

The image features a stage with red velvet curtains. The curtains are pulled back to reveal a dark background. The text is centered on this background. The floor of the stage is made of wooden planks.

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2020: An Employment  
Law Odyssey  
February 18, 2020

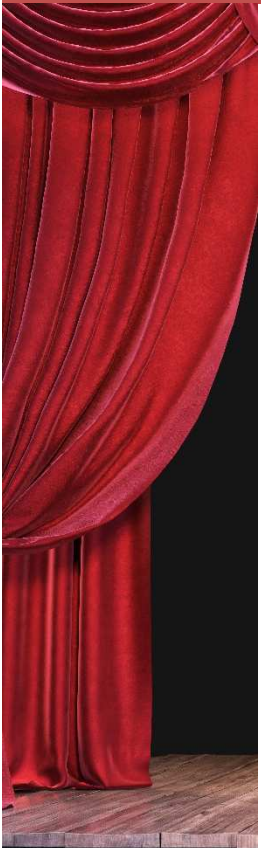
Presented by:  
**Kelly S. Hughes, Charlotte**  
**Brandon M. Shelton, Charlotte**

# Agenda

- Statistics
- A Personal Story
- Employer-Sponsored Resources



# The Numbers...




- Attorneys are **three times** more likely to suffer from depression than the general public
- Suicide is the **third leading cause of death** for attorneys (after cancer and heart disease)
- Suicide rate is **six times** the rate of the general population

# The Numbers... (cont'd)

- 2016 Study of 12,825 Attorneys Across U.S.
  - Between 21-36% licensed, employed attorneys qualify as problem drinkers
  - 28% have depression
  - 19% have anxiety disorder
  - 23% have stress disorder
  - Men higher proportion of positive screens
  - Attorneys in private firms experience highest rates of problem drinking and depression



# Why We Are Concerned...


- 
- Organizational Effectiveness
    - Impaired cognitive functions – can't do best work
    - Human capital, retention, and performance
    - *Law 360* 2016 survey (40% likely to leave current firms) – costs \$25 million/year
  - Ethical Integrity
  - Humanitarian Concerns



# What Does a Crisis Look Like?

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# What Does Depression Look Like...

- 
- A vertical image of a red stage curtain on the left side of the slide.
- Impaired language processing
  - Impaired memory
  - Reduced creativity
  - Limited problem-solving ability
  - Impaired concentration
  - Reduced ability to learn
  - Emotionally reactive

# Symptoms of Depression

Sleep Disturbances

Loss of interest/pleasure

Emptiness

Irritability



Hopelessness

Anxiety

Tiredness

Sadness

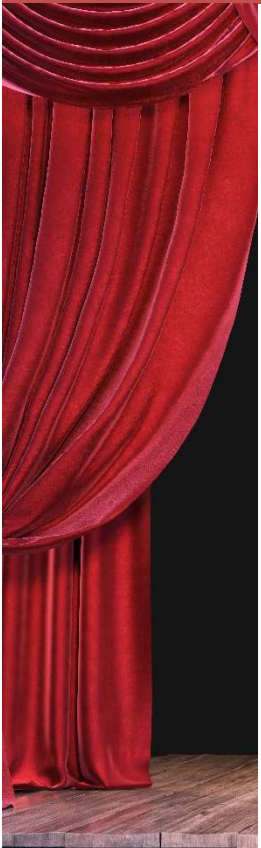
Worthlessness

Loss of Appetite



# What is Burnout?

- Burnout is a state of chronic stress that leads to:
  - Physical and emotional exhaustion
  - Cynicism and detachment
  - Feelings of ineffectiveness and lack of accomplishment




# Possible Problem Drinker

- Loss of control over the amount and frequency of use
- Craving and compulsive using
- Continued use in the face of adverse consequences
- Loss of professional distance



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# Suicidal Ideation Might Include...

- 
- **30 million** U.S. adults have reported having serious thoughts about trying to kill themselves
  - Talking or writing about suicide
  - Withdrawing from people and social media
  - No future orientation
  - Disrupted eating and/or sleeping habits
  - Risky or destructive behavior
  - Changes in personality and mood, especially anxiety and agitation


# Addressing Issues

- What are the reasons people give for NOT asking someone if they are struggling?





