

NEW JERSEY LAWYER

February 2024

No. 346

LAWYER WELL-BEING

Embracing Strengths and
Capitalizing on Neuroplasticity
Can Unlock a Healthier Life

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20 Tips for Coping With the
Stresses of the Profession

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Promote Well-Being and Success

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**The Member Assistance
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NJSBA



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PRESIDENT'S PERSPECTIVE

TIMOTHY F. MCGOUGHAN

Diversion Program Aims to Rehabilitate Nonviolent Defendants With Mental Health Disorders



When I took the oath as New Jersey State Bar Association president last May, I pledged to support legislation, programs and initiatives that would help legal professionals and those in the justice system who struggle with a mental health disorder. I'm humbled and proud to report on steps that are being taken to advance that journey.

In December, Gov. Phil Murphy validated the Association's hard work on this subject in signing S524/A1700 into law. The measure ensures the expansion of mental health diversion programs in three Superior Court vicinages across each region of the state—north, south and central—and represents a significant step forward for the treatment of nonviolent defendants in the criminal justice system who suffer from a mental health disorder. The NJSBA was a major proponent of this legislation. Indeed, former Criminal Law Section Chair Jim Gerrow and I testified before the state Senate Judiciary Committee that creating more recovery and diversion courts, as provided under this law, offers the best chance at rehabilitation and redemption for this population.

For far too many who struggle with their mental health, the system becomes a revolving door of arrest and punishment with no hope for treatment. Mental health issues do not get cured or properly treated in a jail cell.

Now that this bill has become law, it will do wonders to improve the health and well-being of those with mental health disorders, while creating a safer society and reducing the cost of incarceration borne by the taxpayer. But the work isn't done. Until all qualifying nonviolent offenders have access to these programs, the NJSBA will continue to advocate for a mental health diversion court in every vicinage. For those interested in mental health diversion courts, the NJSBA will host a seminar in April that explores recovery courts in greater depth and the impact of the new law. This law is far from a "get out of jail free card." It is a proven alternative to the penal system that reduces the recidivism rate and puts individuals back in the mainstream of society where they have a right to be.

Wellness With Member Assistance Program

I'm also proud to report that the NJSBA's Member Assistance Program is thriving in its aim to stem the decline in mental health and wellness among New Jersey's legal practitioners. People have noticed since COVID the stress of everyday life and our practice is more difficult. In the last six months, the service has received nearly 1,500 phone calls from Association members and their dependents seeking mental health and wellness support. Some of the most common reasons people are calling—anxiety, depression, job stress—have become hallmarks of the profession and underscore the need for an industry-wide reckoning on how the profession approaches mental health.

The Association launched the program over the summer, following the release of the report of the Putting Lawyers First Task Force, in partnership with Charles Nechtem Associates—a well-respected mental health resource provider. The new benefit provides 24/7 access to trained, experienced mental health professionals and resources. Whether by phone, text or mobile access, members can reach a mental health professional with at least seven years of experience who will provide individual counseling and connect members with a wellness library of more than 25,000 self-help resources. It is heartening to see so many Association members and those in their households avail themselves of this vital service.

Of course, you can contact MAP counselors anytime via phone counseling services which are available 24 hours a day, seven days a week, 365 days a year at 1-800-531-0200. Callers will get immediate access to clinicians without using hold or transfer services. You can also reach them by email at inquiries@charlesnechtem.com.

On Feb. 19, women leaders in the law will come together in a special collaboration between the NJSBA's Lawyer's Well-Being Committee and the Women in the Profession Section. The two groups have assembled a star-studded panel who will share their insights on resilience and strength. The panel will feature state Supreme Court Justice Rachel Wainer Apter, U.S. District Court Judges Evelyn Padin and Esther Salas, along with a host of Superior Court judges and partners at major firms. If

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FROM THE SPECIAL EDITOR

Striving for Well-Being in the Legal Community

By Lori Ann Buza

It has been my pleasure to serve as special editor of the first ever edition of *New Jersey Lawyer* dedicated exclusively to the subject of lawyer well-being. I have been advocating for more attention to this very important subject for over a decade. Thankfully, many devoted attorneys near and far have joined me in this quest, and we have seen an incredible and steady growth in the areas of well-being education and assistance for lawyers in New Jersey.

Well-being is not just physical or mental health; it encompasses many dimensions of wellness. According to both the American Bar Association and the Institute for Well-Being in the Law, well-being encompasses the following six parts: emotional wellness, occupational wellness, intellectual wellness, spiritual wellness, physical wellness, and social wellness. The Substance Abuse & Mental Health Services Administration agency within the U.S. Department of Health and Human Services includes the first five of the six mentioned above and adds both environmental wellness and financial wellness aspects to overall well-being. In addition to these, I include two more dimensions to well-being when I teach in my class, *Wellness to the Legal Community* at Rutgers Law School—and that is cultural wellness and grateful wellness.

Why am I so passionate about this subject and why should it be important to lawyers? First and paramount is that I imagine we all strive for methods of achieving well-being, peace, and happiness in both our legal professions as well as our private lives. Like many of my colleagues, I have had my share of pressure and stress in the 25-plus years I have practiced law—working in both a large and small firm, in academia and management, as well in my role as an arbitrator. Through it all, I valued (and still value) my well-being and good health, which I have come to realize has not only brought me personal joy but has also made me a better attorney. Indeed, I have been humbly proposing to my colleagues for many years that being a “well” attorney (including living more mindfully), makes one a more focused, competent, and even masterful attorney.



LORI ANN BUZA is a law professor at Saint Peter's University and Rutgers Law School, counsel to KSBranigan Law, P.C., and an arbitrator with the AAA for employment matters. She has been on the editorial board of *New Jersey Lawyer* for over two years, serving also as its *Working Well* editor. Further, Lori has served as the Chair of the Lawyer Well-Being Committee of the NJSBA, is the Chair of the Hunterdon County Lawyer Wellness Committee, and is the creator of the first ever lawyer wellness course for Rutgers Law School in Camden. She is a prolific writer and speaker on lawyer well-being issues and acts as a mindfulness coach and well-being advocate with various organizations throughout the country. Living the life she preaches, she also is certified in mindfulness (Levels I, II, III, Master), personal training, group fitness, yoga, and various martial arts and meditation techniques.

Further, a well and mindful attorney is also better equipped to develop the tools necessary for ethical law practice and hence a greater likelihood of adherence to the Rules of Professional Conduct. With the intense stresses that come with the practice of law, attorneys are often confronted with ethical queries and challenges. When healthy and grounded, lawyers have the best shot of making prudent decisions during stressful times and taking the appropriate ethical actions necessary. Indeed, many of the NJ Rules of Professional Conduct that may be impacted by an attorney's overall well-being include: RPC 1.1 Competence; RPC 1.3 Diligence; RPC 1.4 Communication; RPC 1.6 Confidentiality of Information; RPC 1.7 Conflict of Interest: General; RPC 1.8 Conflict of Interest: Specific Rules; RPC 1.9 Duties To Former Clients; RPC 2.1 Advisor; RPC 3.3 Candor Toward Tribunal; RPC 3.4 Fairness To Opposing Party & Counsel; RPC 3.5 Impartiality & Decorum of the Tribunal; RPC 4.1 Truthfulness in Statements to Others; RPC 4.4 Respect for Rights of Third Persons; RPC 5.3 Responsibilities Regarding Non-lawyer Assistance; RPC 7.1 Communications Concerning a Lawyer's Service; RPC 7.3 Personal Contact with Prospective Clients; and RPC 8.4 Misconduct.

This edition of *New Jersey Lawyer* includes a wide range of interesting articles not usually given voice in a legal magazine. The issue explores concepts that may shed light on some of the above concepts, on well-being issues faced by all of us in the legal community, and why/how we should continue to address them. Our featured authors include a retired Superior Court Judge, two Past Presidents of the New Jersey State Bar Association, a suspended attorney who is a recovering addict, a New Jersey Lawyers Assistance Program psychologist, an expert on addictions, law students, an associate, and shareholders alike—all providing great insight into the various well-being subtopics they

explore. Further, under the *Working Well Practice Tips* section, I provide tips for a holistic approach to necessary self-care. The featured authors in this issue address the following:

- Kirsten Scheurer Branigan, Beth Zoller, and Katie Ann Insinga discuss the mental health crisis in the legal profession, which includes an overview of current programs as well as the need for more action and provides insight into available resources.
- Dr. Defne Ekin discusses neuroplasticity and how attorneys can embrace their natural strengths and have thriving legal careers while maintaining their overall well-being.
- Nicole Perskie provides a compelling and brave biography of her struggle with addiction as a suspended attorney. It illustrates the need for attention to the subject of lawyer well-being, addiction, and attorney ethics.
- The Hon. Kevin G. Callahan (Ret.) discusses how stress impacts the legal community from his perspective after 50 years in the law and provides a list of his top 20 tips to cope with the stresses of the legal profession.
- John E. Keefe, Jr., discusses how we may maintain well-being in the legal profession including a discussion of resilience and the true meaning of balance.
- Morgan Walsh and Rachael Wolfram discuss the law students' perspective on well-being and workplace values and provides insight on the expectations of our incoming members of the Bar.
- Kimberly Yonta discusses some of the history of well-being initiatives in various Bar Associations as well as the current initiatives in this area. She doubles down on the proposition that, *to be a good lawyer, one must be a healthy lawyer*.
- Anthony J. Geremonte discusses how technological advancements, in par-

ticular screen time, have affected attorneys' health and causes burnout.

- Ray Ortiz discusses what addictions are and how they may be treated as well as the services available to lawyers through the NJ Lawyers Assistance Program.
- Nicole G. McDonough discusses how law firms need to embrace flexibility and can provide support to its members for greater well-being and professional success.

I hope this edition of the *New Jersey Lawyer* provides lawyers with insights on the need for continued well-being education, programs, and resources in the state as well as information on assistance available to attorneys in New Jersey. If you personally need help, I encourage you to use the free services available to you: the NJSBA Member Assistance Program and NJLAP as detailed throughout this edition, to reach out to a friend or colleague, or to reach out to me personally—you do not have to struggle alone. It is also my hope that this issue inspires its readers to know that it is possible to have a thriving and successful legal career while also maintaining good overall well-being and joy in all aspects of one's life. I am truly grateful for this opportunity to share with my colleagues and respected members of the New Jersey Bar such a meaningful edition of the *New Jersey Lawyer*. ■

PRESIDENT'S PERSPECTIVE

Continued from page 5

you are facing personal or professional obstacles and need encouragement, I urge you to attend this day of insightful conversations, inspirational stories and motivating guidance from some of New Jersey's finest. Registration is open on the NJSBA and NJICLE calendars.

As always if you have any matters of concern, please contact me at 732-660-7115 or at tmcgoughran@mcgoughran-law.com. ■

PRACTICE TIPS



PRACTICE PERFECT

Cultivating an Effective Working Relationship with Your Paralegal

By Kimberly Molinelli

NJSBA Paralegal Special Committee

Paralegal, Blume Forte Fried Zerres & Molinari, P.C.

You've hit the ground running, your new practice is flourishing, and you've hired a paralegal. In fact, they start this Monday. You may be feeling a bit anxious, wondering how to implement them into your practice effectively and ensure a successful working relationship.

One very important thing to understand is that, like you, paralegals are perpetual students. They are smart, skilled and motivated, and they want to learn. Paralegals thrive on both positive feedback and constructive criticism to grow. The way to best assist with this ongoing self-audit is for you to be a good communicator. Did your paralegal execute a project well? Do you notice a particular strength? Tell them. Was an assignment done to less than par expectation? Don't hold back.

But for some, establishing that level of consistent, effective communication can feel awkward or be difficult—particularly while you are consumed with running your practice. Your relationship with your paralegal requires nurturing and maintenance just like any other personal relationship in your life. Sharpening your communication skills is integral to accomplishing that. Here are some recommendations that will help you attain mastery:

Be approachable. Keep the proverbial door open. Paralegals have ideas to share. Maybe you missed something on a file that your paralegal noticed, or a suggestion for cost savings. Your paralegal could have questions or be experiencing a problem at work or at home. Demonstrating that dialogue is welcome will make them comfortable coming to you.

Get personal. Invest in your paralegal on a personal level, and they will become personally invested in your success. Ask about your paralegal's life outside of the office. Tell that joke. Check in to make sure your paralegal isn't feeling stale in their job duties, and that their career goals are being met too. Share when you are experiencing a personal struggle so that your paralegal can help adjust your own stress level. These seemingly small measures of consideration will go a long way.



Sponsor education and professional development. Often, paralegals are members of professional organizations, such as the NJSBA Paralegal Special Committee, or Paralegal Association of New Jersey. You can show interest by sponsoring your paralegal's membership fees, or volunteering to give a seminar in your area of law. If your paralegal holds formal certification from an entity such as NALA (National Association of Legal Assistants), they will have annual continuing education obligations, just like attorneys do. Your paralegal may be a Notary Public or want to become one. Seminar and notary fees can become costly. Sponsoring your paralegal in these endeavors as you would an associate shows support.

Create an alliance. Your paralegal will execute tasks more efficiently if they are assigned to specific cases, versus project work on unfamiliar files. A paralegal with only fragmented knowledge of a case will appear unprofessional to an already anxious client, and potentially compromise the attorney-client relationship. Introduce your paralegal to the client at the inception of a new case to show that your paralegal is an important team member that the client can trust. A client will feel more at ease knowing they have a regular point of contact who will be familiar with all aspects of their matter. In that vein, it is also important to brief your paralegal on the kind of information approved to divulge to clients. And don't forget to keep your paralegal in the fold when it comes to strategy, so they can help formulate the plan of attack along with you.

Adjust the yoke. Is your paralegal's workload too light? It could be time to elevate them to more cerebral tasks. Too heavy? Maybe your paralegal needs approval for some overtime to finish a task, or perhaps it's time to hire some additional support. Ensuring that your paralegal has the appropriate level of responsibility and support will convey your concern for their well-being.

And finally...have a little fun! Teambuilding is foundational for building a reciprocal professional relationship. Look for opportunities for productive socializing. Enter the firm into a 5k for a charity. Collect for a food pantry. Hold a holiday toy donation drive. Schedule a CPR class. These are small but effective gestures that show humanity, lighten the mood, and open lines of communication.

Ultimately, a personal investment in your paralegal translates to a professional investment. Taking the steps to show your paralegal that their needs and opinions matter will foster an environment of mutual respect, and you will build a team that cares about the success of your firm. And let's face it—it's probably not a bad thing to have someone on board that knows CPR for when you run that 5k together!

WORKING WELL

Self-Care: A Holistic Approach to a Lawyer's Well-Being—DO IT NOW

By Lori A. Buza

KS Branigan Law, P.C.

Rutgers Law School Well-Being Professor

How can you take care of anyone else if you haven't taken care of yourself first? It is our jobs as attorneys to model the behaviors our clients should employ as well as to be in as competent and healthy a position as possible to provide the best service to our clients. The same holds true for those who are arbitrators or judges, for in these positions—literally the fate of a case is in their hands. As most of us have heard before: if you are in distress on an airplane, you must take the oxygen first before

helping those around you. As lawyers, we have a heightened duty of care to others; hence it flows that we need to first take care of ourselves.

My approach to self-care is a holistic one—this involves adopting numerous behaviors to maximize my health and well-being. These include good nutritional choices; exercise; adequate sleep and rest; care for skin, hair and teeth; exposure to sunshine; meditation; routine medical and dental checkups, including any necessary annual screening tests (e.g./ lab work) and vaccinations; the avoidance of tobacco; limited use of alcohol; and maintaining good hygiene as well as cleanliness in the home and office. It is critical that we position ourselves in as strong a position as possible so that if faced with an illness, it can be managed properly and expediently. Self-care needs to be routine and not only developed or realized once symptoms of illness are revealed. Self-neglect, on the other hand, leads to a host of physical and mental illnesses, distractions, and negative consequences—some of which could have been prevented or at least significantly mitigated.

It is also important that shareholders encourage self-care for their associates and teams. Outings, adequate vacation and rest days, proper health insurance (including mental health) and dental insurance options, as well as firm-wide community support are all encouraged. Having well-being policies in place and adequate resources (e.g. well-being coaches, dietitians, gym memberships) are important ways to support all members within your firm. Social support within your firms (e.g. mentorships and firm activities) along with an encouragement of self-care maintenance can facilitate the good health and well-being of its members. In turn, those lawyers will meet their maximum capabilities to serve their clients to the literal best of their abilities without distractions of their own self-neglect, or necessary time off when issues arise. Moreover, supporting the health of a firm's members ensures the members are set up in the best position to do outstanding legal work.

Many lawyers report they do not have enough time to take care of themselves. I've heard time and time again from my attorney colleagues: "I am too busy," "I don't have time for me," or "I'll get to that eventually..." Big mistake. Take care of yourself now and before illness or negative consequences appear. Don't wait until, for instance—you need a joint replacement or are diagnosed with a preventable condition and/or when an undetected illness goes untreated/becomes exasperated. Motivation should not come after the fact. Love yourself NOW. Invest in yourself NOW—because your health and well-being is your greatest commodity, and you are useless to your firm or clients when you are not well. The little voice in your head and the voice of this article reminds you—don't wait until it's too late to realize and effectuate proper self-care. DO IT NOW. ■



A spotlight on some 2024 programs...



