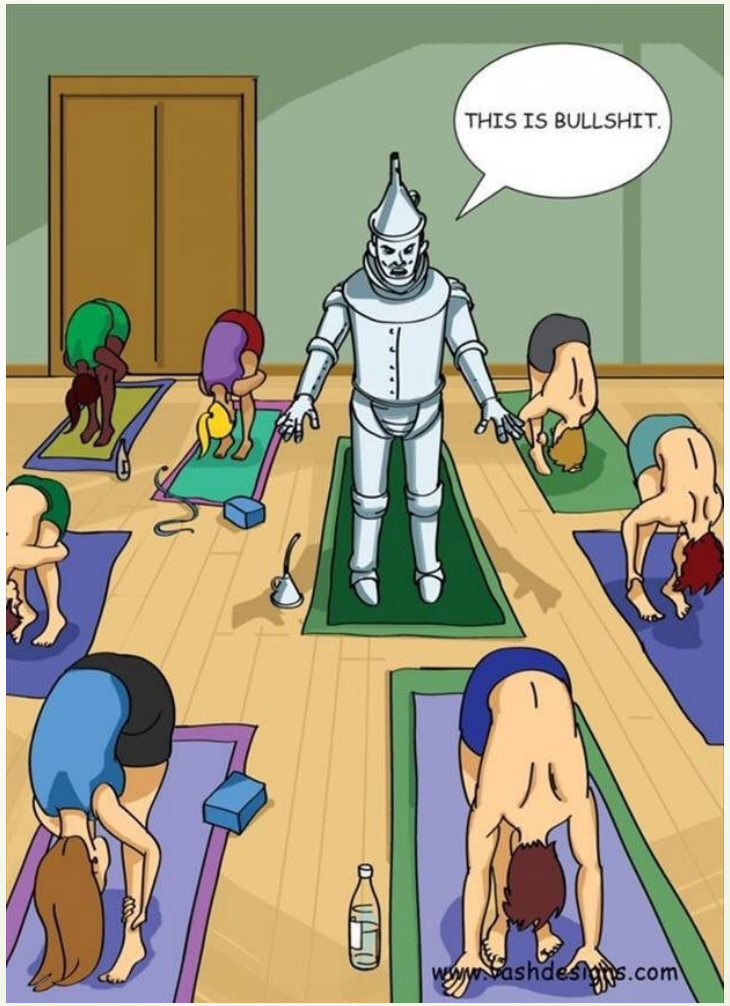
“Between stimulus and response, there is a space. In that space is the power to choose our response.” ~Viktor Frankl