# Addressing Issues (Broad)

- 
- A vertical image of a red stage curtain on the left side of the slide.
- **Having difficult conversations may never be easy, but there are ways to make those conversations both productive and as painless as possible**
    - Be direct
    - Be specific
    - Plan out the conversation
    - Watch your language
    - Offer a solution
    - Manage your emotions
    - Be empathetic
    - Allow the other person to ask questions

# Key #1

- Most people respond better to:
  - **REQUESTS** rather than **ORDERS**
  - **NICENESS** rather than **MEANNESS**
  - **QUESTIONS** rather than **STATEMENTS**

## Key #2

- We all must practice “Impression Management”
  - Paying attention to my body language so that it does not interfere with my intended message

# Key #3



- There are many different levels of sensitivity
- You never really know how sensitive people are until you have hurt their feelings
- The best tactic is to be really sensitive in choosing your words



# Key #4

- **B\*I\*R\*D**

- **B**ase all
- **I**nteractions on
- **R**espect and
- **D**ignity



In the end...“Gotchas” hurt YOU more!

# Key #5

- Solution Seeking  
vs.  
Blame Oriented



# Key #6

- Heart as well as head language



# Key #7

- Behavior  
vs.  
Personality Traits



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# Key #8

- Changeable  
vs.  
Rigid





# **Anxiety and OCD: One Lawyer's Struggle**

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# Overview

- Disclaimer
- My story
- Definitions
- Statistics
- Resources



# Kelly's Disclaimer




- This presentation should **not** be construed as medical advice.
- All content discussed and provided in this PowerPoint was created for **informational purposes only**.
- This content is not intended to be a substitute for professional medical advice, diagnosis, or treatment. Always seek the advice of your physician or other qualified health provider with any questions you may have regarding a medical condition.
- Resources identified during the course of the presentation are my own and not endorsed by the firm.

# My Story

- Family History
- Early Signs
- Undergrad/Law School
- Post-Partum
- Today



# Why is this important for us?


- 
- Statistics regarding attorney anxiety are staggering.
  - Effective treatments are available to alleviate and/or manage symptoms.

BUT

- Lawyers are dissuaded from seeking treatment. Why?
  - We place a high premium on confidence, competency, and invulnerability.
  - We often interpret physical or mental illnesses as a sign of weakness, frailty, or incompetence—when that is not true.

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# What Can We Do About It?

- 
- Acknowledge/identify the problem
  - Talk about it with others to begin the de-stigmatization process
  - Research treatment options
  - Seek professional help
    - Psychologists/therapists
    - Psychiatrists


# Treatment Options

- 
- Medication
  - Therapy
    - CBT
    - Exposure therapy
  - Self-Help
    - Diet/nutrition
    - Exercise
    - Meditation/mindfulness

# Digging Deeper into Mindfulness


- 
- Mindfulness has been shown to measurably increase productivity.
  - Mindfulness can increase your attention span and memory.
  - Mindfulness clarifies decision-making.
  - Mindfulness helps attorneys comply with ethical rules.

# How Can Mindfulness Help?


- 
- A vertical image of a red stage curtain on the left side of the slide, partially open to reveal a dark stage floor.
- Keeps us in the present moment
  - Puts things in perspective in a practical way
  - Allows us to save the energy of our thoughts for the important things when they happen




# Learning How to Be Mindful

- 
- A vertical image of a red stage curtain on the left side of the slide, partially open to reveal a dark stage floor.
- Actively observe one thing at a time
  - Be curious about everything
  - Avoid becoming judgmental
  - Be kind to yourself
  - Listen constructively
  - Communicate consciously


# Respond Constructively

- 
- A vertical image of a red stage curtain on the left side of the slide.
- Be aware of the speaker's motivation
  - Use silence as a tool
  - Ask questions to clarify and assist
  - Encourage factual (as opposed to emotional) discourse
  - Be fully prepared to listen without argument

# Having a Bad Day?

- 
- A vertical image of a red stage curtain on the left side of the slide.
- Take a mindful/mental health day – you have PTO time for a reason
  - Reset your expectations for the day:
    - Use the day as an admin day and do tasks that require less stress/intensity
  - Focus on basics: food, water, fresh air, sleep, exercise

# Kelly's Favorite OCD Resources



- 
- International OCD Foundation: <https://iocdf.org>
  - BeyondOCD.org
  - [www.intrusivethoughts.org](http://www.intrusivethoughts.org)
  - Healing from OCD: How Mindfulness-Enhanced Cognitive-Behavioral Therapy Can Restore Your Health (D. Keuler)
  - Overcoming Unwanted Intrusive Thoughts: A CBT-Based Guide to Getting Over Frightening, Obsessive, or Disturbing Thoughts (S. Winston, M. Seif)
  - Getting Over OCD: A Ten-Step Workbook for Taking Back Your Life (J. Abramowitz, UNC)