Thurs., March 7
8:30 a.m. – 4:30 p.m.
Earn up to 8.2 credits.

2024 NJSBA Virtual Spring Conference

The NJSBA's Spring Conference is a comprehensive, one-day event designed to equip you with the latest developments and strategies in several key areas of practice. As an attendee, you will have the privilege of gaining insights from some of the state's top thought leaders on the topics that are crucial for you to stay ahead in 2024 and beyond.

Start the Day at the Intersection of Ethics & AI

Begin your day with a compelling session on the topic everyone is talking about - the intersection of Artificial Intelligence and Ethics.

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Choose from four distinct tracks tailored to your area of practice: Family Law Track, Criminal/Municipal Court Track, Transactional Track, Civil Track

End the day with the choice between two special sessions:

- Writing with Style and Persuasion by Nelson Johnson
- The Latest on Risk Management by USI Affinity and Robert B. Hille, Esq.

Legal Ethics in the Time of GAI and Electronic Information

Fri., March 8 | 9 a.m. – 12:45 p.m.

Earn up to 4.2 credits, including 4.2 in Ethics.

Join our very own New Jersey/nationally recognized speaker on GAI and electronic information, the Honorable Ronald J. Hedges, as he and this distinguished panel review some of the leading decisions and ethics opinions on discovery of electronic information and electronic records – as well as the new and “exploding” technology of GAI.

2024 Labor & Employment Law Forum

Fri., March 8
9 a.m. – 4 p.m.

Earn up to 6.7 credits, including 1.2 in Ethics.

Insurance Law Forum

Wed., March 13
9 a.m. – 12:35 p.m.

Earn up to 4.0 credits, including 1.0 in Ethics.

The Belfast/Good Friday Agreement

Thurs., March 14
9 a.m. – 12 p.m.

Earn up to 3.3 credits.

A Day on Evidence

Fri., March 22 | 9 a.m. – 4 p.m.

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Presented in cooperation with the NJSBA's Certified Attorneys and Civil Trial Bar sections

Evidence skills can take years to master. Join our distinguished panel in a full-day program specifically designed to give litigators at all levels an opportunity to improve their evidence skills. Don't miss this opportunity to strengthen your evidence skills.

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Tackling the Mental Health Crisis in the Legal Profession

Breaking the Silence, Removing the Stigma, and Providing the Resources

By Kirsten Scheurer Branigan, Beth P. Zoller and Katie Ann Insinga



There is a mental health crisis in the legal profession, both nationally and in New Jersey. Many attorneys struggle with depression, anxiety, and burnout. It is a high-pressure field of work, which is often lacking in flexibility and work-life balance. While mental health challenges in the legal profession have existed for years, it is only recently gaining more visibility and attention. There are growing efforts to study and address the crisis, but there is still a long road ahead. Fortunately, there are also increasing resources to support attorneys who need help in these areas. The issues are of critical importance to the legal profession. When attorneys are well and thriving, they are in the best position to fulfill their clients' expectations and their ethical obligations.

National Efforts/ABA Study and ALM Study

In 2017, the American Bar Association (ABA) Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation jointly published a study (ABA 2017 Study) of almost 13,000 practicing lawyers across 19 states on lawyer well-being issues.¹ The findings included that 28% of the participants experienced some level of depression, 19% experienced some level of anxiety, and 23% experienced some level of stress.² The study found that lawyers in their first 10 years of practice, as well as those working in private firms, had the highest rates of depression and drinking problems.³ An astounding 44% of participants felt that mental health and substance abuse problems in the legal profession were “at crisis levels.”⁴

Following the ABA 2017 Study, in 2021 *The American Lawyer* conducted a survey, *ALM’s 2021 Mental Health and Substance Abuse Survey* (2021 ALM Survey), finding that 37% of survey participants reported feeling depressed, 71% reported feeling anxiety, and 14% reported that they suffered from a different mental illness.⁵ These numbers had increased from the

previous year.⁶ The COVID-19 pandemic only exacerbated the problems in the legal profession, causing disproportional mental health struggles.⁷

New Jersey Efforts/Putting Lawyers First Task Force Report

When it comes to the prevalence of mental health issues among attorneys, the New Jersey legal community is no exception.⁸ The problem is so pervasive that the New Jersey State Bar Association’s (NJSBA) Putting Lawyers First Task Force (PLF) published *A Comprehensive Report and Recommendations on How to Improve the Legal Profession for Lawyers* (PLF Report) in February 2023 to get to the root cause of the problem surrounding mental health and substance abuse issues for lawyers in New Jersey. The PLF Report is largely meant to provide real solutions in order to achieve real results for the well-being of lawyers in New Jersey.⁹

The PLF Report includes a 90-question survey (PLF Task Force Survey) conducted in November 2022 confirming this statement. The survey includes responses from 1,643 New Jersey lawyers on their health and well-being.¹⁰ Overall, New Jersey “attorneys are experiencing a decline

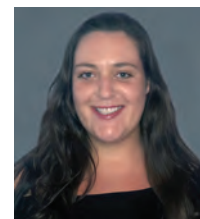
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in health and well-being in comparison to other professionals.”¹¹ The survey uncovered some alarming results. For example, 28% of the participants said they are considering leaving the legal profession altogether, which is higher than in other working populations.¹² Survey participants reported burnout, depression (3.5 times higher than other working populations), suicidal thoughts (three times higher than other working populations), substance abuse disorders (alcohol misuse was six times higher than other working populations), and anxiety (five times higher than other working populations).¹³ The report found that 56% of the New Jersey attorneys that responded reported a high prevalence of alcohol misuse.¹⁴

Why all the Problems?

Law is a demanding profession, and a large part of the issue is that lawyers rarely put themselves first. Attorneys often prioritize the courts and their clients, as well as their firms and their families.¹⁵ Additionally, the PLF Task Force Report cited that many lawyers cannot disconnect from their work and have a lack of boundaries to take “down time” and feel uncomfortable taking time off to address well-being.¹⁶

A frequently cited problem that lawyers face, especially younger lawyers, is the lack of work-life balance. According to a survey of about 1,600 lawyers by Major, Lindsey & Africa (MLA) and Above the Law (MLA Survey), the top priorities among millennials when evaluating a potential employer is work-life balance and compensation.¹⁷ However, over half of the participants said they will give up compensation for reduced billable hours or more time off.¹⁸ Work-life balance is more than just working less hours, it is also about flexibility on when to work those hours.¹⁹ Associates are often allowed little flexibility and little control over their workday, which over a long period of time is hard to deal with.²⁰

The PLF Report identified several factors contributing towards anxiety, depression, and burnout, including:

- A lack of boundaries between work and personal life;
- Expectation to be available outside of normal business hours;

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Additionally, the PLF Task Force Report cited that many lawyers cannot disconnect from their work and have a lack of boundaries to take “down time” and feel uncomfortable taking time off to address well-being.

- Feeling isolated at work;
- Lawyers (39%) not taking or feeling comfortable taking time off to address well-being (these lawyers are 10 times more likely to report feeling burnout than lawyers who are more comfort-

able taking time off);

- Lawyers under 34 years of age were four times more likely to report depression than lawyers over 65 years of age;
- Lawyers who work between 6-10 hours on the weekend were more likely to report depression than lawyers who work 1-5 hours.²¹

Around 74% of participants reported having to work on the weekends, and 51% of participants believe that they are frequently or always expected to be available outside of normal business hours by their employers, while 29% believe that these expectations are frequently or always interfering with their personal lives.²²

The struggles with work-life balance, and other concerns are often more pronounced for women lawyers. In August 2022, the Rutgers Center for Women and Work published a report entitled, *Women in Private Law Firms: Slow Progress on Equality of Promotion and Compensation*, which showed that, while women have been entering law firms for decades in greater numbers, many of them are choosing to leave the practice of law. In addition to concerns about bias and unequal pay, this is also frequently due in part to dissatisfaction stemming from time demands and integration of work and family.²³ Recent studies have suggested that women experience higher rates of mental health issues, stress, and burnout.²⁴ The Rutgers Law School International Human Rights Clinic launched a cutting-edge study into the many challenges facing women lawyers in a wide array of sectors to find solutions that will create meaningful change.²⁵

Race, like gender, plays a role in the experiences of lawyers. At the time of the PLF Report, a statistically significant relationship was found between lawyers who reported their credentials being questioned and both race and gender.²⁶ Women were two times more likely than

men to be questioned about their credentials, while 30% of Hispanics and 41% of Black people reported having their credentials questioned, as opposed to only 17% of white people.²⁷ The PLF Task Force has done limited analysis of this issue, and concludes that it would be important to report on the analysis of “the relationships between all well-being measures and its impact on diverse attorneys.”²⁸

One potential cause of mental health issues among marginalized individuals can be due to microaggressions.²⁹ Microaggressions correlate with greater anxiety and alcohol abuse.³⁰ Moreover, people who experience microaggressions regularly can also experience anger, confusion, anxiety, hopelessness, frustration, fear, and paranoia that can all lead to poor coping mechanisms, including denial and substance abuse.³¹ A 2018 study conducted by LeanIn.org found that 64% of women experienced microaggressions. Members of the LGBTQ community are further affected: 71% of lesbians have experienced microaggressions at work, and gay men are more likely to hear demeaning remarks about themselves or people like them.³² A 2006 ABA study showed that 47% of white women, 49% of women of color, and 34% of men of color experienced demeaning comments or harassment.³³

A significant volume of work, coupled with high billable hour requirements, also contribute to the challenges with mental health and well-being. One participant from the 2021 ALM Survey stated that the “obsession” over billable hours and 24-hour availability expected of associates while working remotely has to change and that associates “feel on-call at all hours.”³⁴ The PLF Task Force Report indicated that lawyers who reported working 15–20 additional hours on average per week were six times as likely to report depression than lawyers who reported rarely or never working additional hours.³⁵ Additionally, lawyers who reported taking five or less days of vacation were six times as likely to report

depression than those with more than 20 days of vacation.³⁶

The 2021 ALM Survey reported on law firms trying to address and fix the problem of declining mental health and well-being in the workplace, with 54% of participants saying their firm was trying to make a greater commitment to mental health.³⁷ Some examples of their efforts include yoga sessions, therapy and medi-

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tation, bringing in mental health professionals to give advice, and time periods where screen time and internal meetings were restricted so that employees may get outside while it’s still light out.³⁸ However, some participants felt their firms’ efforts were disingenuous, providing examples of online coffee meetings to

discuss mental health and well-being which they believed were unlikely to elicit any meaningful change.³⁹

Recommendations and Resources

Recommendations

The PLF Attorney Health and Well-Being working group has included recommendations based on survey findings to help remove stigmas and to increase well-being for New Jersey lawyers. These recommendations include, but are not limited to, the following:

Beginning a State-Wide Conversation About Attorney Well-Being

- Encouraging wellness needs to include personal, cultural, and systemic changes that address the stigma and attitudes working against well-being.⁴⁰

Outreach and Education

- Identifying needs and educating judges, lawyers, and law school students about stress, pitfalls, and the resources available for them to address problems and promote wellness.⁴¹

Law Firms

- The well-being of law firm employees is essential to the success of the firm.⁴²

Board-Approved CLE

- Continuing legal education statewide to provide essential information about wellness issues.
- Provide free, or low-cost CLE programs on mental health and wellness topics.⁴³

Bench-Bar Relations

- Conduct a well-being survey for the judiciary;
- Provide programming for judges and staff on well-being;
- Educate the judiciary on topics such as reducing stigma, spotting trouble, and temperament; and
- Continue virtual appearances for court events.⁴⁴

Law Schools

- Address law students at each level of law school on professional responsibility, the demands of practice, well-being, etc.;
- Provide speakers on well-being;
- Provide information to law students on identifying problems and the resources available to them; and
- Incorporate wellness into the law school curriculum.⁴⁵

Partnering with Third Parties

- Explore the ways to offer discounts for fitness programs/gyms, group health insurance benefits to solo practices/small firms, and mental health services.⁴⁶

Centralizing and Coordinating Well-Being Efforts

- Establishing an on-going Lawyer and Judicial Well-Being Task Force under the Administrative Office of the Courts.⁴⁷

Further Survey Analysis

The current survey analysis only focused on six areas: burnout, depression, suicidal ideation, problem drinking, isolation, and anxiety. PLF is supportive of any further survey analysis.⁴⁸

Adjust Bar Application Character and Fitness Questionnaires that Perpetuate Problems

One problem that persists is that bar admission questions often prevent law students and future lawyers from seeking help, fearing that disclosure of any mental health issues, or addictions to a character committee could deem them unfit to practice. For example, Question 12B of the New Jersey Character and Fitness Questionnaire previously read:

Do you CURRENTLY have any condition or impairment (including but not limited to substance abuse, alcohol abuse, or a mental, emotional or nervous disorder or con-

dition) that in any way affects your ability to practice law in a competent, ethical and professional manner and in compliance with the Rules of Professional Conduct, the Rules of Court, and applicable case law?

If yes, please describe any ongoing treatment programs you receive to reduce or ameliorate the condition or impairment.⁴⁹

However, on Sept. 19, 2023, the New Jersey Supreme Court ruled to change the Character and Fitness Questionnaire on the New Jersey Bar. The PLF's Attorney Well-Being working group prompted this rule change by asking the Supreme Court of New Jersey to eliminate question 12B entirely. Instead, they updated the preamble, which now reads:

Section 12 addresses recent conduct or behavior that could call into question a candidate's ability to practice law in a competent, ethical, and professional manner, meaning in compliance with the Rules of Professional Conduct, the Rules of Court, and applicable authority.

Section 12's inquiry includes, but is not limited to, conduct and behavior related to a candidate's mental health, addiction or dependency, or other condition. The purpose of these questions is to determine the current fitness of an applicant to practice law. To that end, a candidate need not disclose any conduct or behavior related to a mental health diagnosis, addiction, or condition that is or has been treated effectively under the care of a health care provider or other medical professional, or through consistent participation in an established treatment program.

The Supreme Court and the Committee on Character encourage candidates to seek support and treatment, and candidates should not view the attorney licensure process as a deterrent to pursue treatment. The Committee regularly recommends licensing of individuals who have demonstrated personal responsibility and maturity in dealing with mental health, addiction,

and dependency matters.

This guidance applies to Question 12A. Candidates must provide full and complete responses to all other questions in the Character and Fitness Questionnaire, including Section 8B (regarding criminal charges).⁵⁰

They also reframed the question itself, which now reads:

B. Within the past five (5) years, have you asserted any condition or impairment as a defense, in mitigation, or as an explanation for your conduct in the course of any inquiry, any investigation, or any administrative or judicial proceeding by an educational institution, government agency, professional organization, or licensing authority; or in connection with an employment disciplinary or termination procedure?

If you answered "yes" to this question, furnish a thorough explanation in the space provided, and upload related documentation through your User Home Page after submitting the Character and Fitness Questionnaire on-line. Detailed instructions for uploading documents are available in Section 1A of this Questionnaire.⁵¹

The changes became effective on Oct. 1, 2023. These changes limit what bar applicants need to disclose about any mental health conditions. Now, the question is "narrowed to ask about past conduct and behavior as opposed to mental health treatment or diagnosis."⁵² New Jersey joins 26 states where question 12B has either been eliminated, modified, or never used on applications for the bar.⁵³

This question has done more harm than good as it has been said to stop future lawyers from getting help. Before, law students were told not to get any help for their mental health and well-being as that information would have to be disclosed.⁵⁴ The changes will now help advance the mental health and well-

being movement forward and allow the focus to be on the applicant's conduct opposed to their mental health treatment or diagnosis.⁵⁵

Encourage Use of Resources to Help

There are several organizations and resources to help address mental health challenges in the legal profession.

- Nationally, the ABA has a website with links for mental health assistance: americanbar.org/groups/lawyer_assistance/resources/covid-19—mental-health-resources/;
- The Institute for Well-Being in the Law also has a website focused on mental health resources available to lawyers: lawyerwellbeing.net;
- Additionally, the National Alliance on Mental Health has a general website to learn more about mental illness and find support: nami.org.

Resources are available to help New Jersey lawyers who are or know someone who is struggling with mental health and substance use issues. The New Jersey Lawyers Assistance Program (NJLAP) is among these resources. NJLAP is a free and confidential, independent mental health and well-being resource for anyone in the New Jersey legal profession, including lawyers, judges, law students and law graduates.

The goal of NJLAP is to help people within the New Jersey legal profession achieve well-being both personally and professionally. NJLAP offers assessments, referrals for resources on substance abuse and mental health, ongoing support, prevention and education programs, mental-health related news and updates as well as a newsletter focusing on “balance.” They also offer CLEs and YouTube programs addressing topics from “Working with Difficult Clients” to “Coping with Depression.” For more information on NJLAP visit njlap.org or get in touch with the program if you need help by

calling 800-246-5527 or sending an email to info@njlap.org.

The New Jersey Supreme Court has approved amendments to the rules regarding NJLAP, specifically to Rule

...question [12B] has done more harm than good as it has been said to stop future lawyers from getting help. Before, law students were told not to get any help for their mental health and well-being as that information would have to be disclosed. The changes will now help advance the mental health and well-being movement forward and allow the focus to be on the applicant's conduct opposed to their mental health treatment or diagnosis.

