

HOW REAL NEVADA ATTORNEYS APPROACH PHYSICAL AND MENTAL WELLNESS: GOING IT ALONE OR GETTING ASSISTANCE

BY KRISTINE KUZEMKA, ESQ.

Many Nevada attorneys tackle obstacles to their physical and mental well-being on their own; and many of them are just barely hanging on. There's a better way to improve your situation – and there are several resources available to members of the State Bar of Nevada in need of help.

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Nevada Attorneys Define Stress and Ways They Deal With It

In the vein of wellness, looking beyond substance use disorders and mental health issues, I endeavored to find out how real, local attorneys define stress and how they deal with it. Respondents gave antidotes that were mostly self-reliant, indicating that some of us are dealing with stress adequately.

We initiated a non-scientific poll, eliciting responses to two questions, from attorneys in northern and southern Nevada:

1. What is your definition of stress in your practice? (Attorneys polled work in public agency, solo practice or firm settings); and
2. What do you do to eliminate and/or tame the stress(ors)? (We invited participants to be honest and specific regarding what they do, such as exercise, meditate, drink, etc.)

The responses were as follows:

Attorney: Public Sector

1. **Stressors:** “Making sure I am doing the right thing by both the victim and the defendant, making sure families that I work with are happy, but also dealing with and handling their pain, and not letting it affect me can be very difficult. In trial, stressing out about getting the right outcome. Workplace stressors, as in dealing with all of the different personalities both in my office and on the other side. Trying to balance my family life with my work life.”
2. **Coping Mechanisms:** “To relieve the stress, definitely work out! That really helps me clear my mind. Obviously, spending time away from

work and with those that I love helps me regain focus and balance as to what really matters. Also, reading a good book usually also helps me expand my horizons and focus on what really matters. My faith is something that is very important to me as well, and I think I find peace through that.”

Attorney: Private Sector

1. **Stressors:** “I make it my personal responsibility to get my clients out of trouble not of my own making. I feel the weight of the responsibility they have entrusted me with and wear it too much.”
2. **Coping Mechanisms:** “I hike. I read. I visit our family cabin in the woods. We have regular family gatherings for Sunday meals with our kids, their spouses and our grandchildren. I hold on through the week for those meals and just absorb the love given and received.”

Attorney: Public Agency

1. **Stressors:** “Keeping the lights on and keeping everyone happy.”
2. **Coping Mechanisms:** “Walk away from your desk and computer, even if it’s just a few trips walking around the office. Get outside: walk, bike, swim, hike. Learn something new – I am not a sports person – but took two months’ of golf lessons and whacking the ball is a great stress reliever! Lastly, take VACATIONS!”

Attorney: Public Sector

1. **Stressors:** “Stress? Which kind of stress? The pain in my neck or not being able

to fall asleep some nights? I deal with each situation differently.”

2. **Coping Mechanisms:** “For my neck and other tense muscles, I schedule a weekly massage and engage in daily stretches before breakfast. Both activities improve my circulation and relaxation of my body. For the nights I do not fall asleep quickly, I use several methods to relieve my stress. When thinking of all the projects and tasks I must do in the morning, my first defense is to get up and write down all the things I need to do. The list can contain one item or up to 10. If that doesn’t work, I get up

“Spending time away from work and with those that I LOVE HELPS ME REGAIN FOCUS AND BALANCE as to what really matters.”

and read some non-fiction book. Finally, I never look at the clock. Years ago, I heard a doctor say that looking at the clock after you go to bed and before the alarm goes off, adds to your stress. It makes you think about how little time there is left before the alarm goes off.”

Attorney: Private Sector

1. **Stressors:** “I would say in the workplace I feel two kinds of stress—productive stress that drives me, and destructive stress where I get in fear, can get frozen, and get anxiety with associated chest pains.”

continued on page 10

HOW REAL NEVADA ATTORNEYS APPROACH PHYSICAL AND MENTAL WELLNESS

2. Coping Mechanisms:

“To deal with destructive stress I try to push through the situation, if it is a situational stress; or if it is free-floating, I exercise to provide longer-term relief, breathe (if I remember) in the moment and/or eat something rich or sugary.”

Data on Stress and Substance Use Disorders in the Legal Profession

A 2016 article by Patrick R. Krill, JD, LLM, et al, published in the *Journal of Addiction Medicine*, based on a study by Hazeldon, measured the prevalence of substance use and other mental health concerns among attorneys.¹

“Rates of substance use and other mental health concerns among attorneys are relatively unknown, despite the potential for harm that attorney impairment poses to the struggling individuals themselves and to our communities, government, economy, and society.”²

The study also reviewed utilization of treatment services and barriers existing between them and services needed. The sample comprised 12,825 licensed, employed attorneys assessing alcohol use; drug use; and symptoms of depression, anxiety, and stress.³

The results showed substantial rates of behavioral health problems. A full 20.6 percent were found to have hazardous, harmful and potentially alcohol-dependent drinking habits; levels of depression, anxiety and stress among attorneys were significant, with depression at 28 percent, anxiety at 19 percent and stress at 23 percent.⁴ Krill concludes

that attorneys experience problematic drinking consistent with alcohol-use disorders at a higher rate than other professional populations, and mental health distress is quite significant.

