

FROM THE CHIEF

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HELPING LAWYERS GET HELP

Last year we launched the West Virginia Task Force on Lawyer Well-Being and joined a national movement gaining momentum in response to the irrefutable evidence of mental illness and substance abuse in our profession. I write to update you about this important work and to urge you to be part of the movement.

Anyone who has ever attended a law firm social event or a gathering of law students knows that our profession has an alcohol-based social culture. When we infuse this culture with a deep-seated belief that seeking help will lead to negative professional consequences, we sustain an environment that can be hostile to honest conversations about well-being. Leaders who glorify rigorous workplaces and toughness as the path to success risk isolating members of our community who may suffer in silence.

The data demonstrating that lawyers suffer higher rates of mental illness and substance abuse than other occupations is well-established. According to a 2016 study of practicing lawyers, between 21 and 36 percent qualified as problem drinkers, 28 percent suffered mild to high levels of depression and 19 percent reported mild to high levels of anxiety.¹ In a similar study of law students, 43 percent reported binge drinking at least once in the prior two weeks, 17 percent experienced some level of depression, 14 percent suffered severe anxiety and 23 percent had mild to moderate anxiety.²

Taking action to support lawyer well-being is not only our ethical obligation, but also the right thing to do. The good news is that much work has been done already to create guideposts we can follow. The National Task Force on Lawyer Well-Being published its

report, “The Path to Lawyer Well-Being: Practical Recommendations for Positive Change,”³ in August 2017. Since then, the American Bar Association’s Working Group to Advance Well-Being in the Legal Profession has issued a “Well-Being Toolkit for Lawyers and Legal Employers,”⁴ which provides tools and practical guidance for legal employers who want to join the lawyer well-being movement by launching organizational initiatives.

I encourage legal employers in our state to examine the toolkit as well as the ABA working group’s Campaign and Pledge,⁵ which calls on legal employers (including law firms, corporate entities, government agencies and legal aid organizations) to first: (a) recognize that substance use and mental health problems represent a significant challenge for the legal profession and acknowledge that more can and

should be done to improve the health and well-being of lawyers; and, (b) pledge to support the campaign and work to adopt and prioritize its seven-point framework for building a better future.

I am proud to report that West Virginia joins about 21 states that have launched initiatives in support of this movement. The West Virginia task force will issue its report and recommendations to the Supreme Court of Appeals very close in time to when this article is published. We have been examining the national report and brainstorming what regulatory and other changes could be made to support lawyer well-being in our state. Our approach is to avoid sweeping, general pronouncements that may not be effective; rather, we intend to be realistic, practical and strategic.

The West Virginia task force report will include a discussion of the 2018 West Virginia Lawyer Well-Being Survey, an online survey completed by 1,346 lawyers and judges in the fall of 2018. That survey revealed overall that 84 percent of West Virginia lawyers are satisfied with their professional lives and 16 percent are not. But, government lawyers and private lawyers are far less satisfied than judges and corporate counsel. We also learned that nearly one-third (29 percent) of those surveyed would *not* become a lawyer if they had to do it all over again. The results of the survey also demonstrate a need for better mentoring of younger lawyers (especially women) and for enhanced education about the West Virginia Judges and Lawyers Assistance Program (WVJLAP).

In the meantime, as a result of the enthusiasm of the members of our West Virginia task force, we have already initiated a number of important action steps. A working group is developing education and support specifically targeted for lawyers who want to launch solo practices. The West Virginia University College of Law has implemented curriculum enhancements on the topic of lawyer well-being and also, with the support of the WVJLAP, established a wellness room.

What is lawyer well-being? According to the national task force report, it's a "continuous process whereby lawyers seek to thrive in each of the following areas: emotional health, occupational pursuits, creative or intellectual endeavors, sense of spirituality or greater purpose in life, physical health and social connection with others."⁶

The national report emphasizes that well-being is neither the absence of illness nor a state of being happy all the time. Rather, it's having the skills to make choices in life that support our ability to fulfill our profession's ethical duty of competence.

The lawyer well-being movement should not be confused with the ongoing support and development of programs such as WVJLAP. WVJLAP is crucial to assist judges, lawyers and law students who are impaired as a result of mental or physical illness or addiction, among other things. But what if we develop a culture in our profession that encourages lawyers to get help *before* their professional abilities are impaired? The lawyer well-being movement seeks, in part, to provide education and tools for lawyers to be able to recognize and address their challenges long before the assistance of WVJLAP is required.

My appreciation for the importance of lawyer well-being has evolved. I've watched colleagues, friends and acquaintances suffer and wait too long to get help for fear they would be dismissed as weak or otherwise not up to the challenge of practicing law. On the other hand, I've seen courageous lawyers stand up and publicly acknowledge their vulnerabilities and how they persevere — and thrive — with proper treatment and self-care. The culture of our profession will not change overnight, but I will work to make it better one lawyer at a time. I hope you join me. **WVJL**

Endnotes

1. P.R. Krill, R. Johnson & L. Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46, 48 (2016).
2. J.M. Organ, D. Jaffer & K. Bender, *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 16 J. LEGAL EDUC. 116, 128, 136-37 (2016).
3. National Task Force on Lawyer Well-Being, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* (Aug. 2017), <http://lawyerwellbeing.net/wp-content/uploads/2017/11/Lawyer-Wellbeing-Report.pdf>.
4. A.M. Brafford, *Well-Being Toolkit for Lawyers and Legal Employers* (Aug. 2018), https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_well-being_toolkit_for_lawyers_legal_employers.authcheckdam.pdf.
5. *Working Group to Advance Well-Being in the Legal Profession*, AM. BAR ASS'N (April 1, 2019), https://www.americanbar.org/groups/lawyer_assistance/working-group_to_advance_well-being_in_legal_profession/.
6. National Task Force on Lawyer Well-Being, *supra* note 3, at 9.