1:20-9 and Rule 1:28B-3.⁵⁶ Previously, the court rules enabled lawyers to directly seek help from NJLAP, but they did not allow a third party, such as a concerned colleague, family member or friend to confidentially refer a law professional that may need help in order to establish a

connection between the two.⁵⁷ The amendments to the rules facilitate third-party referrals to NJLAP.⁵⁸ Recommendations for the amendments included that confidential referrals can be made when an investigation by the Office of Attorney of Ethics finds there is reasonable cause to believe the respondent can benefit from NJLAP, as well as allow NJLAP to directly contact the lawyer.⁵⁹

Additionally, the NJSBA Member Assistance Program connects members and their families to mental health professionals, and includes in-person counseling sessions (three per issue), and unlimited phone, text, and email support.⁶⁰ Additionally, members of the NJSBA have access to a self-help wellness library with interactive resources that are available to help both employees and families. Some resources include: a training center to build skills for professional and personal growth; an emotional well-being resource center; health risk assessments; health videos; and recipes. Access the self-help wellness library at charlesnechtem.com/the-wellness-library/.

Conclusion

Mental health and well-being issues are pervasive and widely felt in the legal profession. Ignoring mental health awareness and treatment has a detrimental impact on lawyers, their families, and their clients. It is encouraging to see these issues finally getting attention, but the conversation must continue. To make the legal profession better for everyone, mental health issues must be de-stigmatized, lawyers must be encouraged to seek help when needed, and the profession must become more understanding and inclusive of individuals with mental health related issues. Overall, it is important to continue learning what causes these issues to become rampant in the legal profession and changes need to be implemented to elicit meaningful and long-lasting progress. ■

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Embracing Strengths and Capitalizing on Neuroplasticity Can Unlock a Healthier Life

By Dr. Defne Ekin

Five years have passed since the publication of the ABA/Hazelden study¹ on lawyer well-being, which revealed that lawyers have concerns involving mental health and struggle with alcohol and substance use at substantially higher levels than the general population. Lawyering has long been recognized as a high-stress profession, with difficult decisions, and resulting complex pressures. The well-being crisis within the legal field is attributed to the demanding aspects of prolonged working hours, substantial workloads, adversarial settings, and ethical dilemmas. Understanding that the well-being of lawyers transcends personal concerns is crucial, given its direct implications for ethics and professionalism. Impaired mental health, often stemming from prolonged stress or anxiety, can significantly impede a lawyer's capacity to make sound judgments, navigate complex cases effectively, and maintain positive client relationships. These challenges underscore the intricate interplay between mental health and ethical professionalism within the demanding landscape of the legal profession. The cumulative effects of compromised mental well-being emphasize the need for a holistic focus on all dimensions of well-being to foster sustained excellence in legal practice.

In response to the urgent need for transformative change, diverse initiatives have emerged, compelling lawyers to reconsider the true cost of neglecting their well-being.² This shift has prompted changes in law schools, facilitated well-being discussions in law firms, and challenged the stigma surrounding seeking help—all with the aim of correcting the concerning trajectory the profession has been on. These changes underscore the importance of individual lawyers prioritizing their well-being and advocating for a collective commitment to the broader welfare of the legal profession. The ultimate goal is to enhance lawyers' well-being and cultivate a more resilient legal community.

A Strengths-Based Approach to Enhancing Lawyer Well-Being

An invaluable resource for legal professionals is the availability of services offered by Lawyers Assistance Programs. As a counseling psychologist and the team clinician for the New Jersey Lawyers Assistance Program (NJLAP), the role involves providing mental health support to lawyers facing various challenges. Collaborating closely with lawyers,

judges and law students necessitates a focus that extends to addressing the distinctive stressors and demands inherent in the legal profession. Through this engagement, the goal is to foster resilience, promote personal growth, and enhance the overall well-being of people in the New Jersey legal community. The NJLAP is a free and confidential supportive space, emphasizing the importance of mental health by providing tailored interventions.

Interestingly, within the profession of psychology, there is a deliberate shift underway, advocating for a more comprehensive approach that emphasizes considering individual health in connection with their relationships, communities, and societies.³ My subdiscipline, counseling psychology, employs a strengths-based approach to enhance people's resilience, growth, and overall well-being. Diverging from a traditional focus on identifying weaknesses or psychopathology, this approach emphasizes people's inherent strengths and resources, enabling them to navigate challenges and realize their full potential. This holistic perspective recognizes the interconnectedness of mental, emotional, behavioral,

social, cultural, and spiritual factors. This approach is used to conduct comprehensive assessments to identify a person's strengths, talents, and positive qualities, and the unique attributes they bring to the situation. The strengths perspective has the power to elevate clients by acknowledging their decision-making abilities, goal-setting skills, and capacity to take control of their lives. Taking a holistic view, the strengths perspective considers clients' physical, emotional, social, and spiritual dimensions, understanding that well-being is influenced by various aspects of a person's life. Training and practice as a counseling psychologist has allowed me to appreciate the profound capacity for resilience that is manifested by recognizing and using a client's unique strengths and adaptability.

This article aims to empower lawyers by encouraging them to adopt an approach similar to emphasizing the "strengths of their case." By doing so, they can recognize and leverage their inherent personal strengths to optimize overall well-being. Much like how a lawyer strategically identifies and emphasizes the strengths of their case to secure a favorable outcome for their client, a counseling psychologist employs a similar strategy by accentuating the strengths of their client to foster well-being and success. In this regard, the two professions share a commonality of benefiting from tapping into the inherent strengths of their cases.

Lawyers have a unique opportunity to enhance their overall well-being by reshaping their approach to stressful situations. This transformative shift involves viewing their skills not only as tools for advocacy but as invaluable resources contributing to thriving in both personal and professional realms. Drawing from a distinctive skill set cultivated in legal training, lawyers can use critical thinking and problem-solving

When confronted with the stresses of the legal profession, lawyers can enhance their resilience with a deliberate shift toward assessing, acknowledging, and harnessing their own strengths. Reminding lawyers of their agency in choosing how they interpret and engage with challenges is crucial.

skills to address challenges across various well-being domains. Exploring how lawyers can apply the same strengths-based approach used in building robust legal cases to their own well-being is a key focus. It is vital to acknowledge that lawyers go beyond merely anticipating challenges and identifying weaknesses in a situation. Legal training instills a meticulous approach to situation assessment, wherein skilled lawyers transcend mere identification of weaknesses to conduct comprehensive analyses, considering both drawbacks and strengths. This dual perspective not only allows them to foresee potential problems but also equips them to capitalize on inherent strengths within a given situation.

When confronted with the stresses of the legal profession, lawyers can enhance their resilience with a deliberate shift

toward assessing, acknowledging, and harnessing their own strengths. Reminding lawyers of their agency in choosing how they interpret and engage with challenges is crucial. This empowerment enables them to redirect focus from dwelling exclusively on the negative aspects of their lives to positive psychology and recognizing the complexity of situations, embracing both challenges and strengths. Leveraging analytical skills that make lawyers adept problem-solvers, they can develop the ability to perceive the full spectrum of possibilities. This holistic perspective empowers lawyers to make informed decisions, approach situations with resilience, and contribute to fostering greater well-being.

Primarily, attorneys can leverage their research and analytical prowess not only for legal matters but also for gaining profound insights into their own selves. By identifying inherent strengths and areas for growth, lawyers can embark on a journey of self-discovery and personal development. Consider, for instance, the application of personal strengths to foster well-being. A lawyer's adeptness in communication and persuasion can extend beyond the professional realm. It becomes a valuable asset for cultivating meaningful personal relationships and establishing robust support networks. Moreover, these communication skills serve as a foundation for setting boundaries with demanding clients or advocating for one's needs in personal relationships. The advocacy skills ingrained in the legal profession offer a unique opportunity for attorneys to champion their own well-being needs. Transforming these skills from the courtroom to personal life allows lawyers to assertively address and fulfill their own requirements for a balanced and fulfilling life.

Furthermore, a lawyer's writing proficiency can be repurposed for personal

growth. Good writing skills can be a powerful tool for journaling, providing an outlet to process emotions, brainstorm about personal goals, and effectively manage stress. This transformation of legal writing into a personal tool for reflection and expression adds a therapeutic dimension to the lawyer's skill set. In essence, lawyers are encouraged to broaden their perspective on their competencies, recognizing that the skills developed in the legal arena can transcend the professional and become instrumental in fostering holistic well-being.

Essentially, the training that equips lawyers to thoroughly assess situations provides essential tools to cultivate a mindset balancing caution with a proactive pursuit of opportunities. Intentional focus on strengths not only deepens understanding of capabilities but also recognizes the potential to positively influence well-being. This shift can lead to increased self-confidence, elevated self-esteem, and an overall more positive outlook on life. Moreover, emphasizing personal strengths fosters heightened self-awareness and self-efficacy among lawyers. As they become more attuned to capabilities and areas of proficiency, a profound sense of self-awareness emerges. Coupled with an enhanced belief in their self-efficacy—the ability to navigate challenges effectively—it opens possibilities for improved well-being across all facets of life. Recognizing and leveraging personal strengths optimizes cognitive and emotional responses, laying the groundwork for holistic well-being beyond the professional realm into personal lives.

Neuroplasticity and Lawyer Well-Being: Rewiring for Resilience

Understanding neuroplasticity is crucial for appreciating the impact of mindset on the brain's adaptability and

resilience. Neuroplasticity, also known as neural plasticity, describes the brain's dynamic ability to change and adapt throughout life. It adjusts and responds to experiences and challenges by creating, reorganizing, and removing neural connections. Scientific discoveries about neuroplasticity have replaced the traditional belief that denied the possibility of functional and structural changes in the brain after a certain age. It is now widely acknowledged that various elements including stress, hormones, neurotransmitters, growth factors, drugs, environmental factors, learning, and aging contribute to ongoing changes in neuronal structures and functions.⁴

In the legal profession, the pervasive inclination among lawyers to adopt a negative outlook is often a consequence of their extensive training, which places significant emphasis on identifying potential pitfalls and worst-case scenarios. This proclivity, inadvertently cultivated through rigorous legal education, can not only shape a pessimistic mindset but may also induce dysfunctional changes at the brain level, through the mechanisms of neuroplasticity.

In contrast to the ways a lawyer's brain adapts to a prevailing pessimistic mindset through their training, an intentional shift toward acknowledging their personal strengths initiates favorable and functional transformations at the neural level. A deliberate focus on personal strengths induces positive emotions, triggering the brain's reward system and resulting in the release of dopamine—a neurotransmitter associated with pleasure and motivation. The surge of dopamine not only reinforces positive emotions but also contributes to the establishment and strengthening of positive neural connections.

Persistent stress and anxiety pose a significant threat to the brain's adaptability and plasticity, essential for learn-

ing, adaptation, recovery, and overall well-being throughout our lives. The detrimental impact of stress and anxiety is evident in the impaired formation of new neural connections and elevated stress hormone levels, contributing to potential damage to brain cells. The cumulative consequences of stress-induced alterations in the brain can profoundly hinder neuroplasticity, limiting the brain's capacity to adapt, learn, and effectively cope with stressors, consequently exacerbating cognitive and emotional challenges. Notably, chronic stress takes a toll on the prefrontal cortex, responsible for higher-order cognitive functions such as planning, decision-making, and emotional regulation. Additionally, the amygdala, the brain's center for processing emotions, becomes excessively active in response to prolonged stress,⁵ intensifying sensitivity to threats, heightening anxiety levels, and impairing emotional reactions.

A potential strategy for lawyers to mitigate the impact of stress and anxiety involves the identification of their individual strengths and resources. This approach has the potential to shift individuals away from stress and anxiety, fostering a sense of control and accomplishment. At the neural level, such a shift can lead to decreased activity in the amygdala, reducing fear, while simultaneously increasing activity in the prefrontal cortex, enhancing cognitive control. Crucially, it is essential to recognize that neuroplasticity is an ongoing process, and the choice lies in the types of neural connections we wish to facilitate—whether reinforcing a stressed worst-case scenario mindset or cultivating connections associated with adaptability and greater well-being. Lawyers can rewire their brains for resilience by intentionally focusing on their strengths, thereby mitigating the detrimental effects of chronic stress and anxiety. This strategic

Neuroplasticity, also known as neural plasticity, describes the brain's dynamic ability to change and adapt throughout life. It adjusts and responds to experiences and challenges by creating, reorganizing, and removing neural connections.

rewiring can lead to greater mental health, enhanced cognitive control, and an overall bolstering of well-being.

As we reflect on reshaping the legal profession for enhanced well-being, it becomes imperative to acknowledge the distinctive strengths and resources inherent in each professional. Embracing a personal strengths-based approach and recognizing the influence of neuroplasticity empowers lawyers to not only navigate professional challenges but also bolster the collective resilience of the legal community. The objective is to cultivate enduring excellence in legal practice, where well-being is not merely prioritized but seamlessly integrated into the professional ethos.

Occupational Neuroplasticity and Tips from Research

Research interest in occupational neuroplasticity is growing, an area that investigates how the brain changes in structure and function due to professional training and daily work demands.⁶

This area aims to understand how prolonged professional engagement affects the brain's neural architecture and functional networks. Although there's no specific research on lawyers, studies across various occupations indicate that occupational neuroplasticity involves more than just professional skills; it includes professional development, interpersonal dynamics, responsiveness to success, environmental adaptations, and potential genetic factors. For lawyers, exploring specific environmental influences in the legal profession, such as nature of cases and courtroom intensity, could offer insights into occupational neuroplasticity mechanisms. The goal is not just uncovering how the nervous system evolves in the context of the legal profession but also finding ways to enhance lawyer well-being and performance. In the absence of specific lawyer-focused research, this article will conclude with relevant suggestions from neuroscience studies.

Reduce stress: Review of current neuroscience research points out several key brain regions, notably the hippocampus and prefrontal cortex as crucial for resilience. These brain structures support complex cognitive functions and therefore implicated in adaptive coping. Similarly reducing hyper-reactivity in the amygdala is viewed as critical to enhancing people's ability to manage and recover from traumatic experiences.⁷ Early research on neuroplasticity in humans suggests that interventions focusing on stress reduction and well-being may positively impact the structure and function of the brain by increased activity in the prefrontal cortex and reduced activity in the amygdala.

Try meditation: Irrespective of the particular meditation type or techniques, regular meditation practice can have beneficial effects on the prefrontal cortex, enhancing attention, memory, cognitive control, and emotion regulation. This heightened functional connectivity may

contribute to reduced anxiety, depression, stress, and negative emotions.⁸

Find your purpose: Purpose plays a vital role in overall well-being and is connected to positive outcomes in both physical and psychological health. Neuroscience research indicates that having a clear purpose in life enhances stress resilience through two mechanisms. Beyond mitigating the effects of chronic stress on the body, a well-defined sense of purpose is linked to improved emotional recovery and regulation by influencing circuits in the brain related to emotions and threats.⁹

Develop meta-awareness: Meta-awareness is a mental state of turning inward to foster an understanding of one's conscious experiences. Training in meta-awareness, achieved through practices such as mindful breathing, has shown promise in improving attention, reducing stress, and enhancing overall psychological well-being, with corresponding changes observed in prefrontal cortex activity and connectivity.¹⁰

Stay active: Regular exercise has positive effects on the brain by increasing the production of substances that enhance cognitive and behavioral functions. Additionally, exercise improves both blood flow in the brain and the activity of supportive cells called glial cells, creating an environment conducive to better brain adaptability. Moreover, exercise helps reduce harmful substances associated with conditions such as Alzheimer's, potentially protecting neurons and delaying the onset of such neurological disorders.¹¹

Savor experiences: Savoring is deliberately immersing oneself in the pleasant sensations associated with an experience. Amplifying positive emotions and pleasure by intentionally expanding the sensory focus has shown promise in countering the inability to experience joy that occurs as part of addiction to substances through neuroplasticity.¹²

In conclusion, while the legal profes-

sion presents undeniable challenges to well-being, lawyers are uniquely equipped to navigate these obstacles and cultivate resilience. By embracing their inherent strengths and leveraging the transformative power of neuroplasticity, lawyers can redefine the trajectory of their profession, transforming it from a culture of burnout into a profession of thriving, flourishing people. ■

