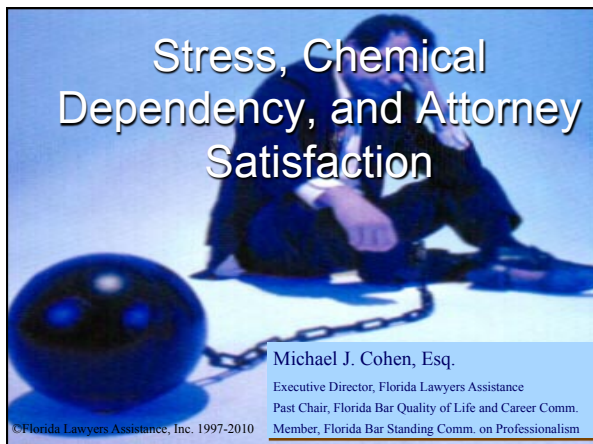




Stress, Chemical Dependency, and Attorney Satisfaction

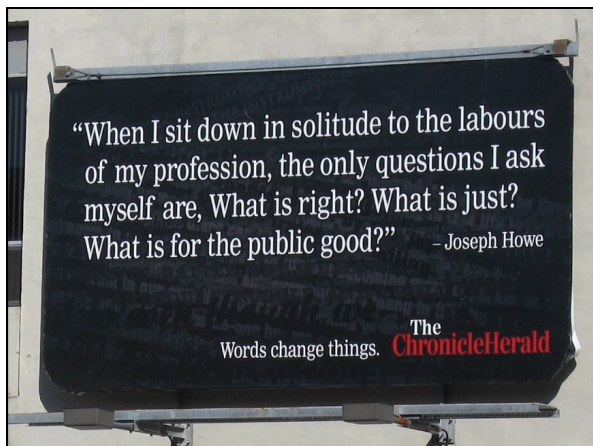
Michael J. Cohen, Esq.
Executive Director, Florida Lawyers Assistance
Past Chair, Florida Bar Quality of Life and Career Comm.
Member, Florida Bar Standing Comm. on Professionalism

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Florida Lawyers Assistance

800-282-8981
michael@fla-lap.org
www.fl-a-lap.org

- ♦ Developed in 1970's as an informal volunteer peer assistance network and remains at the core one lawyer helping another
- ♦ Formed as separate non-profit corporation in 1986 pursuant to Supreme Court mandate, with Bar rule to insure confidentiality
- ♦ Receives funding from the Bar and works cooperatively with the Bar and Bar Examiners, but **is not** a Bar agency
- ♦ Over 30 attorney support meetings and 400 volunteers around the state; referral resources trained to work with attorneys
- ♦ Comprehensive program: substance abuse and psychological problems (psychologist on staff)



“When I sit down in solitude to the labours of my profession, the only questions I ask myself are, What is right? What is just? What is for the public good?” – Joseph Howe

Words change things. **The Chronicle Herald**

Miami-Herald
Feb. 24, 2006

BOOKS

Did you hear the one about all the lawyers?

NASHVILLE — (AP) — He's not exactly a seasoned comic, but professor Marc Galanter knows so many lawyer jokes he even has a joke about lawyer jokes.

"A colleague asked me how many lawyer jokes there are. I told him just three — the rest are documented case histories," Galanter told an audience this week at Vanderbilt University's Law School.

Galanter's routine is part of a lecture tour he's doing to promote his new book that charts the increasingly bitter tone of lawyer jokes over the past couple of decades.

"We have 500-year-old lawyer jokes still in circulation, and most of them go back at least 100 years," said Galanter, a professor at the University of Wisconsin-Madison.

Madison. "But around the 1980s, there was a great shift. They became much more hostile."

In "Lowering the Bar: Lawyer Jokes and Legal Culture," Galanter said the animosity is a backlash to the increasing legal restrictions that have reached into American life.

Over the course of the 1980s, he said, public perception shifted from viewing lawyers as champions of justice to viewing them as arbitrators under a complex, artificial system only they understand.

Galanter said the historical lawyer jokes have two basic themes. They are greedy, and they are smooth-talkers.

But more recent jokes depict lawyers as immoral cheats and objects of universal scorn, he said.

What is a Professional?

A profession is a group of individuals pursuing a learned art as a common calling in the spirit of public service – Dean Roscoe Pound

The word profession comes from the Latin *profiteri*, meaning to make a public dedication to the ideals and practices associated with a learned calling.