There are certain barriers preventing attorneys from seeking help with substance use disorders and/or mental health issues. Not wanting others to find out they needed help and concerns regarding privacy or confidentiality were the two most cited common barriers.⁵

Greater education aimed at prevention is needed as are public awareness campaigns within the profession designed to overcome the pervasive stigma surrounding substance use disorders and mental health concerns. Thus, there is a greater need for resources for lawyer assistance programs and an expansion

of available attorney-specific prevention and treatment interventions.⁶ For those not coping well, Krill emphasizes the necessity of both education and intervention.

Going Down a Different Path: A New Perspective on Wellness

Krill and complaints to the Nevada bar indicate that there is a problem in our profession with the stress lawyers deal with on a regular basis. The results are sometimes quite grave, including the loss of family and/or practice, prison time and even, in some instances, untimely death. The State Bar of Nevada has implemented significant and strategic changes directed toward attorney wellness during the past five years, in an effort to address attorneys’ needs when it comes to dealing with mental health issues and substance use disorders.

Resources from your State Bar of Nevada

The State Bar of Nevada has been active in raising awareness and educating lawyers about substance use disorders and mental health issues, and in implementing programs to address those needs.

Lawyers Concerned for Lawyers

A group of attorneys in the mid-1980s saw the need to help their legal colleagues. Lawyers Concerned for Lawyers (LCL) began in 1986 as a volunteer program comprised of attorneys in recovery helping other attorneys dealing with substance abuse. LCL is strictly confidential and does not report to the State Bar of Nevada. LCL can be reached at (866) 828-0022.



continued on page 12

HOW REAL NEVADA ATTORNEYS APPROACH PHYSICAL AND MENTAL WELLNESS

Nevada Lawyers Assistance Program

LCL was not enough to address the problem in our profession, as many are not willing to voluntarily self-refer. In 2013, the State Bar of Nevada created the Nevada Lawyers Assistance Program (NLAP) to provide clinical services to attorneys suffering from substance use, addiction and/or mental health issues that may impair professional competence. NLAP is confidential, headed by a treatment facility and staffed with medical personnel, separate from the state bar. Attorneys may self-report to NLAP (voluntarily), or be referred by the bar's Office of Bar Counsel for assessment, treatment referral,

and ongoing monitoring and support (mandatory). NLAP can be reached at (702) 251-1377.

The Therapist Referral Program

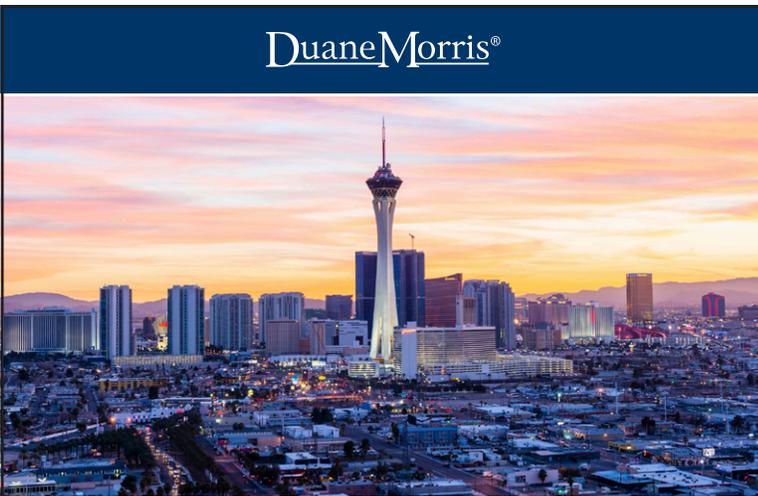
The state bar implemented The Therapist Referral Program in the fall of 2017, moving toward a wellness model to assist lawyers in need. This program helps lawyers deal with temporary/contextual stressors and/or mental health

issues. Such stressors may include a death in one's family, a difficult/taxing case or trial, or divorce. This member benefit includes a confidential referral to a licensed

therapist, selected from an approved list, for three sessions at no cost to the lawyer. If a lawyer wants to continue in therapy thereafter, they assume the costs via health insurance or out of pocket. The Therapist Referral Program may be reached at (866) 828-0022. **NL**

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1. The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys, *J Addict Med* 2016; 10: 46-52).
2. *Id.*
3. *Id.*
4. *Id.*
5. *Id.*
6. *Id.*



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