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Confidential Support for Legal Professionals

Mental Health and the Return-to-Work Journey

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This article began as a guide to returning to work. In the ensuing weeks, many workplaces scaled back on plans. Daily legal press headlines moved from describing the angst our profession was experiencing as we contemplated a return to (never again) normal to stories about a pivot to continued remote work. Not only are we considering our own workplaces, but in many cases, we are advising clients who have the same concerns. Making decisions for ourselves may seem overwhelming. Managing safety and supporting colleagues and clients with a wide range of opinions is exhausting.

The opportunity we have right now, as we think about what might be different in the short and long-term, is to put mental health at the top of the list. It's critical to recognize that in the past 16 months there has been increased depression anxiety, substance use, overdoses, and trauma in our profession and in society. We are grieving. Help is available for where we have been, and permission is available for where we can go next with our mental health. We can engage in practices and priorities to support mental health, but we must remember that in a profession where we have higher rates of depression, anxiety and unhealthy substance use, we may still develop these issues even with well-being practices. We can reduce our risk, but when they do occur it is never because we didn't do well-being well enough.

Rapid response

We all had to react quickly when the Governor issued his emergency order. It was stressful and difficult, but we had many examples to follow and nearly everyone was doing the same. There is strength and comfort in numbers. We drew upon what Dr. Ann Masten calls "surge capacity." This is how we adapt, mentally and physically, to deal with acutely stressful situations that are short-term. Somehow we managed while serving in a profession that is on the front lines of every crisis and challenge in our society. And we did this while we grieved and were impacted by the trauma all around us.

What we have now is the opposite. While we thought that approval of a vaccine would provide a "temporal landmark," a recognizable time associated with a new beginning, the Delta variant and vaccine resistance have resulted in a blurry, rolling landmark. Temporal landmarks (think graduation or New Year's resolutions) allow us to look for an opportunity for a fresh start. Discussions about what we

will keep and what we will return to are in many cases pushed aside as the light at the end of the tunnel is further away. Our anxiety and uncertainty can grow. Knowing we're not alone and recommitting to self-care as we move toward that fresh start presents an opportunity that can improve our outlook and reduce our risk for significant issues.

By recognizing our shared experiences, we now have permission, no, an obligation, to place mental health at the forefront of all of these considerations. We, our colleagues, and our clients have been traumatized in many ways. Sometimes it is direct like the racial trauma that followed the killing of George Floyd. Other times it may be micro-injuries caused by repeated exposure to the stories of those who are disadvantaged in our society. Secondary trauma, exposure to the experiences of others, can have a similar debilitating effect to direct trauma.

As lawyers we solve problems. Your experience is not the same as another's and you may have no idea how much someone else is hurting. When connecting with a colleague, client or loved one who has been traumatized or is simply experiencing the stress that comes naturally with a case or circumstance, we can increase our awareness and sensitivity, but we are not therapists. It's ok to draw that boundary and help where we can but know that some healing must be left to others, with your encouragement. Your best role as their lawyer, in addition to helping with the legal matter at hand, may be to advise them to seek the professional help they need (see MRPC 2.1, Lawyer as Advisor).

What about us?

Our profession is at risk for secondary trauma and we have experienced the traumatizing effects of the past 16 months. Lawyers tend to want to be seen as knowing how to handle a situation, and at the same time we are trained to look for the worst eventuality because that helps us to identify solutions. When we feel a loss of control, we may believe we are the only one. Situational uncertainty exacerbates this. Research shows that one of the most effective ways to mitigate the impact of trauma is to decompress with colleagues. Where can you have open conversations with people who know what it is like to do what you do? Find those safe places and use them.

Prioritizing mental health and well-being

How do we put these principles into practice? I suggest beginning by looking at well-being through a broad lens. *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* identified six facets of well-being: occupational, intellectual, spiritual, physical, social and emotional. To that, I would add cultural. Each facet is impacted in different ways with distinct triggers and opportunities. We have been required to attend to health, safety, and career challenges that are far beyond our prior experiences. Where are you strongest? Can you nurture that? Where are you challenged? Can you provide extra support and attention? All we can control is doing our best work. What does well-being and mental health mean to you and how can you work toward that so you can be the most effective and fulfilled?

Building Resilience to Support Mental Health

Each of us uses strategies to boost our resilience, the ability to bounce back from adversity. These include mindfulness, flexible optimism, gratitude, and others. If you think of your day as the difference you can make, not the things you need to do, your world view can change. None of this need be done alone. Whether you engage in practices such as medication or yoga, attend support groups, speak with a therapist, or engage in other practices, there is much support available. We are at a crossroads where there is a recognition that our profession and our world deserve support for what we have experienced. We have an opportunity like never before to change systems and step up to support mental health.

Joan Bibelhausen is Executive Director of Lawyers Concerned for Lawyers (LCL). LCL provides free and confidential, peer and professional support, including free counseling for any issue that causes stress or distress. Services are available to lawyers, judges, law students, law office staff, and immediate household family members. www.mnlcl.org, help@mnlcl.org, 651-646-5590. LCL is here to support you every step of the way.