Oath of Admission to The Florida Bar

I do solemnly swear:

I will support the Constitution of the United States and the Constitution of the State of Florida;

I will maintain the respect due to courts of justice and judicial officers;

I will not counsel or maintain any suit or proceedings which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my clients, and will accept no compensation in connection with their business except from them or with their knowledge and approval;

To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications;

I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice.

So help me God."

It is a defining moment when someone in authority finally reaches the conclusion that leadership is not about using people - it's about serving them.

Neil Eskelin
www.neileskelin.com

How many cares one loses when one decides not to be something, but to be someone.

The professional's "usap": I am what I do

Coco Chanel

Wealth

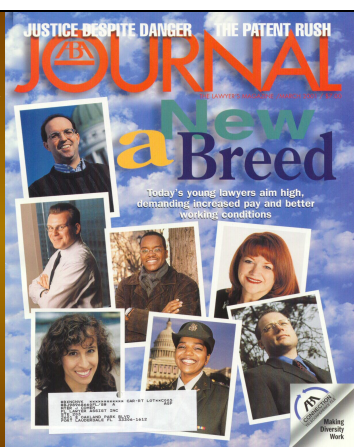
The only person who is truly wealthy is the one who believes they have enough.

PREMISE:

If you believe that money will provide satisfaction and self-esteem, the amount you'll need will *always* be 25% more than you have.

ABA Journal

March 2001



THE WALL STREET JOURNAL

News Today's Newspaper My Online Journal Multimedia & Online Extras M

LAW BLOG
WSJ.com on law and business and the business of law. Blog Search:

< Zach Scruggs, Son of Dickie, Pleads Guilty - PREVIOUS | SEE ALL POSTS FROM THIS BLOG | NEXT >

March 21, 2008, 4:32 pm

"I'm Gonna Also Need You to Come in Sunday, Too . . ."
Posted by Dan Slater

[The time is 4:45 on Friday afternoon. Peter looks around and sees his boss, Bill Lumburgh, talking with other workers. Peter ducks under his desk, and quickly tries to save his computer files, but the computer is slower than he'd like.]

BILL: Hello Peter. What's happening? Um, I'm gonna need you go ahead and come in tomorrow. So if you could be here around nine, that would be great. [Bill starts to walk away.] Oh, oh, yeah . . . I forgot. I'm gonna also need you to come in Sunday, too. We, uh, lost some people this week and we need to sorta catch up. Thanks. — "Office Space"

Ah, March Madness! Dinner! A movie! [Click](#) with the significant! If there's time, a bike ride, perhaps! Just some of the extra-curriculars the Law Blog hopes to indulge in during this holiday weekend. And providing there's no more news of philandering politicians, fallen tort kings or bank blow-ups, we hope to carry on with our plans undisturbed.

But, like news, we realize that legal deadlines care little for weekend plans. In early morning e-mailing, some of our law firm associate friends were already forecasting an office-bound weekend, unable, like poor Peter (pictured, right) from the film, "Office Space," to escape the long-arm of Lumburgh (left), his uber-annoying boss.

ABA JOURNAL
Law News Now

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Law Practice Management

Lawyers Want More Time, Less Stress, Not More Money

Posted Oct 7, 2008, 12:03 pm CDT

By Martha Neil

Asked what one aspect of their law practice they would change, if they could, 31 percent of the 300 large law firm and corporate attorneys recently surveyed by Robert Half Legal said they wanted a less stressful work life. And another 30 percent wanted to work fewer hours or increase their personal time.

Only 2 percent said they wanted more money, the California-based legal consulting firm reports in a press release (PDF).

To try to resolve such concerns and retain talented lawyers, many employers are adding benefits such as flexible and part-time scheduling, job sharing, telecommuting and compressed workweeks, says Charles Volpert, the consultant's executive director, in the release. "Job-related stress and work/life balance issues can lead to employee dissatisfaction and staff turnover, which may decrease a firm's productivity and directly impact its ability to remain competitive."

In the macho arena where Lee [head of investment banking for Chase Manhattan] thrived, he knew that talking about family values could brand him at best a wimp and at worst a liar. "In the power alleys of Wall Street and the East Coast, it's not manly to admit that work/family is an issue," Lee shrugs. "In fact, the manly thing is to say, 'I don't have a life and I'm proud of it.' " ... "Where did the years go?" he recalls. "I had not gone to one parent teacher conference at [my daughter's] school. I didn't know any of her teachers' names. I just wasn't involved. My little one, I didn't even know what grade she was going into", Lee admits, his eyes rimming with tears.