The Mindfulness Approach: Start with Your Breath



No Special Skills or Equipment Required



Take a "SMOKE" Break

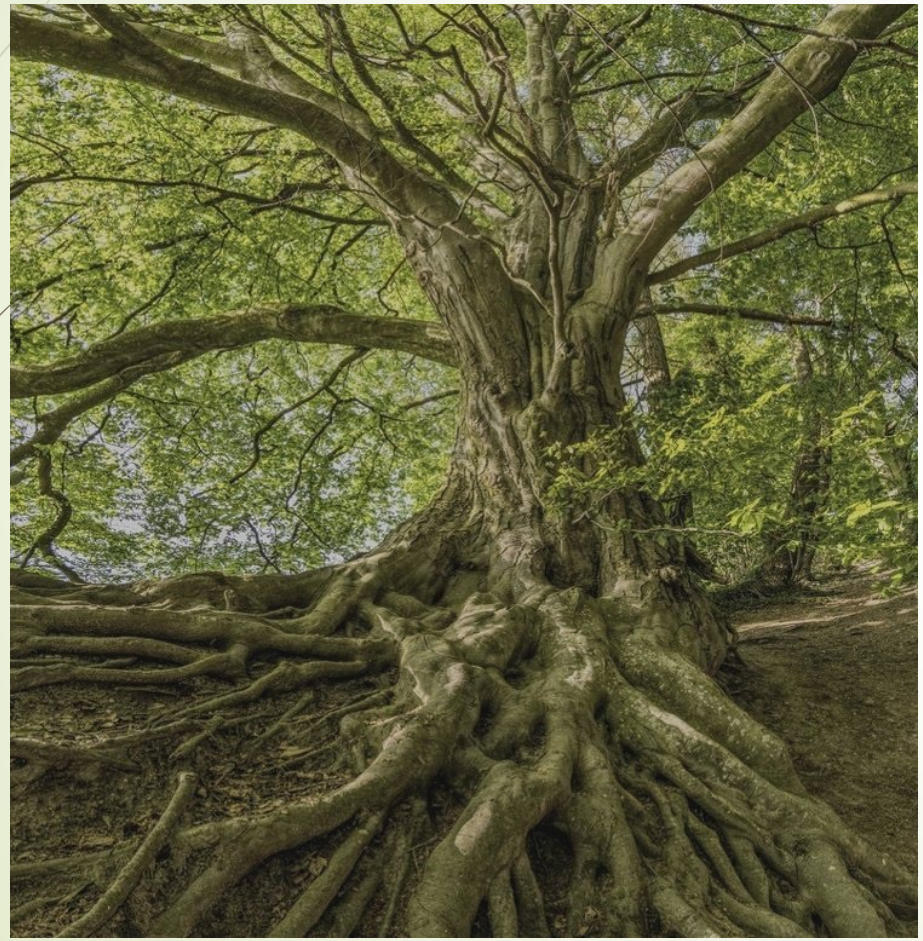
What do people who smoke do?

- Stop what they are doing.
- Step outside.
- Inhale and exhale deeply.

Let's Breathe …



Is There a "wrong" way to Breathe?



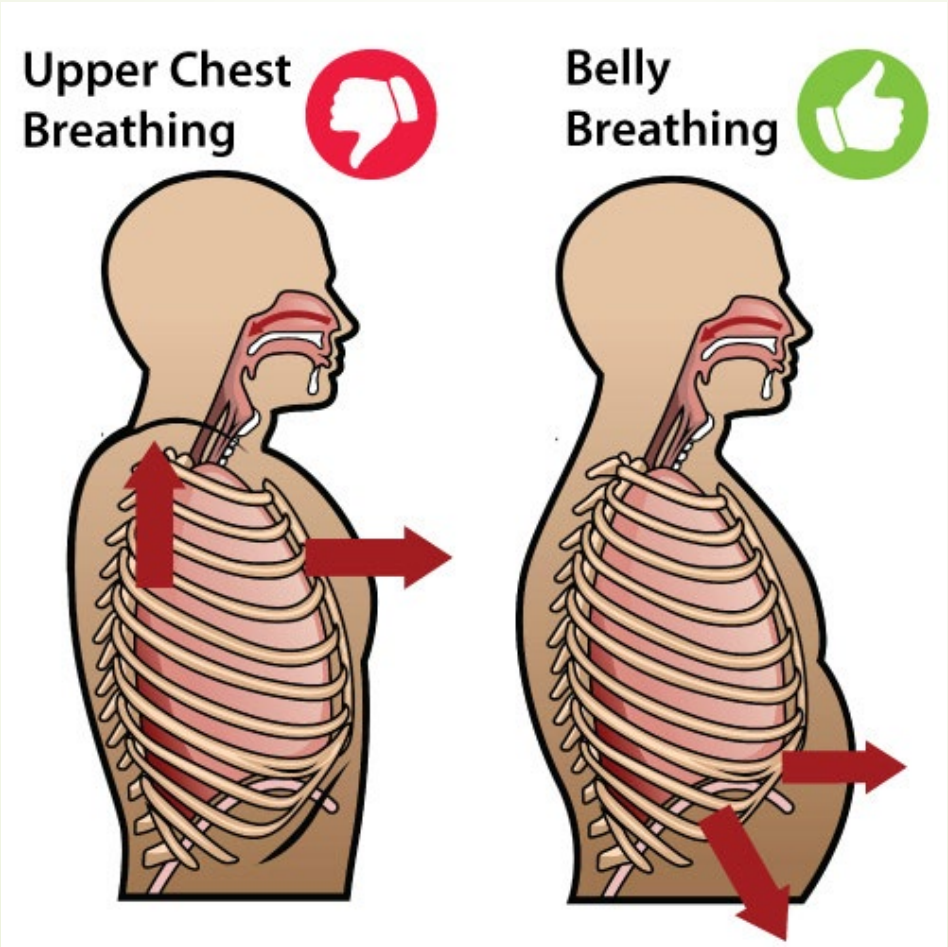
"The breathing of the superior man comes from his heels, while men generally breathe only from their throats…"