# Attorney-Specific Resources



- [https://www.americanbar.org/groups/lawyer\\_assistance/resources/links\\_of\\_interest/](https://www.americanbar.org/groups/lawyer_assistance/resources/links_of_interest/)
- [https://www.americanbar.org/content/dam/aba/administrative/lawyer\\_assistance/ls\\_colap\\_well-being\\_toolkit\\_for\\_lawyers\\_legal\\_employers.pdf](https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_well-being_toolkit_for_lawyers_legal_employers.pdf)
- <https://www.nclap.org/>  
(NC Lawyer Assistance Program)






# **A Few Quick Notes About Employer-Provided Mental Health and Wellness Benefits**

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# Misconceptions

- 
- A vertical image of a red stage curtain on the left side of the slide.
- My company health plan won't cover my mental health needs.
  - I'll have to jump through lots of hoops to get the help I need.
  - Everyone will know.

# Your Company's Resources

- Wellness Program
- Employee Assistance Program
- Group Health Plan
- Others?



# Everyone Will Not Know


- All of these programs are subject to either HIPAA or the ADA privacy provisions
  - Employer cannot access any information for any employment related reason
  - Information must be separate, secure, confidential

# Wellness Program

- Every program is different
- Some offer counseling features
- Others include mindfulness, yoga, and other therapies intended to help with stress and anxiety



# EAP

- 
- A vertical image of a red stage curtain on the left side of the slide.
- Does your company offer one?
  - How do you access?
  - What benefits/services does it provide?
    - Many are referral only
    - Others are limited number of visits
  - Often, starting point to connect with counselor


# Group Health Plan

- Inpatient mental health and substance use treatment
- Outpatient mental health and substance use treatment
- Prescription drug coverage

# Group Health Plan

- Must provide mental health/substance abuse disorder benefits that are on par with medical/surgical benefits
  - No separate annual or lifetime limits
  - No different financial requirements and quantitative treatment limitations
  - No different nonquantitative treatment limitations

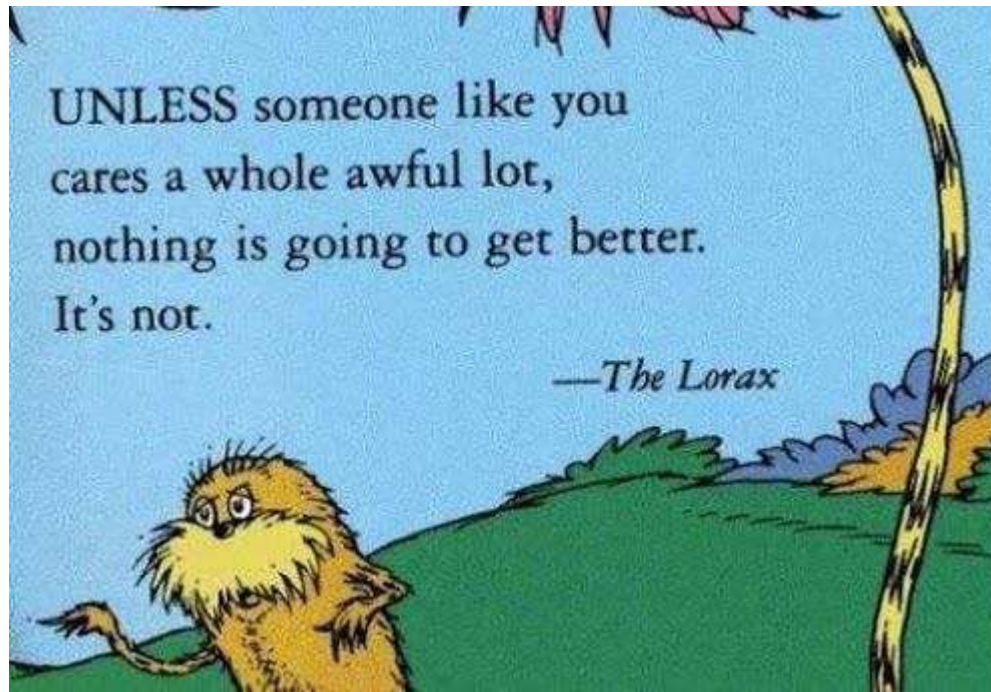
# Questions to Ask

- 
- Are your mental health providers in the plan's network?
  - What prior approval requirements apply?
  - What special rules apply to benefits for particular disorder?
  - How is "experimental or investigative" defined for purposes of mental health benefits?



UNLESS someone like you  
cares a whole awful lot,  
nothing is going to get better.  
It's not.

—*The Lorax*





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