Living With Less Power

When banking honcho Jimmy Lee was asked to give up turf, he had a surprising response: Yes. Here's why.

Newsweek, June 12, 2000

External "Success" Does Not Equal Satisfaction

- ♦ **Satisfaction is an inside job**
- ♦ Training we receive to become lawyers can "disconnect" us from our core values and beliefs
 - Character is easier kept than recovered
- ♦ Erroneous belief that we can control things that are uncontrollable leads to inevitable failure and dissatisfaction
- ♦ Disconnection and dissatisfaction can lead to stress and other impairments:
 - 15-18% of attorneys will have substance abuse problem, compared to 10% of general population
 - **Over 1/3 of attorneys** say they are dissatisfied and would choose another profession if they could (highest rates of depression and suicide of *any* profession)



Pensacola News Journal

January 6, 2004

Lawyer for King boys committed suicide

ASSOCIATED PRESS

PENSACOLA - A lawyer for one of two adolescent brothers who killed their father with a baseball bat committed suicide at nearby Pensacola Beach, a medical examiner's investigator confirmed Monday. Dennis Corder, 42, died of a self-inflicted gunshot, chief forensic investigator Mark Burke said. His body was found Dec. 30 in a car parked along a secluded stretch of beach. The Pensacola attorney is the second of three defense lawyers to die since the murder trial of brothers Alex and Derek King drew national attention in 2002. James Stokes, 47, who represented Alex, now 14, was killed when his ultralight plane crashed June 11. Derek was 13 and Alex was 12 when they killed their father, Terry King, 40, on Nov. 26, 2001.

Ex-judge found dead at home

By WILLIAM R. LEVESQUE, Times Staff Writer
© St. Petersburg Times
published December 7, 2002



TREASURE ISLAND -- David Fred Patterson, a former chief judge of the Pinellas-Pasco circuit and 2nd District Court of Appeal, was found dead at his home Friday in what a friend said appeared to be a suicide. He was 63.

Patterson, who retired from the appeals court in 2001, battled alcoholism toward the end of a distinguished judicial career that began 30 years ago in Pinellas County.

Pinellas Sheriff Everett Rice, a family friend, said Patterson's estranged wife, Johnna Patterson, found her husband's body about 1 p.m. after she visited his Treasure Island cottage because she was worried.

Rice, whom Mrs. Patterson called after dialing 911, said Patterson had killed himself using a gun.

"I think she knew he had been drinking," Rice said. "I believe they were trying to keep the marriage together. They were working on it. I think he had been drinking today. It's a terrible shame. He was one of the brightest judges I have ever known."

July 14, 2000

St. Petersburg Times ONLINE

Why? would he do it



(Times photo: Tom J. Seney)
Officials attempt to shield Coe's covered body from onlookers.

State Attorney Harry Lee Coe had been through tough times before. Yet this time, in the midst of questions about his finances, he is found dead, apparently by his own hand.

"He was clearly desperate. He had a severe addiction. The addiction was running him. This did not have to happen. Watching this poor guy do what he was doing, someone should have pulled him aside. They should have gotten him professional help. But I guess no one ever confronted him because he's dead."

A 6 month FDLE investigation revealed Coe wrote checks at two local dog tracks totaling \$510,000 in the 15 months before his suicide. He died owing the tracks \$47,000 in bounced checks. When he died, Coe had a negative net worth of \$150,000; he had misrepresented his debts on financial disclosure forms; he had tried to destroy public records to conceal his gambling; and he had used campaign contributions for personal purposes. Though Coe earned more than \$200,000 a year, he lived in a small, bare apartment. He kept most of his possessions stuffed in bags in the trunk of a car that belonged to the state.

Tampa Tribune 11/29 & 12/2/2000

Stress: Part of the Profession?