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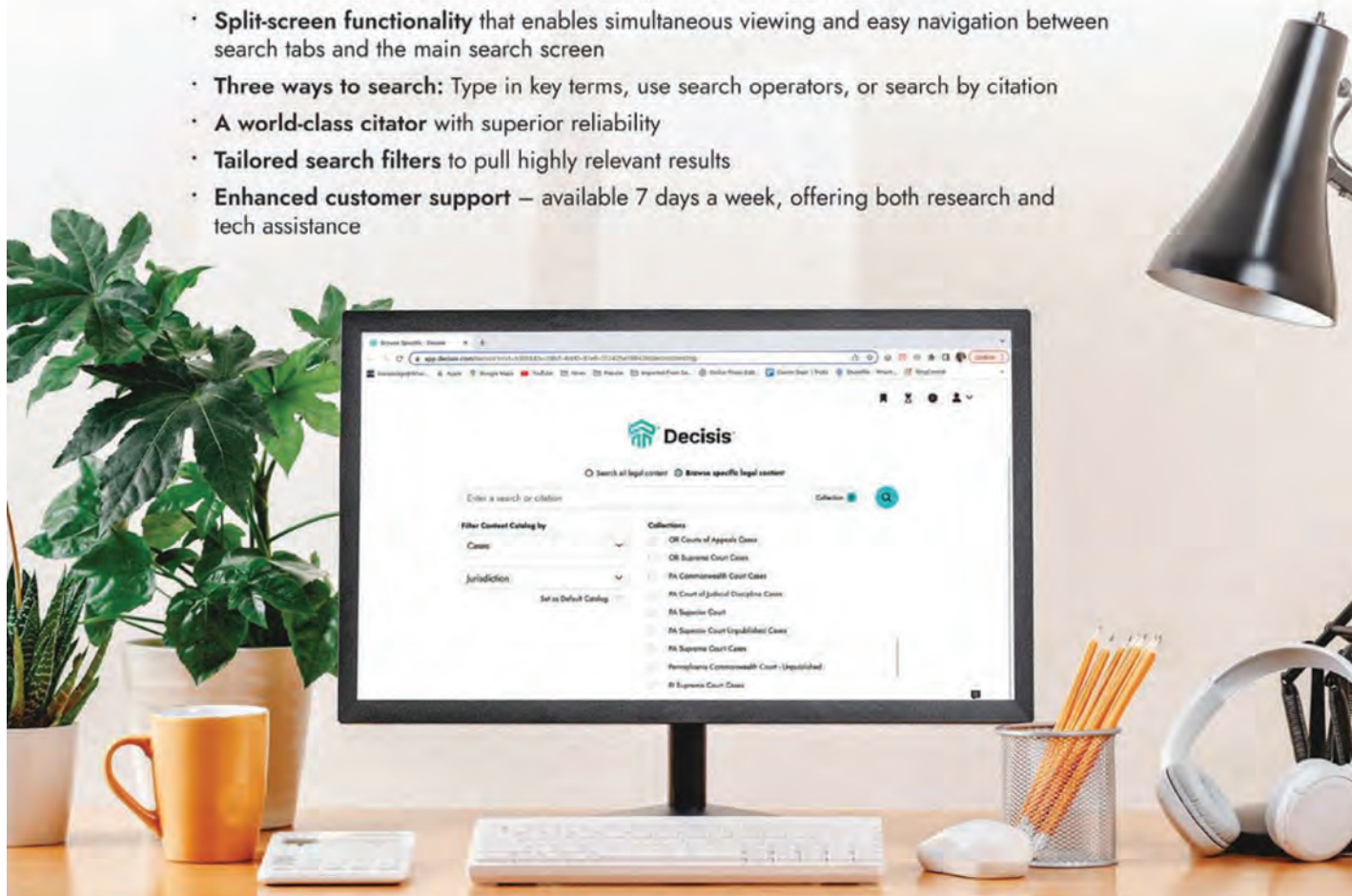
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NICOLE PERSKIE is the Administrative Director at the New Jersey Lawyers Assistance Program, which offers free and confidential resources to lawyers, judges, law students and law graduates to achieve and maintain personal and professional well-being. Nicole received her JD from Rutgers School of Law.

The Practice of Recovery

A Lawyer's Substance Abuse Journey from Denial, to Chaos, to Healing

By Nicole Perskie

*Many of my worst fears were realized.
I became the person whom I liked the least.*

I am a person in long-term recovery and a suspended attorney. The intersection of these two facts about my life is no mere coincidence. While not unique, my recovery story is one I share as a cautionary tale and a reminder that help is available. Lawyers are recovering every day from substance use disorders and various mental health conditions. As a member of the New Jersey Lawyers Assistance team, I hope that my personal story will help all lawyers recognize the universal threads woven into the tapestry of recovery. I think that if I truly had understood there were others who shifted out of mental health and addiction struggles, I might have been able to embrace recovery earlier on in my life.

I am a fourth-generation attorney, so logic and analysis have always come naturally to me, whether by genetics or through environment. I would project multiple outcomes to a given situation based on limited information and often react in advance. While this would be a useful skill when it came to practicing law, it would prove detrimental to me personally. Simply living in the present never seemed to be possible; I was either obsessing over “changing” things in the past, or somehow controlling things that might happen in the future.

My first distinct memory of this is lying awake at night in third grade, worrying about getting a check or a check minus on my interim report card. I was sure, or at least fairly sure, that my future depended on the outcome of those little symbols. This was my first introduction to what would prove to be many sleepless nights over the outcome of a decision. It is also one of my earliest memories of what would be classified as “anxiety,” a prevalent feature among attorneys. That undercurrent of anxiety followed me. Middle school and high school were uncomfortable at best. I was younger than everyone else, moved around fre-

quently, was socially awkward and had different interests. There was a discomfort in my skin and an issue with emotional regulation, which should be proportionate to the situation at hand. My responses were often disproportionate. I might find myself replaying a minor conversation repeatedly, or rehashing how I handled an interaction. Not even an argument, just a basic social exchange. Conversely, when major events occurred I would often not even have a reaction. My feelings with respect to bigger life events were generally delayed and I would not even realize what it was that I was responding to.

Fun and Denial

I added fuel to the fire by way of alcohol. At first, it was experimentation at the movies as a teenager, sneaking a beer on the beach. After work I relaxed at parties, concerts, rooftop bars, on decks overlooking water and talked with friends. It turned into unwinding after a long day, letting loose, decompressing, then into an escape. The consequences began to pile up. At first, I could mostly minimize them. There were some that were more severe, but I was a natural

advocate, of course, and the part of my brain that wanted to “keep partying” always had a ready excuse. Everyone binge drinks in college, I told myself. People get underage drinking tickets, or a DUI. These things do happen after all, I would rationalize, and it didn’t seem worth the tradeoff to stop. I thought I was just like everyone else. Over an extended period, the weekends blurred into the week and stretched from Thursday to Monday, but I made sure to keep people around me for whom this was standard. These were other high achieving individuals who liked to “work hard and play hard.”

During law school there were discussions among the students regarding fitness to practice law. Having an application for admission flagged felt like being branded. I was busy focusing on the end goal: admission and practice of law. It was what I always wanted to do, and I had no reason to believe I couldn’t achieve my goals. I finished law school at 23, but I was basically an adult child. Then, I tried the geographic cure to my problems, moving again, which worked for a while.

Career and Chaos

As a practicing attorney, I stopped drinking before I went to Court. At some point, I was prescribed medication for an infection in my foot, migraines, back pain, and numerous other ailments. Since these prescriptions initially helped me to perform better, I thought this was the solution to all my problems. Why hadn’t I taken these when I had surgery in the past? I could focus, didn’t have much of a desire to drink and could work as many hours as I wanted. Little did I know what lurked beneath the surface.

Boundaries? Did they mean property boundaries? Of course, one should have two cell phones and give out both numbers to everyone. Why wouldn’t I answer

during a holiday dinner? I was able to maintain the superwoman level of functioning for a while, and people would compliment me for my energy, my focus, my skills. By continuously adding to the list of things I needed to accomplish, I created an untenable situation. Self-sabotage was a particular favorite of mine, although I did not identify it at the time. This was sabotage in a new and creative fashion. I medicated away pain, and it helped with performance anxiety, stress, focus and helped me to perform “better.” It felt a bit like a great life hack.

There was a point in time where a client offered me payment to forego a vacation, I heavily considered it. I went on the trip but spent the bulk of the time working. My world slowly became smaller each day; work and “using.” I started to not respond as much to friends, events, dating, and important things began to fall out of my life. Once that invisible line is crossed, it just continues to get worse.

I was familiar with the chaos, the stress and adding that extra plate to spin and hoop to jump through. The cycle began with distractedness, running late, absenteeism. I showed up late for Court, disheveled and even included the phrase “with all due respect” in my response when the judge queried me about it. I thought I could still get things and my use back under control. It continued but on a decline. Eventually it was as if I was watching someone else operate my body from a third-person perspective. Fast forward to a few short years later, and I could not function on any level whatsoever without a chemical. Of course, I tried various means to quit using, scared that people would find out my dark secret—my double life. I learned that denial is really about fooling oneself, not others. I was in a relationship with the drugs, and not a good one. The relationship was time-consuming, dangerous, and nearly deadly. I was scared to truly get help to take the

time away from work, but I couldn’t keep it up. There is this part of the brain that in active addiction made arguments in my own voice. How there was nothing I could do, or alternatively, I could fix it, I couldn’t possibly get away from work, one more time, etc. This is how it works. I was hoping to be stopped and yet scared

I thought I could still get things and my use back under control. It continued but on a decline. Eventually it was as if I was watching someone else operate my body from a third-person perspective. Fast forward to a few short years later, and I could not function on any level whatsoever without a chemical.

to stop. I wanted to stop but self-will alone was not enough. Fear kept me from seeking help, but there is an exception to Rule 8.3 regarding the report of misconduct (if it is to the Lawyers Assistance Program 8.3(d) with limited exception for past or present violation which is serious danger to clients.) If anyone can relate to this, please do not hesitate to contact NJLAP. (1-800-24-NJLAP).

Making poor decisions often follows

from addiction and makes it hard to ask for help. In hindsight, I see that my decision-making capacity had gone out the window, I was impaired in areas I was most counted on to not be impaired in. I filled pages with consequences and examples of my poor decision-making. For these actions and to the people I have hurt, I am sorry.

As attorneys we are charged with an important duty and are responsible for helping other people to make decisions, or to get others out of trouble. Under the Rules of Professional Conduct there are standards including diligence (RPC 1.3) and communication (RPC 1.4) with respect to clients, to our representation and to our adversaries, and that we are to decline or terminate representation (RPC 1.16) as “(2) the lawyer’s physical or mental condition materially impairs the lawyer’s ability to represent the client.” Knowing the rules is only one part, but how does denial interplay with the Rules of Professional Conduct? Clearly, part of having a license is being fit and having proper character. When addiction is active and unmanageable, I made decisions in a state of mind that was not even fit for survival.

Healing and Recovery

What finally motivated me was being cornered. I would love to attribute it to an awakening, but it was self-preservation at its finest. At first, I played along because choosing recovery wasn’t something I really wanted, but I had very little options. My attorney advised me not only of my rights, but of the non-existence of my life expectancy with the continuation of my behavior. He had clear evidence in his hand and the lack of emotional charge to his statement made it through layers of my defense mechanisms. I gathered the will to try even though my heart was not in it. I decided that I was essentially going to play along

until I graduated from Recovery Court. Then I could do what I really wanted to do, which was continue my use and abuse of chemicals.

Treatment began as something I was court-ordered to do and became something I truly wanted over time. Once the fog began to lift from the parts of my brain I really needed, it was a slow dawning. I truly believe you don't have to really want it; you just have to be willing to try. I was going to give it two and a half years but only after six months, did I really mean it. Prior to recovery, I never recognized my part in the development of my problems, because I was too self-absorbed to take a step back and look at the bigger picture. I believed if you were working to "please others," that was selfless. But like many a thing in recovery, you learn the paradox. Self-care is actually more selfless. *Lawyers need to be in a position to help others.* The single-mindedness with which I was approaching my worldview was feeding into my ego, not helping others.

Treatment is often geared toward finding a sense of meaning. For me, life has always been intertwined with the practice of law. It carries through my family tree and impacts even my earliest memories. I find it to be a logical fit that my recovery developed within that framework. I hope that my story reaches those of you who may be in shoes like mine. I hope it gives you enough pause to pick up your phone, open your email (info@njlap.org), even text me (my direct number is 732-565-7574) to ask for help or to even ask a question. NJLAP and I are here for anyone who is struggling in silence and who is on the fence about asking for help, do it. Trust me, that without help, it only gets worse. The sooner a problem is addressed, the easier it is to address it.

Personally, I was able to receive long-term in-patient care as well as additional intensive outpatient, weekly outpatient

visits, group therapy and long-term psychotherapy thereafter. Recovery is possible, but like anything else it requires proper treatment. I still attend 12-step meetings daily, including Alcoholics Anonymous, Narcotics Anonymous and Lawyers Concerned for Lawyers meetings. I attend these meetings mostly via Zoom as I am a parent of a young child, who was just a baby during early recovery and the pandemic. The lawyer-specific recovery meetings (LCL meetings) have been uniquely helpful because of my background and way of thinking. In

Once the fog began to lift from the parts of my brain I really needed, it was a slow dawning. I truly believe you don't have to really want it; you just have to be willing to try.

addition to the meetings, there are many other lawyer specific recovery resources one may discover through NJLAP (njlap.org).

Ironically, it was at NJLAP, where I now work, where I was encouraged to go to meetings, see a therapist, and admit my problems with alcohol and other substances. This was some of the best advice I was ever given, and it was free of charge. However, at that time, I was not in a place of my recovery journey to have the open mind to hear it. It took "nevers," to become "yets" and those to become the things I had to learn to make peace with, and through doing the next right thing, I

have continued my recovery journey, one day at a time.

The lowering of barriers to access mental and behavioral health services particularly within the legal community is a crucial paradigm shift that I feel honored to witness. I was thrilled when on Sept. 19, 2023, in a notice to the bar signed by Chief Justice Stuart Rabner, the Court exempted applicants from disclosing conduct or behavior related to a mental health condition for which they are being, or have been treated effectively, by a health care provider or medical professional. This notice is the legal community signaling that "it's OK to get help." With a similar sentiment, I share my personal story because of my belief in the power of shared narratives to create understanding, empathy, and enable recovery.

There are times that we may see family, a friend or a colleague who could be suffering from an issue which is impacting their well-being. We may notice that their appearance has changed, their demeanor or perhaps they are even demonstrating some type of behavior that is cause for concern. What can be done, and how can we help? There are several ways. First, we can ask the person how they are doing. A surprising number of people are forthcoming in this respect. We can use language and attitudes that demonstrate an understanding of issues pertaining to a lawyer's well-being and a sense of community. You can call NJLAP for yourself and discuss the specifics—this call is also free and confidential—or you can provide someone with the number for NJLAP where free, and confidential non-judgmental support will be provided. ■

"You don't have to see the whole staircase, just take the first step."—Martin Luther King Jr.

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THE HON. KEVIN G. CALLAHAN (RET.) is an associate professor of Criminal Justice at Saint Peter's University since his retirement from the Hudson County Superior Court Bench. Judge Callahan served for 26 years on the Criminal Division Bench. He is also of Counsel to the Peter R. Willis Law Firm in Jersey City.

By The Hon. Kevin G. Callahan JSC (Ret.)

The oath we take as attorneys places upon us the duty to perform our tasks not only honorably to our clients but also to the courts, judges and the entire judicial system. As an officer of the court we carry the heavy burden of responsibility to uphold a high standard of ethics to our justice system. The nation is bound from its inception to follow the rule of law and we are the caretakers of that bedrock foundation of our democracy. This honor comes with prestige but carries a potentially high level of stress.

The rigors of the practice vary and are affected by the type of field within which one practices and the position held in that entity. An individual practitioner not only stands alone but must also pay the rent, salaries and oversee staff, in addition to representing a client in the highest professional manner. The lawyer in a large firm has responsibility to those other lawyers, whether partner or associate. The governmental lawyer is part of a monolith composed of many non-lawyer positions they must also interact with. Judges at all levels—whether federal, state or municipal—have a bureaucracy to navigate through as well as making vital decisions affecting lives every day.

How do we cope with the various forms of this nemesis called stress? I posit no magic formula or panacea but rather offer some suggestions that may apply to you in facing each day with relentless and ever-present stress.

1. Make time for yourself each day for some “quiet time.” A few minutes of quiet meditation, stretching, deep breathing or walking around the block by yourself, or remembering that great vacation spot you visited can be invigorating. These activities break that chain of the tedious writing of briefs, phone calls, emails or Zoom meetings we experience each day by putting aside for a few minutes those files sitting on your floor. Also consider exercising, watch your diet, take a moment to gaze at a picture of your family or recall a good experience you had in life. Think of a great moment you had like the birth of a child or some special award you received or honor you achieved, or even something as simple as coaching a Little League team to victory.
2. Please do not take the office home with you. If you are not able to do that then you are not using your time in the office to the utmost. I know we are always subject to 24/7 contact in this age of technology, but you need to “close the door” to the office at some point.
3. Remember, your family should not be burdened with your business issues as that can lead to family strife and stress. Family need not share your stressors, as they have their own.
4. Keep a close eye on your spending as you are only asking for additional stress and burnout if you live above your means.
5. Perform a self-assessment on a regular basis. Ask yourself if you are relatively content or at least satisfied with where you are in your professional and personal life. This is most important in recognizing perhaps latent stressors.
6. Have a long-term plan or goal in mind as to where you want to be or what you want to be doing 10 years out and update that annually.
7. Try to have a separate social life outside of coworkers or other lawyers. You need a break from 24/7 lawyer life.
8. Make time for your family and loved ones, especially your children, as they tend to grow up quickly. You want to cherish each moment.
9. Know your limitations (we all have them) and stay within the field you know best.
10. Do not hesitate to change careers within the law—there are many options in our profession. I realize it is easier said than done but always be open to options that may arise.
11. Avoid excesses in all things—financially, personally, professionally, and socially.
12. Do not overextend yourself by trying to handle too many things at once—that can lead to potential failure and possible negative professional issues. Just remember you worked hard to acquire a good reputation.
13. Beware of the lurking dreaded “burnout” that is always on the horizon. Burnout can lead to depression and fatigue mentally and physically that can be a major contributing factor to health issues.
14. Stay organized in both your personal and professional life and use the computer to keep track of court dates, meetings, deadlines, statutes of limitations, anniversaries, birthdays, and family events.
15. Take a few quiet moments each week to take pride in all you have accomplished in life. You earned that self-pat on the back.
16. There are only a certain number of hours each day a person can work with full focus and for which the mind and body can continue under stress. Set a goal for keeping to a schedule and stick with it; include in that time the emergencies that are a part of a lawyer’s life.
17. Think long and hard before taking a case if you have that option in your practice to decline. Initial interaction with a potential client will give you warnings to avoid taking the case as recognizing such problematic clients is usually a part of a lawyer’s skill set.
18. Monitor your overall wellness regularly, as it is essential for your creativity and alertness to operate in top form. This will also keep your emotions in check and help you be less prone to acting in a non-professional manner or saying something you would not say or do if you were

not tired and drained. Your health is the key to your success. Do not hesitate to seek treatment and do so timely.

