

LAWYERS Assistance

By J.E. (Buddy) Stockwell

IT'S NOT MY PROBLEM, OR IS IT?

In the past five years, the Judges and Lawyers Assistance Program, Inc. (JLAP) has witnessed a national mental health and well-being movement in the legal profession. Across the nation, courts, bar associations and bar counsel have come together to both acknowledge and address the severe mental health and wellness concerns that are so prevalent in the legal profession. Fortunately, the stigma associated with reaching out for help with mental health issues is waning, but there are still major barriers that must be overcome if we are to really heal our profession.

One barrier is presented when people fail to acknowledge that mental health issues such as addiction and depression are actual diseases. They may say “those people chose to drink too much alcohol and it’s their fault they became alcoholics, so why should it be my problem? They did this to themselves!” The truth is no one chooses to drink too much and become an alcoholic, and willpower is ineffective in fighting the disease if you are unfortunate enough to have contacted it.

The common thread that runs through these types of viewpoints is an underlying tone of “it’s not my problem.” Of course, people are certainly entitled to their viewpoints and JLAP fully respects it. But to those who may feel that the mental health of the profession is not their problem (simply because they are personally okay), we at JLAP encourage them to seriously reconsider that line of thinking.

The fact is that, in the practice of law, we often cannot choose who we will or won’t interact with, be it co-counsel, opposing counsel or the judge presiding over the matter. When there are impaired professionals in our ranks, and when we personally encounter them in a legal case, it can be severely problematic and stressful, tremendously costly to all involved, and can even block the path to the public’s

access to fairness and justice.

An impaired or disruptive lawyer or judge is everyone’s problem.

I practiced in large firm, small firm and solo settings. During those years, I encountered opposing counsel — and, yes, with all due respect, once in a great while, a judge — who were extremely problematic to deal with. They all earned reputations for being “difficult” on one end of the spectrum or the other. Either they were extremely aggressive and disruptive or so passive that moving a case forward seemed impossible, and all while the rest of us simply did our best to weather their troublesome behavior. There are also direct monetary costs visited upon our clients in the form of increased initial client retainers once the opposing lawyer has been identified as routinely disruptive and difficult.

It’s an extremely touchy subject but, from a purely clinical viewpoint, it is more likely than not that some of these unusually disruptive professionals are impaired on some level by a mental health, addiction or personality disorder issue that drives their abhorrent behavior.

Law, like any other business, suffers significant harm from undiagnosed and untreated mental health issues such as depression or alcoholism. According to the American Journal of Preventive Medicine, excessive drinking negatively impacts our bottom lines by as much as \$223.5 billion annually.¹

As to drug addiction, the National Institute on Drug Abuse cites that drug use disorders (both illicit and prescription) are very costly to our nation “exact[ing] more than \$740 billion annually in costs related to crime, lost work productivity and health care.”²

Per the American Psychiatric Association Center for Workplace Mental Health, “Depression costs employers an estimated \$44 billion each year in lost productivity. About half of employees with depression

are untreated. Yet with proper treatment, people with depression can get better. The key is to help employees access effective care.”³

While all of the above information demonstrates why we are all affected by the problems, JLAP encourages a shift in everyone’s viewpoint toward solutions and compassion for their brothers and sisters in the profession who, through no fault of their own, developed mental health issues under the pressures of practicing law. The ripple effect of recovery is powerful, and we all benefit from it.

For the legal profession in Louisiana, JLAP is the key to effective care. JLAP is the highly specialized program that offers professional clinical assistance specifically tailored to the needs of impaired lawyers and judges. Be it depression, addiction, an anxiety disorder or another mental health issue, JLAP’s nationally recognized top-tier program can help that disruptive lawyer get better and that benefits all of us.

If you, or someone you know, are struggling emotionally and in need of clinical support, reach out confidentially to JLAP at (985)778-0571, email jlap@louisianajlap.com or visit the website at www.louisianajlap.com.

FOOTNOTES

1. www.sciencedirect.com/science/article/pii/S0749379711005381.

2. www.drugabuse.gov/related-topics/trends-statistics.

3. <http://workplacementalhealth.org/Mental-Health-Topics/Depression>.

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