

LAWYERS Assistance

By J.E. (Buddy) Stockwell

PROFESSIONAL DUTY OF SELF-CARE

Last year, I began presenting the Judges and Lawyers Assistance Program's (JLAP) new CLE program, "The Professional Duty of Self-Care." This presentation for all lawyers and judges focuses on general wellness and how to improve one's quality of life.

The starting point for every person is an honest self-assessment. The question is not whether you are simply *okay* but whether you are also *happy*. JLAP's goals in supporting the legal profession aim considerably higher than just helping people *survive* the legal profession. Instead, JLAP is promoting levels of self-care that are expected to result in competent *and* happy professionals.

With two full-time licensed professional counselors, JLAP's professional clinical services are now comprehensive. The majority of JLAP's work is rendering *totally confidential* assistance to lawyers, judges, law students and families of Bar members in cases that have nothing to do with discipline or bar admissions.

JLAP's services include education, tools and professional clinical advice to individuals under stress and feeling burned out. JLAP helps them identify and implement wellness initiatives that are right for them and that can effectively increase their happiness and reduce stress.

This lawyer wellness initiative at JLAP is part of a nationwide trend as evidenced by a recent American Bar Association Task Force Report¹ that stresses the importance of self-care. At least one state has actually codified a duty of self-care.

For comparison, here is Louisiana's rule on competency:

Rule 1.1 (a) Competence

A lawyer shall provide competent



JUDGES AND LAWYERS ASSISTANCE PROGRAM, INC. (JLAP)

Your call is absolutely confidential as a matter of law.

Toll-free (866)354-9334 • Email: jlap@louisianajlap.com

representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Now, contrast California's new rule on competency with its addition of Subpart 3) requiring reasonable mental, emotional and physical health:

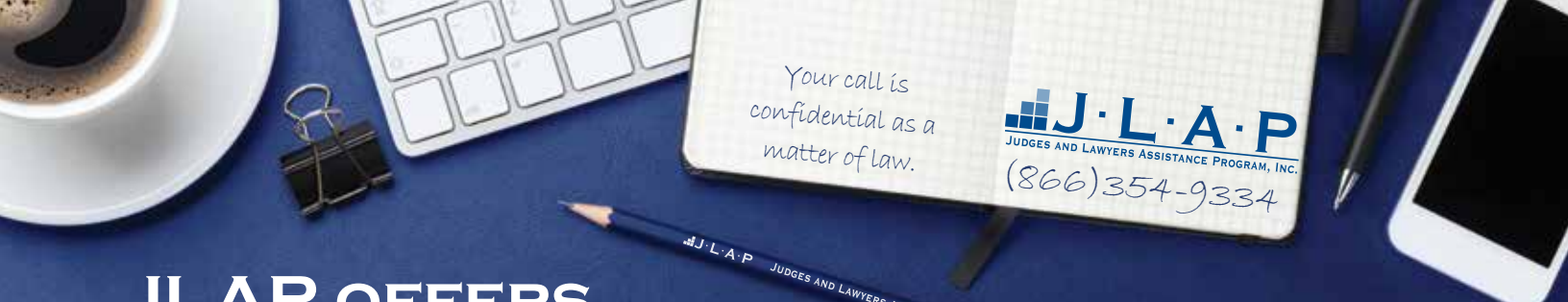
Rule 3-110 Section (B) Competence

For purposes of this rule, "competence" in any legal service shall mean to apply the 1) diligence, 2) learning and skill, and 3) *mental, emotional, and physical ability* reasonably necessary for the performance of such service (emphasis supplied).

Stress and burnout in the legal profession have been topics of concern for years. In 2015, Leslie A. Gordon

wrote an excellent *ABA Journal* article, "How Lawyers Can Avoid Burnout and Debilitating Anxiety."² It cites that unchecked stress and poor or non-existent wellness practices can negatively impact the executive functioning of legal professionals. Effects can include obsessive thoughts, feelings of inadequacy, difficulty concentrating, a sense of worry and impending danger, sleep disturbances, heart palpitations, sweating, fatigue and muscle tension.

How do we identify best-practices guidelines for self-care? As lawyers are both attorneys and *counselors* at law, perhaps lawyers can learn from social workers who often practice in settings where clients are in distress, under pressure and difficult to deal with. Social workers take self-care very seriously and some even have detailed wellness guidelines to follow. These excerpts are from references at the North Carolina



JLAP OFFERS REAL WAYS TO COMBAT STIGMA AROUND MENTAL HEALTH THROUGH COMPREHENSIVE SERVICES:

- Licensed Professional Counselors on staff
- Appropriate referrals to individuals experienced in working with professionals
- *Love First* certified clinical interventionist on staff
- Helping individuals demonstrate a good record of recovery through monitoring
- Lawyer-only recovery support groups throughout the state
- MCLE Opportunities offered throughout the year

Chapter of the National Association of Social Workers.³

Universal Right to Wellness: Every helper, regardless of his/her role or employer, has a right to wellness associated with self-care.

Physical Rest and Nourishment: Every helper deserves restful sleep and physical separation from work that sustains him/her in the work role.

Emotional Rest and Nourishment: Every helper deserves emotional and spiritual renewal both in and outside the work context.

Sustenance Modulation: Every helper must utilize self-restraint with regard to what and how much he/she consumes (e.g., food, drink, drugs, stimulation) since it can compromise competence as a helper.

In an overarching directive, practitioners are encouraged to put their

own well-being at the top of the list: “First, do no harm to yourself in the line of duty when helping/treating others. Second, attend to your physical, social, emotional, and spiritual needs as a way of ensuring high-quality services to those who look to you for support as a human being.”

Lawyers can learn a lot from social workers about wellness, setting boundaries and making self-care a priority. If we as lawyers and judges are not at our best and not taking good care of ourselves, we can’t give our very best to those we serve.

Are you interested in reducing stress and improving your health? Would you like to be happier in your practice of law? If so, call JLAP’s clinical professionals and learn how you can take control and implement new wellness techniques that are proven to be effective. Call JLAP at (985)778-0571, email JLAP@LouisianaJLAP.com or visit

the website at: www.louisianajlap.com. Your call is privileged and confidential as a matter of law.

FOOTNOTES

1. ABA Study, “The Path to Lawyer Well-Being: Practical Recommendations for Positive Change.” Online at: <http://louisianajlap.com/news/> or <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportFINAL.pdf>.

2. http://www.abajournal.com/magazine/article/how_lawyers_can_avoid_burnout_and_debilitating_anxiety.

3. http://c.yimcdn.com/sites/www.naswnc.org/resource/resmgr/Standards_of_Self_Care-1.pdf.

J.E. (Buddy) Stockwell is the executive director of the Louisiana Judges and Lawyers Assistance Program, Inc. (JLAP) and can be reached at (866)354-9334 or email jlap@louisianajlap.com.