19. Keep in communication with a mentor. We all have that person who has had a great positive impact on our professional life who we admire and respect. People love the honor of being a mentor. Trust me on that.
20. Avoid the dangers of burnout. Experts believe wellness has several dimensions, including spiritual well-being. This is meant to provide a deep appreciation of life to guide us through the highs and lows on our journey. It will also help in giving meaning to each day. The form you choose is of course yours alone but any action that can bring calmness and serenity is a tool that should be embraced.

The World Health Organization (WHO) in 2019 defined burnout as follows:

"Burnout is a syndrome conceptualized as resulting from chronic workforce stress that has not been managed. The characteristics are reduction of professional efficacy, physical and mental fatigue and increased mental distance and cynicism toward one's job." All the information I have reviewed from various studies and research articles on stress in the workforce warn of the danger of unaddressed stress that can lead to burnout.

Some indicia of unmanaged stress that could eventually lead to burnout, for example, could be pronounced changes in one's mood or behavior or increased anxiety, as well as extreme exhaustion and frustration. I have seen over my many years in the practice of law individuals exhibit these types of mood swings

or changes in their professional life. Examples include constantly failing to

Some indicia of unmanaged stress that could eventually lead to burnout, for example, could be pronounced changes in one's mood or behavior or increased anxiety, as well as extreme exhaustion and frustration.

file paperwork on time or multiple missing deadlines or being chronically late for court. Sadly, many infractions have resulted in penalties imposed and even-

tual suspension from the practice of law if not disbarment. I am certain most of us have witnessed or been made aware of this at some point in one's career, particularly the more senior practitioners.

I have personally seen lawyers who lost their reputation, as well as the privilege to be a member of the Bar, and very sadly their health as well. I do not exaggerate this always lurking, potentially devastating effect, on one's professional or personal life when one does not strive to control the degree of stress in their careers. I realize it is most difficult and I can imagine the reader saying, "easier said than done."

This society in large part relies on lawyers and the courts to address and correct what is a perceived wrong that should be righted. That is what is expected of us and our responsibility in our professional lives. We owe it to our clients, society and ourselves to do so to the best of our ability. Management of stress will be an important tool in achieving one's mission to balance work and home life. I acknowledge it is a daunting and difficult task, but many practitioners in our profession have continued along their journey in the law by coping with its rigors. They were wise by availing themselves of methods that provide the foundation of managing the stress. As noted above, in our profession, we not only face our personal stressors but our clients' problems as well.

The practice of law is a privilege bestowed upon an attorney accomplished through hard work and dedication to the justice system. This honor is well deserved, and we should not let the stressors of this profession deter us from performing this most important work to the very best of our ability. Every lawyer must find the best way to confront the dangers that arise if one does not manage stress. It can be an attorney's most difficult adversary. ■



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BALANCE AND RESILIENCE

Maintaining Well-Being in the Legal Profession

By John E. Keefe, Jr.

In the legal field, we are often concerned with *balance*—whether it be balancing the scales of justice, or finding a balance between the demands of our industry and a fulfilling personal life. Meeting the demands of our professional lives far too frequently comes at the expense of true equilibrium. Our field is notorious for this—we work long hours at a relentless pace to serve our clients’ needs. Our own needs become the cost. For most attorneys, “balance” as a concept is only aspirational.

Merriam-Webster defines *balance* as “stability produced by even distribution of weight;” “equipoise between contrasting, opposing, or interacting elements.”¹ This definition of balance sounds ideal in theory, but will ultimately prove impossible to meet in practice. In the endless pursuit of harmony between a professional life and a personal one, seeking an equal

distribution of life's stressors and responsibilities is like seeking perfection—far too difficult a goal to ever dream of reaching. Instead, this article looks to a slightly different definition: balance as a condition in which different elements are in equal *or correct proportions*. Instead of prioritizing perfection, or the “*even* distribution of elements,” balance should be sought by arranging the many elements that make life complicated in a way that is proportional—not necessarily equal, but distributed in a way to maximize professional success while protecting and maintaining your personal well-being.

Once found, maintaining this personal balance is no easy feat, especially in the face of adversity. Alongside the everyday demands of the legal field, life will continue to lob curveballs your way that will throw you off whatever semblance of balance you are presently maintaining. Think: a blown statute, or bad news from your doctor. Balance must now be regained—a task that will depend on how you adjust and adapt to complications. In response to hardship, you must choose *resilience*.

Let's head back to the dictionary. Resilience is defined as “an ability to recover from or adjust easily to misfortune or change.”² From the American Psychological Association (APA) Dictionary of Psychology, resilience is “the process and outcome of successfully adapting to difficult or challenging life experiences, especially through mental, emotional, and behavioral flexibility and adjustment to external and internal demands.”³ As the legal profession rapidly changes and the demands continue to accelerate, cultivating an ability to be resilient in response to conflict is the key to regaining balance.

An Epidemic of Un-Wellness

Over the past several years, mental health has become a hot button topic within the legal community. Especially in the aftermath of a global pandemic,

concern has arisen regarding the physical and emotional health of attorneys. This has resulted in firms across the country implementing new initiatives to address stress and promote wellness.

Despite increased awareness of the mental health issues that accompany our profession, there are not yet any visible signs of improvement. In an article published by *The American Lawyer* analyzing their fourth annual Mental Health Survey results, the title states that mental health among lawyers is “getting worse.” This year's survey found that out of 3,000 lawyers, 71.1% report having anxiety, while 38.2% report depression. And 31.2% of lawyers responded with other mental health issues. All results are considerable jumps from last year's survey.

This year's survey expanded to include more in-depth questions to assess the mental health of respondents: over 50% felt “a sense of failure or self-doubt, lost emotion, felt increasingly cynical and negative, and had decreased satisfaction and sense of accomplishment.” Further, more than 60% of respondents reported “physical or mental overwhelm or fatigue, felt moody or irritable, exhausted, or struggled concentrating.” More results from the survey include a third of lawyers feeling “helpless, trapped, detached, or alone in the world.” One half of lawyers report knowing colleagues who are depressed or have mental health issues, and about 15% said they knew someone in the profession who died by suicide in the past two years.⁴

These results are staggering—but, as a fellow attorney, I find them unsurprising. As firms continue to dump money into wellness initiatives and employee assistance programs, the demands of our profession continue to intensify. While the influx of information and resources is great progress toward a healthier workforce, the hard work is in navigating those resources to determine what your unique circumstances require.

It is crucial to understand that every-

one's personal definition of balance is different, and determining that definition requires work. Identifying the correct proportions necessary to achieve your version of balance will take time and effort, and perhaps a bit of trial and error. Out of a list of 10 wellness strategies, only two may work for you. You must do the work to determine what exactly the proportions of life's opposing elements need to be to maintain YOUR personal well-being. Seeking a cookie-cutter version of work-life balance will not likely do the trick; instead, you must calculate your own proportions. Additionally, the awareness that these proportions are subject to change is directly related to your success. You must first know yourself, and expend the effort needed to become in tune with yourself and your ever-changing needs.

Creating Balance and Choosing Resilience

While achieving the work-life balance we've discussed thus far is a singular and personal task, the basic principles of wellness still apply. In your pursuit of balance, you must take action.

First, start by **recognizing and accepting the presence of stress in your life and your career**. Understand that stress is a natural response to challenging situations, and that it is within your ability to manage it. By accepting



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stress as an unavoidable reality, you can begin to shift your mindset to the development of coping mechanisms.

In order to successfully reach both your personal and professional goals, be sure to **practice effective time management**. Prioritize the completion of tasks but set realistic expectations, and delegate when necessary. Avoid overcommitting yourself and learn to say no when your plate is already full. By managing your time effectively, you will prevent burnout and maintain a sense of control over your responsibilities.

In shifting your mindset, **prioritize one of growth**. Embrace challenges as opportunities for growth instead of viewing them as obstacles to your success. Focus on developing the skills you possess, seek feedback from trusted advisers and colleagues, and set your focus on continuously improving. By reframing setbacks as learning experiences, you will allow yourself the opportunity to bounce back stronger.

Next, **build a support system**. Assembling a network for support, both personally and professionally, is essential in preparing to overcome adversity. Work to surround yourself with positive, like-minded individuals who can offer guidance, encouragement, or even simply a listening ear that understands the challenges you're facing. Listening to and learning from others will help you gain the perspective that may be necessary to overcome your next obstacle.

While maintaining a successful career is an essential part of achieving a balanced life, you must **set boundaries**. Our field is one of constant demands upon our time and bandwidth. As such, establishing clear boundaries between your professional and personal lives is crucial in the pursuit of balance. Make it a rule to keep the two separate: avoid bringing work-related stress into your home, and vice versa (and for this, both your family and your coworkers will thank you). Disconnect from work dur-

ing your downtime and engage in the activities that will help you recharge. Then, when you get to the office, do your best to leave your personal life at the door. By setting boundaries, you create space both for relaxation and for focus, which will undoubtedly enhance your ability to face adversity.

In recommending all of the above methods to achieve a better sense of personal balance, perhaps the most important message I can impart is to **prioritize yourself**. Like balance, self-care looks different for everyone. Expend the effort to determine how best to care for yourself and take action to incorporate self-care into your daily life. Again, make time for activities that fulfill and rejuvenate you physically, mentally, and spiritually: exercise, meditation, prayer, hobbies, or quality time spent with loved ones. Taking care of both your physical and mental health will provide you with the clarity you need to regain the balance you've worked hard to achieve.

In a paper published in the European Journal of Psychotraumatology, a plenary panel of trauma researchers discuss their individual understandings of resilience. One panelist, Dr. Catherine Panter-Brick, defines resilience as "a process to harness resources in order to sustain well-being." Another panelist, Dr. Rachel Yehuda, views resilience based on a sentiment heard from a Timex watch commercial, the watch being described as able to "take a licking and keep on ticking."⁵ In finding personal balance through active self-care, you allow yourself the time and ability to CHOOSE resilience. Instead of following down the fraught path many struggling attorneys have taken before you, avoid bad outcomes by prioritizing yourself. To maintain balance is not only to protect your wellbeing, but to cultivate the resilience needed to preserve it.

At that, this writer implores you to choose resilience. Choose resilience by taking a walk. Choose resilience by get-

ting home on time for dinner with your family. Choose resilience by making it to the game; the recital; the school play. Choose resilience by listening to your favorite song. Choose resilience by choosing yourself. ■

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A Legal Paradigm Shift

Decoding Workplace Values of Upcoming Attorneys

By Rachael Wolfram and Morgan Walsh



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RACHAEL WOLFRAM is a current 3L at Rutgers University School of Law-Camden, a member of the 2024 Class of Eagle-ton Fellows, and plans to sit for the July 2024 Bar.

Within recent years, the traditional workplace has undergone several shifts, one of the most notable being a generational shift as the oldest members of Generation Z are now in their mid-20s, making them law clerks and young attorneys. This passage of time has resulted in there being five distinct generations in the workplace: the Silent Generation (ages 95–78); Baby Boomers (58–77); Generation X (43–57); Millennials (28–42); and Generation Z (16–27).¹ Any person who has interacted with those from other generations knows just how stark the contrast can be. The younger generations, Generations X through Z, are known for their desire to find a higher meaning in their work while the older generations, Silent and Boomers, are known for their work ethics and traditional workplace values. While these strengths often complement each other, their differences in values and belief systems surrounding the workplace can often cause conflict if not understood, resulting in both groups being wrongly negatively labeled. Among these differences is how they view wellness within the workplace.

In preparation for this article, the authors, who are both current 3Ls, conducted a closed poll of New Jersey law students and recent graduates awaiting bar results focusing on what they value in the workplace.² Some of these values may seem radical or impractical at first glance, which is why this article unpacks the value differences so that further understanding can lead to a better generationally integrated workplace for the betterment of all employees, managers, and stakeholders.

Changing Perceptions of Work-Life Balance

One of the differences among generations is the valuation of the work-life balance. In an informal poll conducted for this article, the incoming generation of attorneys defines “work-life balance” as an equitable relationship between career-related activities—not just work hours, and the time they have to spend as they see fit.

Oftentimes, especially in the legal field, a work-life balance is viewed as a reward to work toward during one’s early years in the profession. Something impossible to have at the beginning of a career as one is establishing a reputation. While the majority of incoming attorneys polled agreed that paying one’s dues in this profession is important, they believe they can have their proverbial cake and eat it too.³

When surveyed about workplace values, 92.3% of respondents highlighted the importance of maintaining a work-life balance as they begin their careers.⁴ This cohort of rising attorneys continues to value the importance of team building and networking events; however, they view the time spent at these events to be extensions of their work day, despite the events usually taking place outside of traditional working hours.⁵ Equally noteworthy, the same percentage of poll respondents expressed their belief that achieving success in the legal profession

does not require constant availability, absent emergent circumstances, and plans to establish hours of unavailability during personal moments, such as family dinners and vacations.⁶ Firms may consider instituting an “Associate On-Call” program to ensure that there is round-the-clock availability should a client require it without overburdening the personal life of one associate over another.

Interestingly, 84.6% of respondents indicated that they were not willing to work more than 50 hours a week under the traditional, fully in-person work model, but that they would work upwards of 60 hours weekly should they be offered a flexible work schedule (hybrid, remote option, remote after 5 p.m., etc.).⁷ Additionally, the pandemic has shown that the profession can effectively execute several functions of legal roles remotely, especially since law schools train incoming attorneys to conduct legal research almost entirely remotely through online platforms such as Lexis+ and Westlaw. Moreover, almost every firm retains a virtual copy of every client’s file either in place or in addition to the paper file, making it unnecessary to remain within the firm’s walls to access the information needed to complete filings or virtually any other after-hours assignment, unlike years prior when hard copies and physical reporters were the only options.

While the above-mentioned statistics are nice to have for reference, what do they mean? The main takeaway from the data is that the incoming generation of attorneys has a different value system regarding work time and personal time than previous generations. Firms can recognize these value differences and capitalize on them to maximize revenue and employee morale simultaneously, as studies have shown the benefits of hybrid work options as well as the positive impact content employees have.⁸ This can be achieved through schedule

flexibility, such as later start times with later end times, or vice versa to best fit personal and client needs or hybrid work options.

Mentorship Remains a Priority

Mentorship is crucial for young lawyers, and law students are taught this lesson from day one. Still, the process of finding the right mentor is an intricate dance, where the wisdom of a seasoned professional meets the ambition of a subordinate. Much like the divergence in communication styles across generations, mentorship becomes a conduit through which young lawyers absorb the ethos of those who have weathered the legal storms before them. Today’s young lawyers hope that this spirit will be one of progress and commitment to making the legal profession better, and they may not be satisfied in jobs where their mentors do not prioritize an ethos of improving their well-being.

The informal survey responses on legal mentorship had a resounding consensus among law students. When asked about the value they place on mentorship, 100% of poll respondents stated it to be extremely important—an affirmation of the foundational role mentorship plays in their professional journey.⁹ The significance of modeling behavior extends beyond legal work, with 92.3% of respondents expressing increased comfort in taking time off from work when they witness their office peers doing the same.¹⁰ This attests to the power of mentorship not just in legal matters but in fostering a healthy work-life balance early in your career. In the open-ended portion of the survey, a respondent emphasized the importance of a “green flag” in an imperfect job scenario: a firm culture that actively seeks to develop employees’ skills and talents.¹¹ This sentiment echoes the broader aspiration for mentors who not only guide their mentees through legal intricacies but also actively contribute to their holis-

tic development, and the alignment of work assignments with individual interests whenever possible.

In essence, future lawyers have armed themselves with a commitment to well-being. They are looking to mentors as beacons illuminating the path to not just professional success but a fulfilling and sustainable legal career. In the ever-evolving legal landscape, mentorship emerges as the compass guiding the next generation toward a future where legal excellence and well-being are inseparable partners on the journey to success.

Mental and Physical Health Care Challenges

As Count Rugen wisely advised Prince Humperdinck in *The Princess Bride*, “Get some rest. If you haven’t got your health, then you haven’t got anything.”¹² This sentiment resonates strongly among future lawyers, who increasingly seek to work with employers who value their well-being.¹³ Employee health is not merely a perk, but rather an essential component for sustained productivity within a workplace and integral to an organization’s overall success.