Chuang Tzu (c. 370-286 BC)

1. Use your Nose …



2. Use your Belly



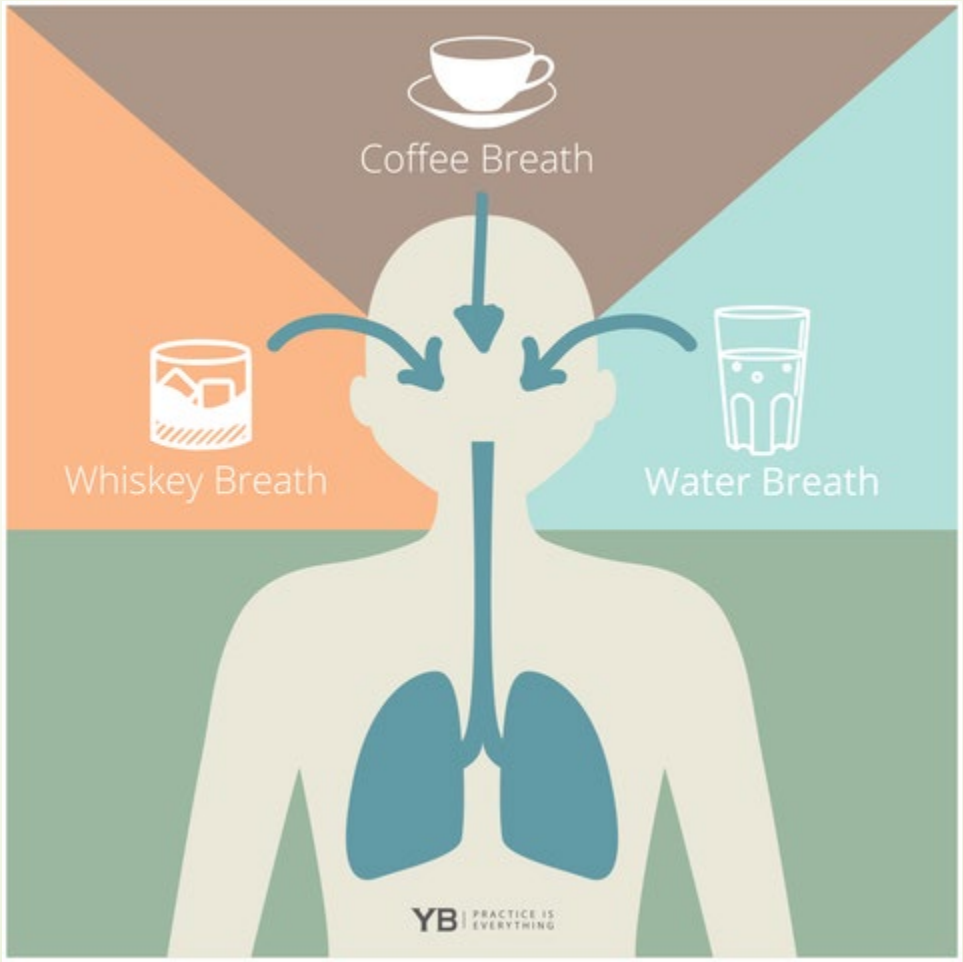