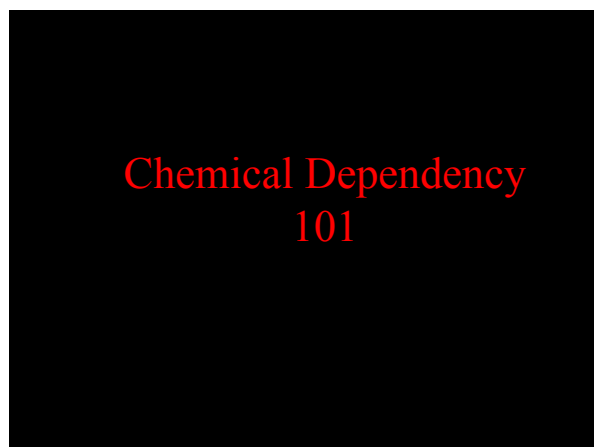
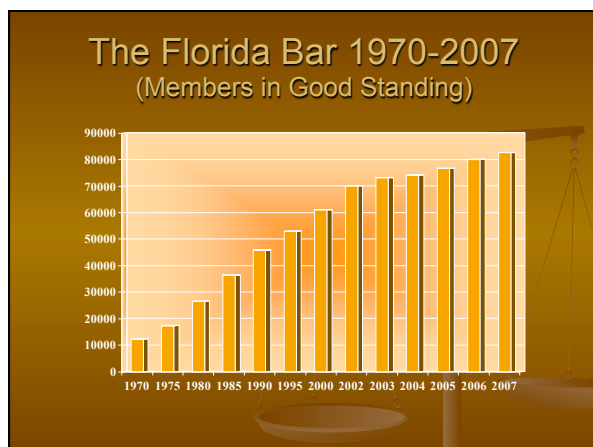
www.fla-lap.org/qlcc

Causes of Stress

- Conflict with personal values
- Lack of time
- Lack of knowledge
- Financial pressures
- Incivility (clients and other attorneys)
- Unrealistic expectations (our own, judges, clients)
- Public perception
- Vicarious trauma

Effects of Stress

- Depression, anxiety, burnout
- Damage to immune, circulatory, digestive systems
- Substance abuse
- Suicide
- Unprofessional behavior



What is Addiction?

Progressive, Incurable, and Fatal Disease

1. **Progressive** - Illness never gets better without treatment.
2. **Incurable** - Chronic condition. No such thing as a "cure". There are no ex-addicts or ex-alcoholics.
3. **Fatal** - Overdose, car accident, suicide, liver disease, heart disease, homicide

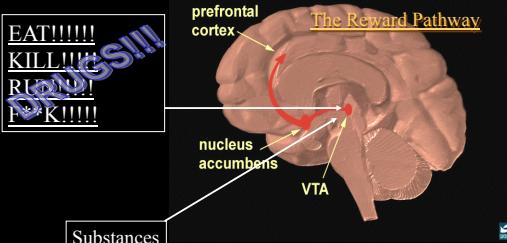
➔ **Definition of Addiction: Continuing behavior after suffering negative consequences as a result of that behavior.**

A.A. Definition of Alcoholism

"We believe, and so suggested a few years ago, that the action of alcohol on these chronic alcoholics is a manifestation of an allergy; that the phenomenon of craving is limited to this class and never occurs in the average temperate drinker."

The Doctor's Opinion, Alcoholics Anonymous, Pg. Xxvi (1939)

Allergy + Obsession = Chemical Dependency



EAT!!!!
KILL!!!!
RUN!!!!
FUCK!!!!

prefrontal cortex

The Reward Pathway

nucleus accumbens

VTA

Substances

"We believe, and so suggested a few years ago, that the action of alcohol on these chronic alcoholics is a manifestation of an allergy; that the phenomenon of craving is limited to this class and never occurs in the average temperate drinker."

The Doctor's Opinion, Alcoholics Anonymous, Pg. Xxvi (1939)

Definition of Addiction: Continuing the Same Behavior After Suffering Negative Consequences of that Behavior

Attorneys are Especially Vulnerable

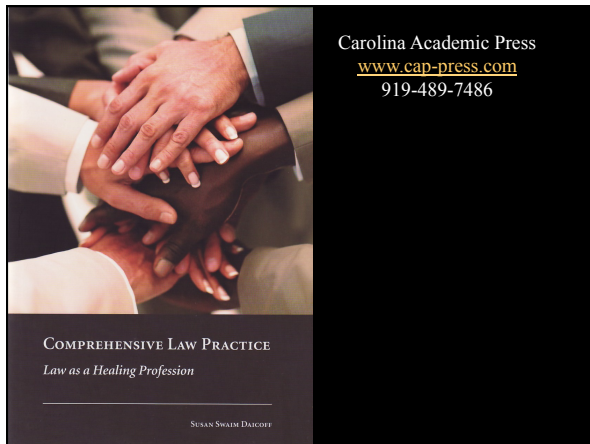
- Adversarial nature fosters stress response
 - Normans: Trial by Combat & Trial by Ordeal
- Tremendous fear of being perceived as weak by others, coupled with fear of being taken advantage of, losing clients, etc.
- Increased competition creates stress
- Decline of professionalism, collegiality: “dog eat dog” mentality
- Inability to separate professional from personal life