Many respondents in our survey highlighted a critical aspect of this health care equation: mental health.¹⁴ Making mental health services more accessible to future lawyers as they embark on their legal journey is essential for enhancing their overall well-being: 92.3% of respondents said that mental health is important to them, and 76.9% wanted their employer to provide a benefits package that includes mental health services.¹⁵ The prevailing view is clear—ensuring accessibility to mental health services from the outset is an investment in the long-term productivity of young lawyers. Destigmatizing seeking mental health care is a pivotal step in this direction, along with challenging the antiquated notion that seeking mental health treatment is a sign of weakness within the profession.

Another respondent indicated that the legal profession should make several, interconnected changes that would not only increase the longevity of new lawyers at their firms but make firms more appealing to new prospective employees.¹⁶ Young lawyers want to see a more inclusive workplace, a greater emphasis on individual well-being, and

As future lawyers begin to reject “grind culture” and emphasize the importance of their mental and physical well-being, they are also less willing to compromise on their beliefs that they are people first, and lawyers second. Law firms that recognize and adjust to these changing expectations are more appealing to young lawyers and can be more selective of the candidates they hire.

access to mental health care. While they learn the practice of law, they expect that their employers will consider their individual needs alongside the needs of clients so that the best outcome can be achieved for all parties.

As future lawyers begin to reject “grind culture” and emphasize the importance of their mental and physical

well-being, they are also less willing to compromise on their beliefs that they are people first, and lawyers second.¹⁷ Law firms that recognize and adjust to these changing expectations are more appealing to young lawyers and can be more selective of the candidates they hire.

Beyond mental health, the legal profession grapples with another facet of well-being—substance abuse and alcohol issues. The ingrained culture of legal socializing often involves alcohol-centric outings and pressure to drink, which exacerbates these challenges. Rates of substance abuse and problematic drinking are already higher for younger, less experienced attorneys than senior associates and partners.¹⁸ Encouraging new attorneys to attend social events that are not centered around alcohol, like firm baseball games or museum days, can play a major role in supporting those struggling with addiction and preventing new addictions from starting.

Addressing these well-being challenges requires a paradigm shift in how law firms approach the delicate balance between professional demands and the health of their employees. One pragmatic proposal is to implement a system devoid of penalties, such as negatively impacting billable requirements, for taking reasonable time off to avail mental health and medical treatment. Acknowledging that these services are often available during working hours, or extended firm hours necessary to meet billable requirements, should this be implemented the firm would not be making their employees suffer in silence and may avoid a much greater tragedy in the future.

Well-Being Education in Law School and Beyond

The exploration of lawyer well-being has evolved into a compelling focus within law schools, with a ripple effect anticipated as new lawyers carry this enthusiasm into their careers. At Rutgers

Law School in Camden, a new class as of last year was created, entitled, “Wellness for The Legal Community,” which consistently draws a full house of engaged upper-class students. The course not only imparts strategies for resilience, adaptability, and a healthier mindset, but also fosters connections with legal professionals who understand the transformative power of well-being education in shaping a balanced and sustainable legal career. Well-being skills (e.g./meditation) and tips/tools (e.g./for stress management) are taught to the budding attorneys in this class so that they may have a healthy career in the law. The professor uses a holistic approach and gives concrete examples of how having a healthy life—one becomes not only a happier person, but a more successful attorney. Having personally taken this enlightening class, both authors attest to its indispensable role in legal education and our future as “well” attorneys.

A noteworthy development is on the horizon, as the *Rutgers Journal of Law and Public Policy* plans a symposium in Spring 2024, offering CLE credit and delving into well-being issues at the intersection of both the legal profession and democracy. The forward momentum is palpable, with the Student Bar Association in Camden establishing an Ad-Hoc Committee on Well-being. The impact is also profound, as these initiatives find resonance among students campaigning for well-being education during first-year orientation and coursework.

This commitment extends beyond academia into the professional realm, as young lawyers are also advocating for law firms to embrace similar programs.¹⁹ From hiring of well-being consultants and nutritionists to the inception of well-being competitions, outdoor activities, and intellectual challenges, young lawyers want firms to help them cultivate both grit and wit. They also encourage professional bar associations to incorporate mandatory well-being edu-

cation into their membership requirements through continuing legal education courses. This would make resilience, adaptability, and a healthier mindset cornerstones for a balanced and sustainable legal career.

Conclusion

As the workplace converges with five generations, each with distinct priorities and value systems, the journey to prioritize well-being is vital for the health and satisfaction of legal professionals. Promoting mentorship that models healthy behaviors, well-being education in law school and beyond, and adapting health care policies to include mental health services are integral steps in this transformative process. Recognizing that these changes won’t materialize overnight, young lawyers are nonetheless resilient and audacious. They boldly envision a harmonious balance between personal and professional fulfillment, for all current and future lawyers, because none of us can thrive without being well.

The well-being of incoming lawyers is a prerequisite for a sustainable and thriving legal profession. The call for change resounds within all levels of the legal community, challenging it to embrace a holistic approach that acknowledges the health of its members as the cornerstone of a robust and enduring profession. It is our collective responsibility to dismantle archaic norms and cultivate an environment where all generations of attorneys can flourish both professionally and personally. ■

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Bar Associations Embrace Comprehensive Mental, Physical Health Initiatives

By Kimberly A. Yonta



KIMBERLY YONTA launched *Yonta Law, LLC* in 2012 in New Brunswick, where she concentrates her practice on criminal and traffic defense cases. A former Assistant Hudson County Prosecutor in Jersey City, she tried numerous violent crime cases to verdict and served as both appellate unit and trial team supervisors. Admitted to practice in New Jersey and Connecticut, Kim is a Past-President of the New Jersey State Bar Association.

In recent years, it has come to light that the legal profession was failing its lawyers on issues of well-being. Since 2016, the American Bar Association (ABA) and state bar associations across the country are conscientiously emphasizing a lawyer's resilience with positive physical and mental health initiatives. In 2017, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* from the National Task Force on Lawyer Well-Being and the ABA was published, giving significant insight into the Hazelden Betty Ford Foundation's study of mental health and substance use disorders of lawyers and of the 2016 Survey of Law Student Well-Being.¹ The results from the surveys indicate an elevated risk for mental health and substance use disorders interwoven with an alcohol-based social culture.² Post-pandemic times have exposed even more reason for the legal profession to continually educate and concentrate on lawyer well-being. In New Jersey, failing to help attorneys is not an option, and the New Jersey State Bar Association (NJSBA) is making lawyer well-being a priority.

The 2017 Task Force Report opens by offering three primary reasons to take action: organizational effectiveness, ethical integrity, and humanitarian concerns.³ For an organization to be successful and effective, whether it be a law firm, corporation or government entity, it must have legal professionals that are able to do their best work.⁴ In effect, it's good business because lawyers with better mental well-being lead to a lower turnover rate which reduces significant expenses for law firms.⁵ Lawyer well-being influences ethics and professionalism in a profession that demands "competent representation" under ABA Model Rule 1.1 and diligence in client representation under Rule 1.3.⁶ A minimum level of competence is vital to protecting clients and permits lawyers to avoid discipline.⁷ On a humanitarian level, promoting well-being for our colleagues



is the right thing to do and is essential to help prevent disorders like substance use from ruining lives and careers.⁸

Though our profession prioritizes individualism and self-sufficiency, we all contribute to, and are affected by, the collective legal culture. Whether that culture is toxic or sustaining is up to us. Our interdependence creates a joint responsibility for solutions.⁹

Moreover, the Task Force Report's recommendations focus on five central themes: (1) identifying stakeholders and the role each of us can play in reducing the level of toxicity in our profession, (2) eliminating the stigma associated with help-seeking behaviors, (3) emphasizing that well-being is an indispensable part of a lawyer's duty of competence, (4) educating lawyers, judges, and law students on lawyer well-being issues, and (5) taking small, incremental steps to change

how law is practiced and how lawyers are regulated to instill greater well-being in the profession.¹⁰ Furthermore, the Task Force made a number of recommendations after extended deliberation. It provides proposed state action plans with simple checklists to help each stakeholder inventory their current system and explore the recommendations relevant to their group.¹¹

As one of the identified stakeholders, in 2018, the NJSBA, in cooperation with the New Jersey Lawyers Assistance Program (NJLAP), began to take steps to implement a special committee, programs, and events related to lawyer well-being, including the change in name of the NJSBA Drug and Alcohol Abuse Committee to the NJSBA Committee for Lawyer Well-Being. This was a step in recognizing lawyer well-being is necessary for all attorneys and not just for those who may be struggling with specific substance use or other forms of addiction.

The NJSBA saw that members should not have to associate themselves with any type of stigma associated with their membership in the Committee for better lawyer health overall. Making this change to the name of the special committee was the first step in the NJSBA's recognition that lawyers need help in understanding and preventing the pressures of the profession from pushing them into addictive and problematic behaviors due to stress and anxiety. In this way, while NJLAP assists lawyers in resolving mental health and addictive behavioral patterns, the NJSBA has led the effort to help prevent lawyers from getting to that point with educational programming on preventive measures and daily practice management tips with an emphasis on promoting well-being.¹²

Practicing law is an immense privilege. A law degree grants opportunities to contribute to the vitality of the government and business sectors, community safety, and individual lives. Since the pandemic, it has become increasingly important that lawyers pay attention to their mental health and well-being.

In recent years and through the pandemic, the NJSBA continued to pursue programming through its committee work and in May 2020, in cooperation with NJLAP, sponsored and coordinated the first New Jersey Lawyer Well-Being Week.¹³ Issues raised concerning Zoom fatigue and speaking up to judges and the courts about personal timing issues that may pressure lawyers into taking unnecessary behavioral risks have been among some of the discussion topics in recent years. While it may be difficult to speak about the personal aspects that make it difficult to perform daily objectives, there is a recognized need to be honest and truthful about it with the Court.¹⁴ Certainly, prior generations would never discuss a personal conflict or timing issue with the Court, but times

have changed given the post-pandemic circumstances, and the Court recognizes that lawyers must speak up about time pressures and other aspects of life-changing events to prevent these issues from creating a more significant problem in the future for the client, the lawyer, and the Court.¹⁵ In this way it makes sense that an all-encompassing approach must be taken to instill lawyer well-being.

The Task Force defines lawyer well-being as 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.”¹⁶ Emotional health means developing the ability to identify and manage emotions in the support of health, goal achievement, and decision-making with an effort to seek help when necessary.¹⁷ Occupational pursuits recognize the development of personal enrichment and satisfaction at work while obtaining financial stability.¹⁸ Intellectual endeavors includes the engagement in continuous learning and the pursuit of stimulating activities to foster development and monitoring cognitive wellness.¹⁹ The sense of spirituality means developing a sense of meaningfulness and purpose in all regards of life.²⁰ Physical health includes seeking regular physical wellness with activity, diet and nutrition, sufficient sleep and minimizing addictive substances.²¹ Social connections with others recognizes the development of a sense of connection, belonging, and a support network while participating in groups and organizations.²²

The Task Force chose the term ‘well-being’ based on the view that the terms ‘health’ or ‘wellness’ connote only physical health or the absence of illness. Our definition of ‘lawyer well-being’ embraces the multi-dimensional concept of mental health and the importance of context to complete health.²³

In 2018, the ABA, in an effort to respond to the aforementioned surveys and the Task Force Report, published a *Well-Being Tool Kit for Lawyers and Legal Employers* to help lawyers be proactive with their physical and mental health.²⁴

Ideally, lawyers design and create structures as real and as important as architects, engineers, or builders that allow ‘human beings to live, interact, and prosper.’ We help others navigate the law to enable them to build the world they want to live in. John Williams Davis, an American politician and lawyer, said, ‘True, we [lawyers] build no bridges. We raise no towers....[But] we take up other [people’s] burdens and by our efforts we make possible’ a peaceful life in a peaceful state. To serve these crucial functions, many lawyers work very hard and take on hefty responsibilities that often have major consequences for clients. The demands that flow from this privilege can mount and threaten our well-being. When we ignore signs of distress, the quality of our work and lives can plummet. For too many lawyers, this is what already has occurred.²⁵

The long-term ramifications of the pandemic on everyone’s professional and personal lives are yet untold, but no doubt will manifest for many years to come.

A national survey in 2021, “Practicing Law in the Pandemic and Moving Forward,” from the ABA offers some profound insights on the state of the profession today.²⁶ Here are just a few findings that speak clearly to the serious crises in well-being among our colleagues. The study found that lawyers feel overwhelmed by the pressures of their work—especially women with children and lawyers of color—with many considering leaving the legal profession.²⁷ Lawyers are stressed about workplace resources, recognition, and job security.²⁸ At the top of the list were worries about a salary reduction (55%), getting furloughed or

laid off (40%) and advancement (28%). Lawyers want their employers to provide programs and policies around wellness, better resources for working parents and comprehensive plans for family leave and sick leave.²⁹

In some ways these findings are dark. But we can also view them for what they will be: a catalyst for change in the profession overall and change in our own practices. Most recently, the NJSBA has joined the growing number of states examining lawyer mental health and looking for ways to improve their well-being. In March 2023, the NJSBA released a report based upon its November 2022 survey of 1,643 lawyers, which concludes that its attorneys suffer burnout, depression, suicidal thoughts, substance use disorders and anxiety at significantly higher rates than the working population.³⁰ The NJSBA Putting Lawyers First Task Force Report shows that the stakeholders like the bar associations and the courts need to increase efforts to help preserve the integrity of the legal profession.³¹ With the results in hand, more can and will be done. In summer of 2023, the NJSBA launched its Member Assistance Program, which connects its members and households to mental health professionals and resources, including counseling sessions and unlimited text, phone and email support.³² Additionally, the NJSBA Committee on Lawyer Well-Being, in coordination with NJLAP, continues to offer meetings and seminars to help lawyers manage stress and anxiety. With the help of these meetings, lawyers can continue to recognize the connection between practice management and mental health.

While Zoom and video court are part of the new norm, these procedures can add to stress and anxiety with isolation and less personal interaction, especially for solo practitioners. Time management and efficiency with daily work habits can help. For instance, in April 2023, the NJSBA Solo and Small Firm Section pre-

sented a seminar “Hitting the Off Switch,” in which this author spoke about certain daily practices that can help solo practitioners be more efficient to “hit the off switch.”

- First, set boundaries with clients at the initial meeting so that they understand that you will respond to their phone call or message within a certain time frame. Cell phones and email make it easier to have clients contact their lawyers quickly and, therefore, clients expect responses immediately. However if clients know from the beginning that the expectation is within an expected time-period, then they cannot expect an immediate response.
- Next, schedule a certain time of the day to review email. This can help lessen anxiety throughout the day so that the main tasks of the workday can be accomplished. Perhaps going through email first thing in the morning for a specific time period without any distractions and then again in the afternoon can allow you to get other items accomplished during the workday. Email can be a black hole of time and finding ways to help manage it will help alleviate stress during the day. Solo practitioners may consider hiring a virtual assistant or part-time bookkeeper to help with time efficiency and managing the email. Most importantly, put the phone down, keep it away from your bedroom at night by charging it in another room, and do not check your email as soon as you wake up the next morning until you are ready to go to work. You will avoid stress and anxiety each morning as you get ready for your day and get the family ready for their day before leaving the house. Nothing can be done until after you brush your teeth and get ready for work anyway, so do not stress yourself out first thing in the morning when you cannot do anything about it until later.

By recognizing the importance of mental health with management tips and seminars by our stakeholders and practicing to be a healthy lawyer with better work habits, lawyers can be more efficient and address the increasing levels of stress and anxiety that lead to more serious health concerns. Be smart and take advantage of the programs and events that the ABA and the NJSBA provide on a regular basis. Remember, to be a good lawyer, one must be a healthy lawyer.³³ ■

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Perpetually Plugged-In Practices

How Lawyers Can Cope with Escalating Screen Time Pressures

By **Anthony J. Geremonte**



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The legal profession has made incredible leaps and bounds in the last 100 years. Computers and word processing programs have replaced typewriters. Online legal research databases have replaced the need to physically visit law libraries and browse the stacks for case law and statutes. Emails and instant communication applications have replaced fax machines. Prior to that technology, fax machines replaced old-fashioned letters. What all these technological advancements have in common is one thing—more screen time. Although this technology has allowed lawyers to be far more efficient and productive, it brings with it numerous detriments.

Today the average lawyer has, at any given moment, approximately three pieces of technology within their reach, if not more. These pieces of technology include, but are not limited to, smartphones, computers, and a smart watch. This technology has enabled lawyers to always be at the ready for their clients. However, this also means that lawyers are constantly plugged in and continuously looking at a screen.

COVID-19 and the Perpetual Plug-In

This article would not be complete without discussing the COVID-19 pandemic and its massive impact on the legal profession. Overall, the pandemic brought about an unprecedented change to the legal world. However, for a profession known for its resistance to change, the shift to virtual practice was surprisingly swift. Courts across the country transitioned from in-person hearings to Zoom and phone hearings. The typical face-to-face meetings with clients, opposing counsel, and others became Zoom meetings and conference calls. Closings and document signings were all done remotely. As the world hunkered down to operate virtually to best brace itself for the pandemic, lawyers plugged in to their screens, deeper than ever before.