3. Don't overthink it …



Let's Breathe …



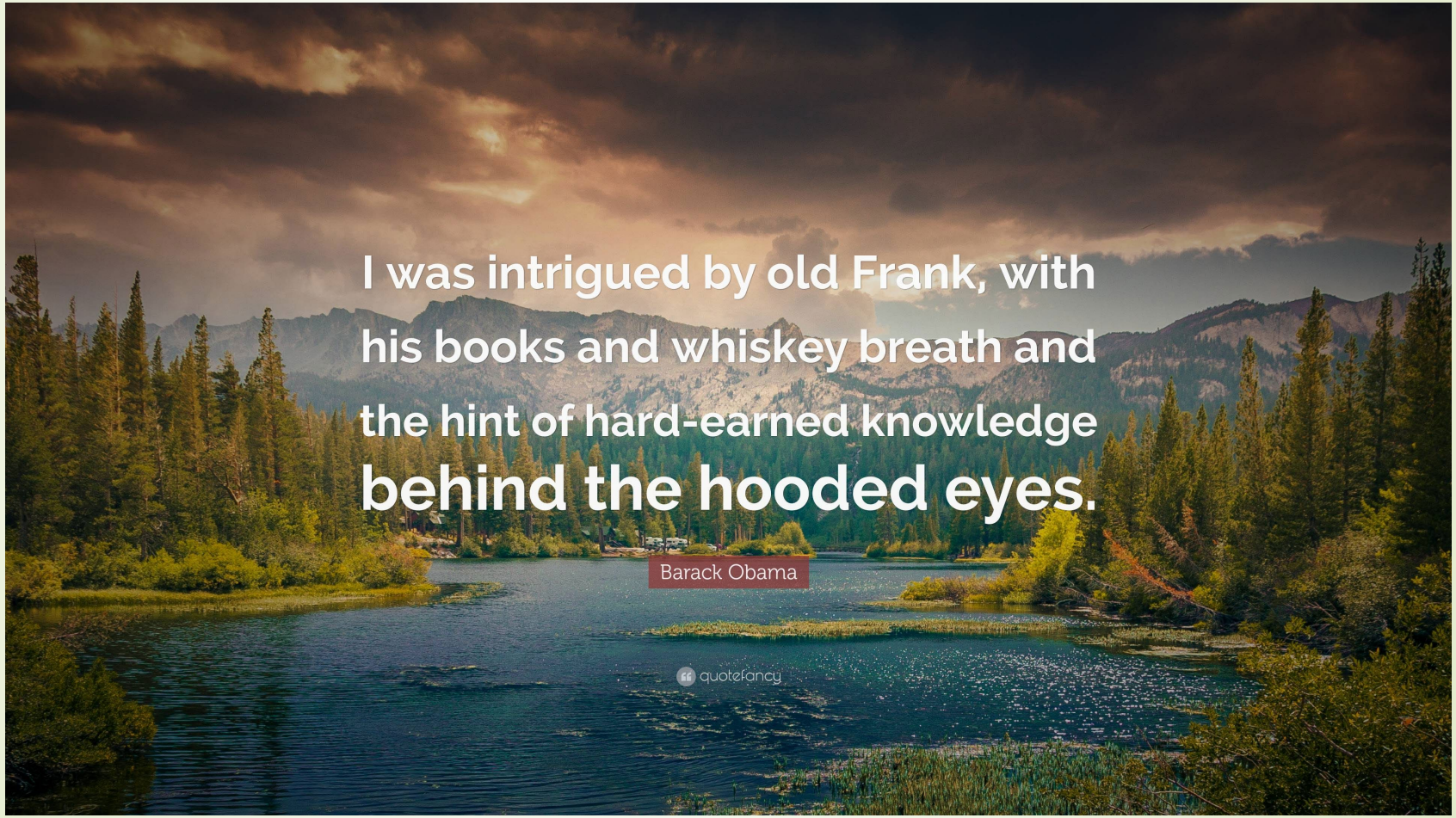
More than one way to Breathe!