Alternatives to the Adversarial System – The Comprehensive Law Movement

- Traditional System: Win/Lose (Binary)
 - Mediation
 - Negotiation
 - Settlement
 - Litigation
- Alternatives: Win/Win
 - Therapeutic jurisprudence
 - Holistic law
 - Restorative justice
 - Collaborative law
 - Creative problem solving
 - Evaluative mediation
 - Transformative mediation
 - Preventive law
 - Religious/spiritual component
 - Socioeconomic and cultural sensitivity





Stress Management Techniques

- Work
 - Get organized – clean up
 - Prioritize your to-do list, then tackle first what you want to avoid the most
 - Develop efficient office practices (LOMAS)
- Home
 - Make time to go to kids' games, events
 - Set up "date night" with spouse/SO
 - **Realize interpersonal relationships are the most important aspect of your life**
- Self
 - Exercise/relaxation techniques
 - Have periodic physicals
 - Examine your use of substances
 - Give yourself permission to seek professional help
 - **Take yourself less seriously**



Attorneys are Different?

Why?

- ◆ **Denial** more entrenched and better defended through use of professional skills (advocacy; intelligence; advice giver, not taker)
- ◆ **Resources** allow for longer period of progression (financial, support staff, sole practice, hesitancy of colleagues, judges, office staff to confront)
- ◆ **Harm** caused may be greater (money, liberty, legal rights)
 - "The very nature of the lawyer-client relationship requires that clients place their money and their causes in the hands of their lawyers with a degree of blind trust that is paralleled in very few other economic relationships." *Florida Bar v. Dancu*, 490 So.2d 40 (1986)

Why You Should Care: How Impairment Affects the Profession

Relationship Between Lawyer Impairment and Errors in Judgment

- 40 - 75% of discipline cases involve a substance abuse or psychological issue (*Illinois Survey*)
- 80% of Client Protection Fund cases involve chemical dependency or a gambling component (*Louisiana Study*)

Florida Lawyers Assistance

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michael@fla-lap.org
www.flc-lap.org

FLA provides free and **confidential** services to *all* sectors of the legal profession [Rule 3-7.1(j); Ch. 397.482-486, F.S. (2001)]



How to Get “There”

- ◆ **Professional:** realistic expectations and goals (counseling); time management (LOMAS); case management (SCOPE, mentoring); sense of legal “community” (local bar assoc., The Florida Bar)
- ◆ **Personal:** balance priorities (family, work, self); stress reduction (yoga, meditation, exercise, hobby); address impairment issues (FLA)
- ◆ **Spiritual:** recognize your core value system, honor it, realize that some results are beyond your control, and have faith that things usually work out as they should

SOMEONE TO WATCH OVER YOU

Lawyers Turn to Career Coaches For Help in Their Professional Lives

MORE AND MORE LAWYERS are seeking the advice of a career coach to help them navigate the legal profession. The career coach is a professional who helps lawyers with their career development, including job search, resume writing, and interview preparation. The career coach is a professional who helps lawyers with their career development, including job search, resume writing, and interview preparation.

ABA Journal 10/03

Suggested Readings

www.fla-lap.org/bibliography

TRANSFORMING PRACTICES
Finding Joy and Satisfaction in the Legal Life
STEVEN KEEVA
An ABA Journal Book

Stress Management for Lawyers
How To Increase Personal & Professional Satisfaction in the Law
Anirum Elzovik, Ph.D.

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Finding Joy and Satisfaction in the Legal Life
STEVEN KEEVA
An ABA Journal Book

Stress Management for Lawyers
How To Increase Personal & Professional Satisfaction in the Law
Anirum Elzovik, Ph.D.