Adjusting to Remote Legal Work

Although the shift to virtual legal practice was relatively swift across the board, the legal profession's response to remote work was, for lack of a better term, inconsistent. The younger generation of lawyers adjusted well to remote work. They had already gone through the remaining portion of their law school career fully online, including tackling the remote bar exams. Due to this exposure, a fully online working environment was nothing new to adjust to. The younger generations were already so deeply plugged in to their screens to begin with.

The middle generation of lawyers staggered in some areas when adjusting to solely online work, but they ultimately landed on their feet. Many lawyers ended up embracing hybrid work models or opting to become fully remote law firms. Some lawyers even decided to close their physical offices permanently and operate their practice completely remote for the foreseeable future. The more seasoned generation of lawyers were incredibly hesitant to introduce anymore technology into their lives. Many stuck to using the systems and procedures that they had in place for years prior to COVID-19. All of this raises the question as to how much screen time everyone is consuming.

Average Screen Time Per Person

According to a 2016 Nielsen report, the average adult in the United States devoted about 10 hours and 39 minutes each day to screen time.¹ That number has only grown in recent years. A recent study calculated the average screen time in 2019 and then later during the COVID-19 2020 lockdowns. Its findings showed that in 2019 the average adult in the United States had an estimated 17 hours and nine minutes of screen time a day.² That number skyrocketed to a staggering 19 hours and six minutes of screen time during COVID-19 lockdowns.³

Lawyers and Screen Time

Today the average lawyer has, at any given moment, approximately three

pieces of technology within their reach, if not more. These pieces of technology include, but are not limited to, smartphones, computers, and a smart watch. This technology has enabled lawyers to always be at the ready for their clients. However, this also means that lawyers are constantly plugged in and continuously looking at a screen. The standard workday for lawyers is 9 a.m. to 5 p.m., Monday through Friday.

However, any practicing lawyer can confirm that those hours and days are not always accurate. Sometimes lawyers must work well beyond 5 p.m. or even work on weekends. As a result, this equates to more and more screen time. Furthermore, some lawyers have even gone the route to have two, maybe even three, screens at their work desk. Although multiple screens correlates to higher productivity, it also correlates to more and more problems.

The Detriments of Excessive Screen Time

Many are unaware of the various harms excessive screen time has on the body. First, sleep is severely affected. "Exposure to blue and intense light in the evening and at night from self-luminous devices may prevent melatonin from being produced, alter its timings of production and retention, and thus disturb the circadian rhythm."⁴ The circadian rhythm is "the 24-hour internal clock in our brain that regulates cycles of alertness and sleepiness by responding to

It is difficult to truly relax when one is always plugged in. There is always the constant ping or ring of emails, phone calls, notifications and even faxes. The life of an attorney is already stressful. Adding the extra component of always being glued to screens adds even more stress.

light changes in our environment.”⁵ This circadian system has evolved over the years to help humans adapt to changes in our environment and anticipate changes in radiation, temperature, and food availability.⁶

Without this internal clock, humans would not be able to optimize energy expenditure and the internal physiology of the body.⁷ Moreover, prolonged emailing and texting throughout the night is likely to shorten sleep cycles, resulting in drowsiness and subpar performance the following day. A good night’s sleep, as cliché as it sounds, is critical to a good day. The lack thereof impacts both mental and physical health.

In terms of physical health, excessive screen time also leads to more sedentary, or inactive, behavior. This behavior “raises the likelihood of obesity, high-density lipoprotein (HDL) dysfunction, and hypertension, the three main cardiovascular morbidity risk factors.”⁸ Sitting and staring at screens all day, almost every day, has made lawyers stagnant. Further, once the legal profession embraced more remote options, that lessened the opportunities for lawyers to get up and move. Many lawyers no longer need to get up to go to the courthouse when the hearing is virtual. Additionally, closing could be all done via email, so there was no longer a need to travel to where the closing was taking place.

Excessive screen time is also linked to increased levels of stress. “Cortisol, a hormone produced by the hypothalamic-pituitary-adrenal (HPA) axis, is a stress

biomarker.”⁹ During the evening, the cortisol levels are usually at their lowest, which means less stress.¹⁰ Studies have shown that as much as three hours per day of media usage results in altered cortisol levels, which is detrimental.¹¹ It is difficult to truly relax when one is always plugged in. There is always the constant ping or ring of emails, phone calls, notifications and even faxes. The life of an attorney is already stressful. Adding the extra component of always being glued to screens adds even more stress.

Lastly, excessive screen time negatively impacts vision. The constant staring at a computer or other screen can result in headaches, eye strain, impaired vision, dry eyes, and irritation. These symptoms may be brought on by glare, inadequate illumination, a wrong viewing angle, or infrequent blinking.¹² Any litigation or transactional lawyer can confirm that there are plenty of hours spent each day staring at a screen.

The litigator needs to review court documents, sift through discovery, and draft motions. The transactional lawyer needs to draft documents, review opposing counsel emails, and make changes frequently. If a lawyer blinks, they are afraid they will miss something. As a result, eyes dry out, eyes strain, and headaches develop. Rinse and repeat this lifestyle eight hours a day for five days a week, at a minimum, and the problems begin to roll in.

Blue Light and Blue Light Glasses

The phrase blue light refers to “a range

of wavelengths of light that are all around us—the sun emits it and so do screens.”¹³ As stated above, excessive exposure to blue light has numerous effects on the human body, such as developing eye strain, headaches, fatigue, and much more. In recent years, to combat this problem, companies have come forward with “blue light glasses.” These companies advertise their blue light glasses as the ultimate solution to all the problems caused by screen time.

However, a systematic review found that “blue-light filtering spectacle lenses may not attenuate symptoms of eye strain with computer use, over a short-term follow-up period, compared to non-blue-light filtering lenses.”¹⁴ What this simply means is, there may be no short-term advantages with using blue-light filtering lenses to reduce visual fatigue with computer use, compared to non-blue-light filtering lenses. No matter what type of light filtering lens a person wears, they still absorb the same level of blue light. This revelation raises the question as to what can be done to take back control of our mental and physical well-being.

Steps to Take to Combat These Problems

Many lawyers tend to eat lunch at their desk, looking at all their screens. One way to address this problem is to go out to lunch once a week. As simple as this sounds, it can be very effective. Even a short break of roughly 45 minutes can be very beneficial. The less time eyes are

glued to the screen, the better a person will feel. However, go a step further, and try not to look at any smart devices while out to lunch. This momentary unplug will be good for mental health.

Another option is to consider unplugging in the mornings. Chances are, many lawyers check their email first thing in the morning, immediately after waking up. While there may be times when this is necessary, it is not a habit that is beneficial to reducing stress. It will most likely create stress. Further, unplugging in the evenings is just as important and beneficial as unplugging in the mornings. As discussed earlier, excessive screen time prior to bed has negative impacts. The implementation of a cut off time for screens before bed will improve both mental and physical health.

Taking control of notifications can also yield positive results. It is no surprise that a lawyer's day is filled with constant pings, rings, chimes, and every other notification sound, each notification inflicting more stress than the last. Limiting these notifications and pop-ups to only those that are essential to accomplish daily tasks will ultimately help reduce unnecessary screen time. Further, cleaning up the inbox by unsubscribing from unneeded promotional emails will also help cut back on excessive notifications.

Lastly, many eye health experts often recommend the "20-20-20" rule. Every 20 minutes, take a 20-second break to look at something 20 feet away.¹⁵ This exercise helps the eye muscles relax. Admittedly, this is very difficult to do during a busy workday. Lawyers can find themselves glued to their screens for hours on end. Nonetheless, even attempting this a few times a day is progress in the right direction.

Conclusion

In short, although screen time is unavoidable in this profession, it is best

to limit it. The tips above, if followed, will ensure an improvement in both mental and physical health. The progress may seem slow at first, but in the long run, it will pay off. Sadly, lawyers are expected to be plugged in. The more efficient lawyers are, the happier the clients, and the more work they will receive. Lawyers are ultimately the cogs of the legal machine. They are champions of truth, justice, and a better tomorrow. However, to properly take care of clients, lawyers need to take care of themselves. A reduction in screen time will lead to less burnout, which will increase a lawyer's overall happiness and health. ■

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The Straight Dope on Addictions

How They Manifest, What Their Characteristics Are, and How to Treat Them

By Ray Ortiz

This article attempts to explain what addictions are, how they can be treated, and why it is so important attention is brought to lawyers with addictions.

Lawyers and Addiction

In 1991, Johns Hopkins University conducted a survey of 105 professions. Attorneys ranked No. 1 in rates of alcoholism, drug addiction, depression and suicide. In 2016, a landmark study on lawyer impairment conducted by American Bar Association Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation (ABA Study) affirmed that attorneys are disproportionately impacted by alcohol, substance use disorders and depression—lawyers suffer from exceedingly high rates of depression, anxiety, and substance misuse. This study of more than 12,000 attorneys in 19 states also noted a

population of lawyers “most at risk” for developing an alcohol use disorder. This group included those working in private firms, under 30 years old, and with a few years in practice.

The ABA study’s findings were that 28% reported symptoms of depression, 23% indicated having mild to extremely severe stress, and 20.6% engaged in problematic drinking. The prevalence and severity of depression, anxiety, stress, and risky or hazardous drinking were significantly higher among women in the legal profession.

In 2021, the California and the District of Columbia survey of 3,000 attorneys noted overworked women lawyers experience more mental health problems and engage in high-risk drinking at a greater rate than their male colleagues. More women are screening positive for hazardous drinking than in the past. About one-third (34%) reported high risk or hazardous drinking compared to 25.4% of men. The study indicated that 25% of women contemplate leaving the legal profession due to mental health concerns compared to 17% of men. For women, work/family conflict was associated with the highest likelihood of leaving. For men, overcommitment was the No. 1 predictor. As to both men and women, overcommitment and permissiveness toward alcohol at work were associated with the highest likelihood of stress and risky drinking (relative to all other predictors).

What is Addiction?

Addiction is a complex biopsychosocial syndrome involving biological (genetics, hereditary), neurobiological (brain circuitry), psychological (mood, personality), and social (environment, childhood experiences, traumatic experiences, sexual abuse) factors. These factors or determinants act in syndrome (group of factors which consistently occur together) within a given individual. These factors are not in the sub-

stance or activity, but “within” the at-risk individual.

Addiction is not just a consequence of substance use (alcohol, drugs, food). One can also become addicted or dependent on activities and behaviors such as gambling, pornography, problematic internet use or internet gaming. These activities have all the hallmarks and distinguishing characteristics of addiction. They do not involve substance use, nevertheless, undermine the function of (brain) circuits that underlie reward, motivation, and self-control.

Addiction is a progressive disorder meaning that it starts with initial use or engagement in an activity. The use or activity provides initial relief, reward and/or a feeling of euphoric well-being. Over time, brain changes occur. These brain changes cause the use of the substance or activity to increase, a phenomenon known as tolerance. The brain rather than experience withdrawal will be motivated compulsively to seek the reward. Loss of control (“I can’t stop”) over the substance or activity renders the individual to progress to a state of dependence (addiction). Anxiety and depression disorders are key drivers of abuse and addiction.

The National Institute of Drug Abuse (NIDA) and Substance Abuse and Mental Health Services Administration (SAMHSA) defines addiction as a chronic, relapsing disorder characterized by compulsive drug seeking, continued use despite harmful consequences, and long-lasting changes in the brain. It is considered both a complex brain disorder and a mental disorder. Addiction is the most severe form of a full spectrum of substance use disorders, and is a medical illness caused by repeated misuse of a substance or substances. The Supreme Court of New Jersey (in *Application of Strait*—120 N.J. 477 (1990)) expressly endorsed alcoholism as a disease “that adversely affects the exercise of good judgment and clear thinking and is frequently characterized

by denial of its existence.”

There are many types of addictions. The Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association (DSM-5) has classified addictions under the category of Substance Related and Addictive Disorders. DSM-5 lists the following substance use disorders and one behavioral (process addiction) disorder: Alcohol Use Disorder; Cannabis Use Disorder; Phencyclidine or other Hallucinogen Disorder; Inhalant Use Disorder; Opioid Use Disorder; Sedative, Hypnotic, or Anxiolytic Use Disorder; Stimulant Use Disorder; Tobacco Use Disorder; and Gambling Use Disorder.

The following is a list of behaviors that have not been included in DSM-5 and “require further research” before they can be considered free standing diagnoses: Sexual Addiction/ Hypersexual Disorder (umbrella construct to encompass various types of problematic behaviors, including excessive masturbation, cybersex, pornography use, sexual



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behavior with consenting adults, telephone sex, strip club visitation, and other behaviors); Internet Use Disorder, aka Problematic Internet Use (PIU); Internet Gaming Disorder, aka Problematic Online Gaming (POG); Compulsive Overeating, Shopping and Overspending; and Overuse of Cosmetic Surgery, Tanning, or Body Weight Training.

For the past 90-plus years many models of the cause(s) of addiction have been proposed. These models are important because they influence and dictate the course of treatment for people who have issues with alcohol, drugs or gambling. However, they are not all sound, empirical or evidence-based. Many reflect a state of belief(s) based on common sense notions of their times rather than sound, hard scientific research. Research and treatment have showed that:

1. Alcohol in and of itself is not the problem and should not be prohibited.
2. Addictions are not the result of someone being weak-willed, morally weak, having moral failings or possessing defects of character.
3. Despite rampant use of the term, there is no study or research supporting the notion of “an addictive personality.” Neither is there any evidence that a basic set of personality traits or characteristics distinguishes addicts from non-addicts.
4. It is true that among some cultures, alcoholism, drug addiction and gambling are not a problem, but this is probably due to strict laws and prohibitions in place. Addictions lie within the individual and not in the substance or activity.

Addiction's Four Cs

An easy way to view and understand addictions is called the four Cs: Control, Craving, Compulsion, Consequences.¹

1. Control: Substance Use and Related Disorders, such as Gambling and

Overeating, exhibit, over time, loss of control.

2. Compulsion: According to the American Psychiatric Association (APA), compulsions are repetitive behaviors or mental acts that a person feels driven to perform in response to an obsession. The behaviors typically prevent or reduce a person's distress related to an obsession temporarily. The obsession is the thought and the compulsion is the enactment of a particular behavior. Note the word “driven” in the APA definition. If the person does not engage in the compulsion (behavior), the obsession (thought) continues to grow and cause distress. Enactment of the behavior will bring temporary surcease from the distress. This process repeats in the person with a substance use or related addiction.
3. Craving: According to the APA Dictionary of Psychology, a craving is an unrelenting desire, urge, or yearning. It is often one of the criteria for the diagnosis of substance or alcohol use disorder.
4. Consequences: Addiction, over time, contributes to the physical, mental, psychological, and social deterioration of the person.

Addiction Pattern

Not all people who begin drinking alcohol, using drugs, or engaging in activities such as gambling, will become addicted. There are many who consume massive amounts of alcohol and drugs, engage in behaviors such as gambling on a frequent basis, and yet will never come close to needing lifesaving treatment. Across all addictions, the rate of prevalence is around 8%.

The American Psychiatric Association in its latest rendition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-5)—defines an addiction by qualifying that an addiction is not a disorder unless the addiction demonstrates, “a problematic pattern of use leading to clin-

ically significant impairment or distress.”

This is a key point that bears repeating in order to understand the bottom line on addiction. What is true for alcohol is also true for drugs and “process” addictions such as gambling. *The focus should not be on how much, how often* one uses substances or engages in activities, rather what happens to the person's life, the consequences of what happens when they do. There is a saying in the rooms of AA, “Every time I drank I didn't get in trouble, but every time I got in trouble, I had been drinking.”

This idea should be balanced against the basic fact that one does not have to have a full-blown addiction to experience “clinically significant impairment or distress.” All of the above disorders have what are called severity specifiers, which are characterized on a problematic range of mild-moderate-severe. This problematic range is akin to the old classification in DSM-IV of social drinker-problem drinker (abuser)-dependent/addicted.

Often, an addicted individual life may be characterized by broken relationships, lost jobs, and other failures to fulfill life, family, or school obligations.

Historical Addiction Treatment

The roots and history of addiction treatment introduce us to two men. One was a physician by the name of Dr. William Duncan Silkwood. The other was the eminent Swiss psychiatrist, Carl Jung. Both men, working independently of each other, reached similar conclusions as to what it takes for someone to recover from alcoholism.

Silkwood saw the process as follows, “once a psychic change has occurred, the very same person who seemed doomed, who had so many problems he despaired of ever solving them, suddenly finds himself easily able to control his desire for alcohol, the only effort necessary being that required to follow a few simple rules.” Silkwood was emphatic, “unless this person can experience an entire psy-

chic change there is very little hope of his recovery.”

Jung’s view corroborated the few simple rules statement of Silkwood but also introduced his own statement, a certain simple attitude. Jung confirmed Silkwood’s psychic change idea and stated the necessity for huge emotional displacements and rearrangements. “Ideas, emotions, and attitudes, which were once the guiding forces of the lives of these men, are suddenly cast to one side, and a completely new set of conceptions and motives begin to dominate them.” To this day, it remains true that psychic change, emotional rearrangements, a few simple rules and a certain simple attitude remain the cornerstones of recovery.