Water (Balanced Breath)



Whiskey (Down Regulating Breath)



Coffee (Up Regulating Breath)



Practice, Practice, Practice

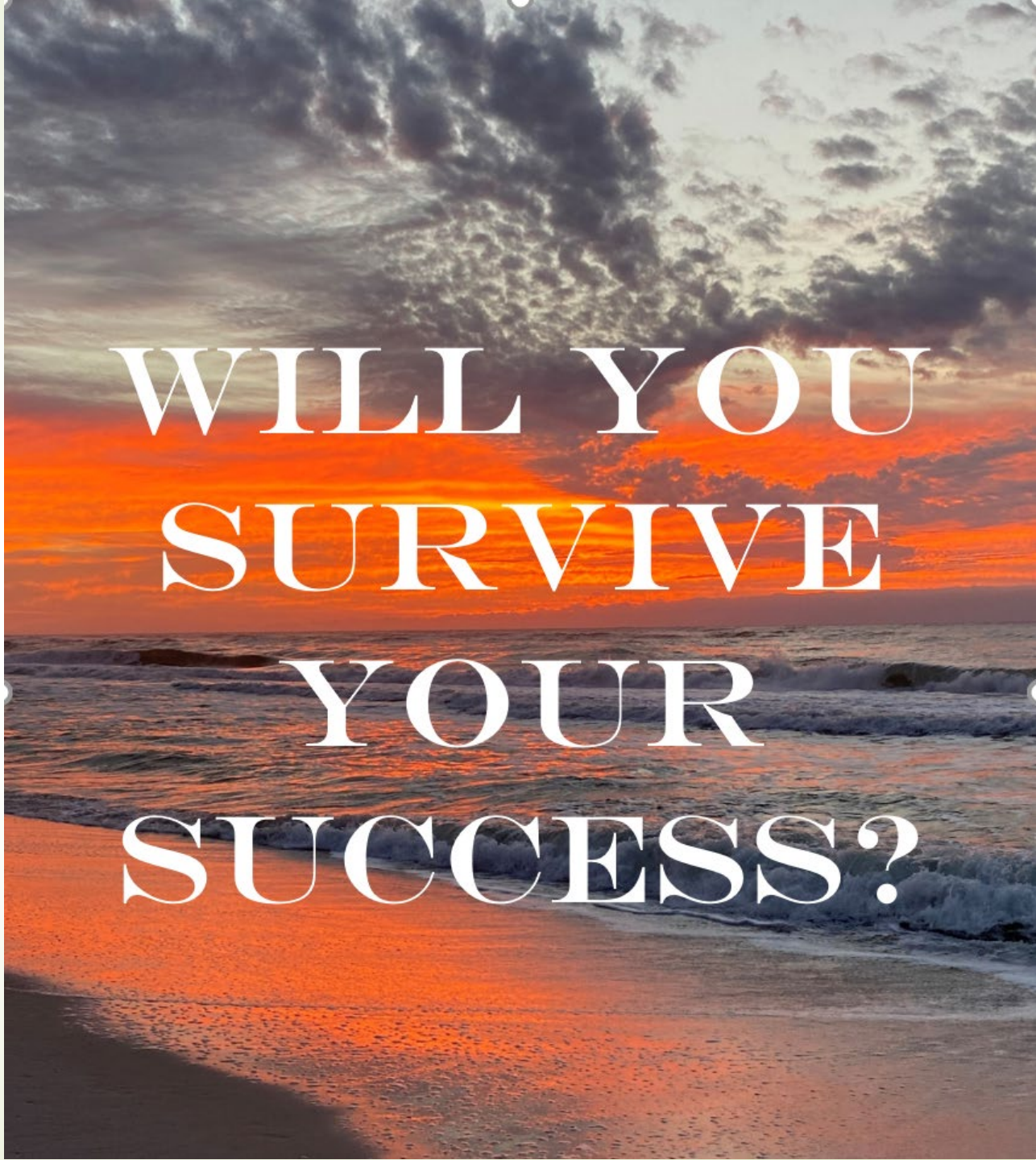




Ask Yourself …

"A Life Worth Breathing"

~Max Strom



You Can't Breathe Your Way out of Everything …



Other Resources

- https://suicidepreventionlifeline.org/
- Suicide Prevention Hotline: 800-273-8255
- https://www.aa.org/
- https://www.na.org/