DRUG-IMPAIRED PROFESSIONALS
How attorneys, accountants, engineers, nurses, dentists, and other professionals get into and out of addiction
ROBERT HOLMAN COOMBS

The 20 “Golden Rules”

With Thanks to Richard S. Masington, Esq., Miami
www.fla-lap.org/rules

- ✓ Behave yourself
- ✓ Answer the phone
- ✓ Return your phone calls
- ✓ Pay your bills
- ✓ Keep your hands off your clients' money
- ✓ Tell the truth
- ✓ Admit ignorance
- ✓ Be honorable
- ✓ Defend the honor of your fellow attorneys
- ✓ Be gracious and thoughtful
- ✓ Value the time of your fellow attorneys
- ✓ Give straight answers
- ✓ Avoid the need to go to court
- ✓ Think first
- ✓ Define your goals:
 - ✓ Remember you are first a professional, then a businessman
 - ✓ If you seek riches, become a business man and hire an attorney
- ✓ Remember - there is no such thing as billing 3000 hours a year
- ✓ Tell your clients how to behave - if they can't, they don't deserve you as their attorney
- ✓ Solve problems – don't become one
- ✓ Have ideals you believe in
- ✓ Don't do anything you wouldn't be proud to tell your mother about

LEGAL ETHICS

A Judge's Advice to New Lawyers: Don't Be a Jerk

Posted Dec 22, 2009 9:48 AM CST
 By [Debra Cassens Weiss](#) ABA Journal Dec. 22, 2009

Comments Email Print Reprints Share / Save

Lawyers don't need to be jerks, they shouldn't tell lawyer jokes, and they need to quickly inform clients when bad things happen. And they should consider keeping a diary to remember the war stories.

That's the advice of Texas Judge Randy Wilson, who wrote a letter to his two children who are about to become lawyers and then shared it with [Texas Lawyer](#).

Wilson says it's important to tell the truth to clients when mistakes are made, and to courts when arguments are weak. All lawyers occasionally err, and they can learn from their mistakes.

"You're going to be in this game for the long haul," he writes. "There's no shortcut that's worth it—never. If you have a bad document, produce it. If your client is lying to make his case, fire him. Compromising your conscience just is not worth it. There will be other cases. It's a cliché, but it's true: A legal career is a marathon, not a race."

It's also important to follow the Golden Rule, he says. "There's just no reason to be a jerk, and there are lots of reasons to be nice."

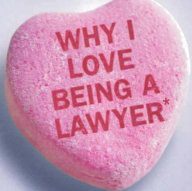
If you treat opposing counsel with courtesy, they could end up referring some business to you, he says. And if you allow them an occasional extension, they may do the same for you. If you throw tantrums in the office, your staff can find plenty of ways to sabotage you.

Be proud to be a lawyer, Wilson says, and that means no lawyer jokes. You'll accumulate real-life war stories—and you will wish you had written them down. So keep a diary, he says.

THE SEDUCTIONS OF SOCIAL MEDIA • NEW LESSONS FROM AN OLD FILM ON NUREMBERG
 'SCAMBLOGGERS' TAKE ON THE LAW SCHOOLS • A BIKER/LAWYER FINDS HIS NICHE

ABAJOURNAL

FEBRUARY 2011 THE LAWYER'S MAGAZINE



WHY I LOVE BEING A LAWYER*

*SERIOUSLY



HOW YOU CAN GET HAPPY

The entire legal profession - lawyers, judges, law teachers - have become so mesmerized with the stimulation of the courtroom contest that we tend to forget that we ought to be healers - healers of conflicts.

Doctors, in spite of astronomical medical costs, still retain a high degree of public confidence because they are perceived as healers. Should lawyers not be healers? Healers, not warriors? Healers, not procurers? Healers, not hired guns?

Chief Justice Warren Burger,
 Midyear Meeting of the American Bar Association,
 February 12, 1984

I think one of the basic problems of our profession and all professions is a loss of individual spirituality. This may offend some people, but when I read about the history of this country and the way our Constitution was formed ... I think about the reasons why lawyers do what they do. And for a lot of them, it is because they have no compass that is directing them. They have no internal direction. And that's becoming more and more pervasive.... And this is something we never talk about. We would like to relegate this to the parlors of homes and so forth. But it is a problem that we've got to address and think about. We have lost touch. And I don't care what kind of spiritual values you have – whatever you are is unimportant – but the fact that we are living in an increasingly technological and material world which has no time or room for these thoughts is, I think, one of the deepest problems that we as lawyers face.

www.fla-lap.org/hoeveler.html

Hon. William Hoeveler,
U.S. District Court, So. District of Florida

“A lawyer's either a
social engineer or he's a
parasite on society”

Charles Hamilton Houston,
Dean, Howard Law School