Addiction is Treatable

Addiction is a highly treatable disorder. For the past 30 years, the New Jersey Lawyers Assistance Program (NJLAP) has been a front row witness to the transformations brought about by treatment in the lives of lawyers and their families. The story of addiction and treatment is the story of comebacks and reclamations. The recapture of lives that once seemed hopeless and lost. The overcoming of fear replaced by calm, courage and contentment. All one needs is self-honesty, openness, and willingness.

It is not important for someone to know why they drink, drug or gamble in the first stages of recovery. The first objective is to STOP the behavior and get help. In time, answers will come through the process of recovery. If the person can break the cycle of psychological “denial” they will become clearer and clearer on the “consequences” of their behavior. In other words, they will begin to see what alcohol, drugs, gambling “did to them and their lives.” While this is a key insight and realization, the journey of recovery may lead them to an even greater self-knowledge and insight into—Who am I without alcohol, drugs, gambling? What is my

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life like without these behaviors? How do I socialize with others? How do I have fun? How do I cope with stress, challenges and difficulties in my life? Underlying all of these questions is the basic existential question—Who am I?

The single greatest obstacle to recovery is the psychological defense and coping mechanism of denial and its subset defenses of rationalization, minimization, projection, and self-centered selective attention. In the recovery rooms of AA, it is often quoted, “This is the only disease that tells you, you don’t have a disease.”

The debate as to abstinence versus controlled drinking will no doubt continue, and it is only at an individual level that the decision can be made for continued drinking versus abstinence.

On the topic of whether controlled drinking is advisable as a therapeutic goal for an individual with a history of dependence/addiction, George Vaillant, the leading alcoholism researcher from Harvard University concluded that, “training alcohol-dependent individuals to achieve a stable return to controlled drinking is a mirage.” Successful return to

controlled drinking is possible, and there have been exceptions to the rule, but are extremely rare in the long term.

The experience of NJLAP is noteworthy here. Many people have sought assistance but have not been ready to make a commitment to abstinence. NJLAP has worked with these people in exploring alternatives to total abstinence. In my experience, however, for those with severe alcohol and drug disorders, moderation and controlled use programs simply do not work, and only promote the agony of addiction.

Benjamin Franklin once stated, “An ounce of prevention is worth a pound of cure.” This is easier said than done for the person caught in the grip of addiction. While it is difficult to get the toothpaste back in the tube, it is never too late to change the course of one’s life by seeking help.

In the words of Urijah Faber, “There’s no such thing as a lost cause, or a dead end. Through persistence, attitude, and creativity, there’s always an escape route.” Indeed, legendary lawyer Clarence Darrow said, “Lost causes are the only ones worth fighting for.” NJLAP does support this mission, and 30 years’ experience confirms this belief. NJLAP is free and confidential and offers private evaluations, at no cost, with respect to alcohol, drug, gambling, anxiety, depression and other process addictions. Call 800-246-5527 if you or a colleague have an addiction and need help. It is not a lost cause, and lawyers need help just like anyone else. ■

Endnote

1. The 4 Cs of Addiction: Control, Compulsions, Cravings and Consequences.
cliffsidemalibu.com/blog/the-4-cs-of-addiction-control-compulsions-cravings-and-consequences



THE JUGGLE IS REAL

How to Facilitate and Support
a Strong Cadre of Attorneys at All Levels

By Nicole G. McDonough

I have worked in large New Jersey law firms my entire legal career. In my 15 years of practice as a litigator, I have changed law firms three times, given birth and taken maternity leave three times, developed a book of business, and been actively involved in the Bergen County Bar Association as well as my sons' sports and elementary school activities. I have experienced the disappointment of missed opportunities to grow my legal practice because (in that moment) I prioritized time with my family, and I have experienced the heartache of missed opportunities with my family because (in that moment) I prioritized work. To say I appreciate "the juggle" required to experience success as an attorney while feeling successful in my personal life is an understatement. If you are practicing law at the highest level and staying involved in your family to the fullest, then it is a constant tug-of-war—one that lurks behind the scenes and is properly managed only by regular and thoughtful consideration to your priorities and needs at a given point in time.

These conflicting demands on parents in the profession are so pervasive there have been countless studies analyzing them. Most recently, in October 2023, the American Bar Association Commission on Women in the Profession released *Legal Careers Of Parents And Child Caregivers—Results And Best Practices From A National Study Of The Legal Profession*. The 150+-page study culled data from a survey of over 8,000 respondents and aimed to, among other things, provide "a better understanding of the everyday experiences of lawyers with children, and the impact of children on legal careers..." The data is eye-opening, and the results of the ABA's national study underscore the need for law firms to acknowledge the stresses faced by their attorneys who are raising children at home. Being aware of the magnitude of those stresses and how they can help attorneys handle them, law firms are bet-

ter poised to take affirmative steps to support their most valuable assets—their people—with managing the juggle of their personal and professional lives.

Throughout my career, I have prioritized leaving this profession better than I found it, and for me, that has meant identifying, implementing, and educating other attorneys about the ways in which to support working parents. This article aims to identify, from my personal experience, ways in which law firm leadership can support the coveted work/life balance each of us strives for in our practice while continuing to provide the meaningful work, mental stimulation, and intellectual challenge attorneys enjoy most about the practice of law.¹

The Hybrid Work Environment

For better or worse, since the COVID-19 pandemic, the hybrid work environment for attorneys at all levels has

become commonplace at many large law firms. By "hybrid work environment," I am referring to one where law firms allow and support attorneys working outside the four walls of the firm's office and also require attorneys to be present in the office on a regular basis. With the help of platforms like Zoom, Microsoft Teams, and call forwarding from your office line directly to your cell phone, attorneys can manage their practice and bill clients seamlessly from anywhere with an internet connection.

While some attorneys (yours truly, included) find the hybrid work environment frustrating at times due to the extra effort required to collaborate with colleagues who are not in the office on a given day, the ability to work remotely has enhanced many attorneys' work/life balance (including my own). Among other things, it enables attorneys to avoid lengthy commutes to and from the office, be present for home deliveries without losing time from work, and more easily carve out time to attend extracurricular activities for themselves or their children. Because ours is a profession where we can perform work at any hour of the day, the ability for attorneys to have this "found time" that would otherwise go to commuting to and from the office, time which can be used to focus on themselves and their families instead, is one of the most



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important reasons why law firms should support a hybrid work environment.

To combat the negatives of a hybrid work environment, i.e., loss of face-to-face camaraderie, fewer opportunities for junior attorneys to see and hear more senior attorneys in action, and loss of basic interactions that help integrate attorneys who are new to the firm, firms are well-served to identify specific days of the week in which all attorneys should work in the office. By doing this, law firms can minimize (if not completely nullify) many of the negatives of the hybrid work environment.

Following the March 2023 release of the *Report and Recommendations on Improving the Legal Profession for Lawyers* by the Putting Lawyers First Task Force of the New Jersey State Bar Association, the profession's need for "more time" to address attorneys' mental health and well-being could not be clearer. That report showcased the results of a 90-question wellness survey from more than 1,600 respondents that included New Jersey attorneys, law clerks, college or law professors, and retired judges. Any con of a hybrid work arrangement is far outweighed by the benefits to our profession as a whole that are created by affording attorneys extra time they previously did not have in their day for something more meaningful than commuting, which also supports attorneys' mental health and wellness.

Finally, offering a hybrid work environment keeps law firms competitive in the post-COVID marketplace where everyone knows someone whose law firm and/or company offers a remote work option at least occasionally. Hybrid work schedules are not for everyone, but law firms can offer them to attract talent and support their attorneys who are in desperate need of more time in their day, which comes easily when they can cut out some commuting time from their work week.

Bringing Home into Work

Over the years, I have seen many law firms offer various events that allow their attorneys to "bring home into work." By doing so, those law firms and their leadership generate substantial goodwill with their employees and their families and

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help attorneys feel more integrated into the firm. Those positive feelings and associations transcend the difficult days of practice and can make the juggle worth it.

For example, many law firms offer summer outings where attorneys can

bring significant others and/or their children to enjoy a weekday outside the office attending a picnic or playing golf. Two of my personal favorite events where law firms encouraged their employees to bring home to work relate to Bring Your Child to Work Day and Halloween. By the time I witnessed them, these events had been occurring year after year for more than a dozen years. Knowing that firm leadership encouraged attorneys to share their families with the firm and the firm with their families sends a strong message of support for their team, whether they are doing legal work or not.

Bring Your Child to Work Day—especially as your children get to an age where they are aware of the demands of this profession on your time—is a meaningful way to mix home and work at the office. One New Jersey law firm invites employees to bring their children who are of an appropriate age to the office for special programming that includes breakfast with the other children in the office, presentations by various firm personnel so the children can "guess who they are" in the law firm, lunch with their parents, and (my favorite part) a mock trial presented by the children. Attorneys and support staff at all levels looked forward to this day and having their children participate in the festivities.

Another law firm made celebrating Halloween at the office a family affair. On an October day that was not Halloween, attorneys and staff decorated their offices, created spooky displays, and set out candy buckets (or in one case, a briefcase) overflowing with Halloween candy. The firm invited children of attorneys and staff for a party with food, games, and trick-or-treating through the office. Nearly everyone in the office participated in some capacity, and after the event, attorneys and staff shared stories about their children who enjoyed the special day. The event enabled people to

bond and relate to each other on another level beyond the intellectual one.

In both these instances, law firms encouraged their attorneys to bring their children to the office, not just to see where their parents worked, but also to meet their colleagues, meet the children of other employees, and enjoy time at the firm with special programming. Allowing attorneys to bring home into work affords another layer of integration for law firms and their people and makes the balancing act for working parents feel more meaningful and worthwhile.

Billable Hours and Non-Billable Time

One of the necessary stressors in our profession is the billable hour. When billable hours are one of the most uniform measures of success (read: compensation) at a firm, you can find yourself living life in six-minute increments wondering if time spent on any non-billable task is “worth the .5” you may have spent on it. However, experienced practitioners know spending time on “non-billable” activities is a critical part to an attorney’s career development. Whether the non-billable time is spent taking or giving CLEs to maintain your license, talking to your colleagues about the latest Supreme Court decision, or writing articles, non-billable time is an important and necessary part of the practice. Law firms that find ways to make non-billable time more convenient or, even better, count in performance reviews, can help ease the stress attorneys may feel when spending time on non-billable work.

Some law firms offer in-house CLEs during lunch, presented by firm attorneys, which allow attorneys to earn credits while enjoying lunch with their colleagues. Similar to the CLEs we offer, my law firm offers associate development lunches (ADLs) during which associates are invited to lunch in the office while they listen to a panel of more senior firm

attorneys speak about topics ranging from “How to Shine Through your Work” to “Business Development Tips.” These ADLs (as we call them) are a great opportunity for attorneys to share experiences in the practice and get to know other attorneys with whom they may not interact regularly outside their department. This non-billable time is an invaluable

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way to facilitate attorneys at all levels getting to better know each other, and the importance of having people with whom you enjoy spending time at the office cannot be underestimated when it comes to career satisfaction.

Law firms can also create specific billing codes for non-billable time in var-

ious categories so attorneys can capture the time spent on those activities and events throughout the year. When firms encourage attorneys to track non-billable time, they can review it and consider it as part of any review process. It sends the message that time spent on these non-billable tasks does matter and is appreciated by firm leadership. Communicating that non-billable work counts in some capacity can help attorneys feel less stressed about time spent on things like CLEs, writing an article, or preparing for a speaking engagement. Each of those non-billable activities, among others, can help attorneys grow as practitioners and feel more confident and knowledgeable in their practice areas, which benefits the individual attorney and their law firm as a whole.

Closing Thoughts

The ability to succeed in our awesome profession while feeling successful at home requires a substantial amount of support from colleagues and flexibility with ourselves. It requires an appreciation for the reality that some days “the juggle” will be more difficult than others. However, there are programs and practices law firm leadership and attorneys can implement to help support their attorneys, which in turn, will lead to attorneys feeling more satisfied in their professional lives. ■

The views and opinions expressed in this article are those of the author and do not necessarily reflect those of Sills Cummis & Gross P.C.

Endnote

1. See ABA Report, pp. 28–29.

NJSBA Digs Deep into Mental Health

Recommends Path to Ease Areas of Stress in the Legal Profession

Offers Resources for Profession, Advocates for Change



The mental health needs of the legal profession have been a top priority of the New Jersey State Bar Association in recent years. Chief among its goals is seeking ways to reduce barriers for members of the profession—and community—in seeking help.

Last year, a wide-ranging report by the New Jersey State Bar Association (NJSBA) uncovered a troubling decline in mental health and wellness among New Jersey's legal practitioners, while identifying the primary drivers of stress for attorneys and recommending an action plan to improve well-being.

The report—the largest and most comprehensive assessment ever produced on attorney well-being in the state—is the work of more than 50 attorneys in the NJSBA's Putting Lawyers First Task Force, led by 2022–2023 NJSBA President Jeralyn L. Lawrence. Members of the group spanned a wide array of practice areas, who worked diligently over the course of a year with the goal of making an attorney's life in the profession better and providing the tools needed to survive and thrive in the ever-changing legal landscape.

Central to the effort, the task force circulated wellness surveys among the state's legal community, while also analyzing other sources of stress. At the heart of the report was the results of a 90-question survey, developed with assistance from the University of Utah, to gauge the current health and well-being of New Jersey's legal population. The survey generated over 1,600 responses from New Jersey attorneys, clerks, college or law professors and retired judges.



The report results further revealed that while 51% of New Jersey lawyers feel enthusiastic about being a lawyer:

68% reported feeling anxious in the past two weeks;

56% reported a high prevalence of alcohol misuse;

49% reported feelings of isolation;

28% of attorneys considered leaving the profession because of mental health, burnout or stress;

23% reported a high prevalence of depressive symptoms;

10% reported thoughts of suicidal ideation.

A Path Forward

The Association is committed to not just shining a light on the issue, but looking for meaningful ways to help the entire legal community. To combat the troubling statistics, the report recommended immediate and long-term strategies to help.

Key among the recommendations was successful advocacy to change the approach New Jersey takes on the New Jersey Character and Fitness application, which seeks information on an applicant's mental health conditions or impairments, rather than conduct. The Judiciary changed that language and New Jersey joined 26 other states that have either eliminated, substantially modified or never used mental health status on their bar applications.

The Association also launched a Member Assistance Program that connects your members—and anyone else in their household—to trained, experienced mental health profes-

sionals and resources. NJSBA members and people in their household are eligible for three in-person counseling sessions, per issue, and unlimited text, phone and email support. All communications are confidential. The program provides 24/7 access to a mental health professional with at least seven years of experience. The professional will counsel callers and help them find resources. If needed, they will help people find an accessible clinician who is accepting patients, and every effort will be made to make clinical referrals to counselors who are covered by your medical insurance plan. If that is not possible, efforts will be made to connect people with a practitioner who can provide services on a sliding scale.

The effort to assist the legal community has continued and the Association remains focused on improving the lives of attorneys—an effort that will benefit their clients, judges, colleagues, adversaries, court staff and all who come into contact with the profession. ■

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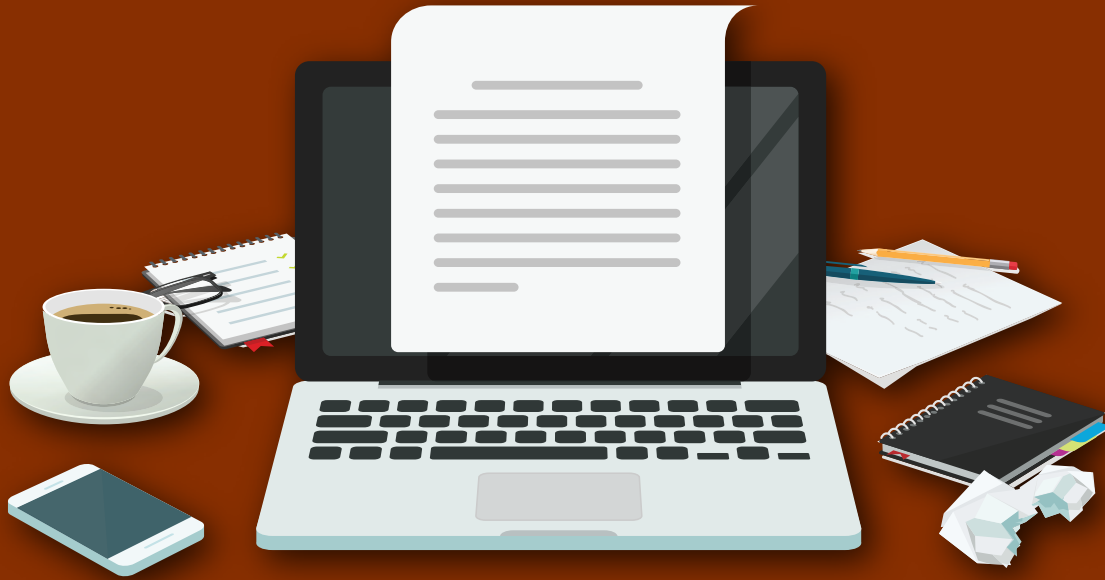
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The background of the poster is a photograph of a large audience seated in a convention hall, facing a stage where a speaker is at a podium. The foreground features a large, stylized graphic with a blue and orange geometric pattern. A circular blue badge with a compass rose is positioned on the right side of the graphic.

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