

**Dealing with the Stress of Being a Family Law Lawyer:  
Substance Abuse Prevention:**

**By Mari J. Frank, Esq. CIPP**

***“Do your work, and then step back. The only path to serenity.” -Lao Tzu***

Family law cases are emotionally draining for us as well as our clients. For many of us in this field, it's not easy to do just “do our work and step back.” The “path to serenity” requires us to let go of anxiety and release all stress. What a challenge that is when our profession requires us to work daily in the midst of our clients' conflict and pain. We constantly strive for excellence in a positive manner while exposed to the negativity and intense emotions of divorcing couples and families. When we are assisting our clients to resolve their disputes in settlement or trial, our clients' anger, tension, or frustrated energy is highly contagious and distracting unless we are able to acquire and use tools that enable us to stay centered, calm and balanced in the eye of the storm. Retaining inner peace is of course easier said than done. For these reasons, it is critical to understand our susceptibility to high stress, physical challenges, and addiction. We need to take actions to minimize our risk of substance abuse.

The fact that the State Bar of California has mandated that all lawyers be aware of the causes, dangers, and prevention of substance abuse through Mandatory Continuing Legal Education (MCLE) signifies the severity of the problem among lawyers. In 2008 a study by the California Bar found that 75% of the attorneys who sought help for substance abuse were also involved in disciplinary proceedings. It is estimated that approximately 90% of serious attorney disciplinary matters involve alcohol abuse, and over 60% of legal malpractice claims involve alcohol abuse. The State Bars of all states have a duty to promote competence among its lawyers and is earnestly addressing the challenge that alcohol abuse presents.

To help attorneys experiencing great stress that leads to substance abuse, Many State Bars like the California State Bar have created Lawyer Assistance Programs (LAP) with a mission to “support recovering attorneys in their rehabilitation and competent practice of the law, enhance public protection and maintain the integrity of the legal profession.” For example in California this free and confidential program helps lawyers struggling with substance abuse, mental health concerns, stress, burnout and other emotional issues to get peer group support and individual counseling geared to the needs of legal professionals. Privacy is assured: Business and Professions Code § 6234 mandates that participation is confidential. As a result, information concerning participation in the program will not be released without written consent from the attorney participant.

It is apparent, then, that many lawyers abuse some form of mind-altering substances. At the same time, it is typical for attorneys to be in denial about their vulnerability to substance abuse. Considering the fact that alcohol is legal and 90% of adults in the U.S. have had some experience with alcohol, it often is the substance of choice for members of our profession. Almost half of all people who drink alcohol experience an alcohol-related problem at some point.

Although anyone may become an alcoholic, lawyers are nearly twice as likely to become alcoholics according to the National Institute of Alcohol Abuse and Alcoholism (NIAAA). Studies show that in the general population 7% of Americans are alcoholic, but 13% of lawyers are alcoholics. According to the American Bar Association (ABA), it is estimated that 15-20% of all US lawyers suffer from alcohol or some other form substance abuse. Surprisingly, use of alcohol is higher for college graduates (68.4% of that population) compared to those with only a high school diploma (35.2%).

The stress, long hours and constant conflict often negatively affects lawyers' personal lives. A recent Johns Hopkins study of more than 100 occupations showed lawyers as having the highest incidence of depression. Depression clearly coincides with alcoholism. As many as 80% of alcoholic men and women complain of depressive symptoms, and statistics show that at least one third meet the criteria for a major depressive disorder. Alcohol can cause temporary depressive symptoms, even in persons who have no history of depression. Depression can also be *solely due* to alcohol use and may account for the reason that seven out of ten lawyers responding to a recent California Lawyer magazine poll said they would change if the opportunity arose.

For those attorneys who are depressed or unhappy and don't leave the profession, substance abuse seems to be an even greater danger. The percentage of alcoholic lawyers actually increases with time spent practicing in the profession. In one study from the International Journal of Law and Psychiatry, problem drinking was reported in 18% of lawyers who practiced for 2 to 20 years, but alcohol abuse increased to 25% for those who practiced for over 20 years. And although about one-half the graduating law students are women, there are still more men practicing in the profession, and male alcohol users are more than twice as likely to become alcohol dependent than female alcohol users. In fact between 3% and 8% of women and 10% to 15% of men will become alcohol-dependent at some point in their lives. Of course genetics also has an impact on those who will become alcohol-dependent. Individuals who have alcoholic-dependent family members have a greater risk of developing alcohol dependence than does the general population.

Substance abuse and/or dependency can cause lawyers to harm clients, lose their license to practice the profession, destroy loving relationships, and worse yet, become physically ill or die from the effects of the abuse. Although we often hear about celebrity drug overdose and death, alcohol is known to cause more widespread deaths and destruction than most other drugs. Alcohol is currently responsible for more deaths than any other known substance that is abused, with the exception of tobacco.

In the early stages of alcoholism and other substance abuse, it is fairly simple to hide the abuse. Most practicing attorney alcoholics don't fit the stereotype of a poorly functioning, fall-down drunkard. In fact 75-90% of alcoholics are very high functioning. However, eventually alcohol abuse does cause loss productivity in law firms. Two-thirds of the costs of alcohol abuse are related to lost productivity, either due to alcohol-related illness (47.5%,) or premature death (19.8% ). When alcohol abuse is in the earlier stages, it is considered a maladaptive pattern of use, so intervention at this time is easier to treat because the pattern has not yet reached the stage of

alcohol dependence. But continuing abuse with time becomes full-blown alcohol dependence which is a chronic disease that could be fatal.

Family lawyers can take action to help themselves or their colleagues who are experiencing substance abuse. If you or one of your colleagues demonstrates some of the characteristics below, and you have noticed an excessive alcohol or drug use, consider a gentle confrontation to encourage your friend (or yourself) to get confidential help through the State Bar's LAP program or a local Alcoholics Anonymous program. Studies show that if an alcoholic abuser attends Alcoholics Anonymous or some other support program for a year, he or she has a good chance of remaining sober at least another year. The longer one stays in a support program the more likely that person will remain sober. According to Alcoholics Anonymous World Services, about 40% of AA members sober for almost a year will remain another year, and even better, about 90% of the members sober for five years or more will remain sober and active in the fellowship at least another year and likely many more years.

Consider these symptoms which may indicate substance abuse and be honest with yourself if you are experiencing them in conjunction with alcohol or drug use. If you have a colleague or friend or family member who exhibits these behaviors in addition to alcohol or drug use, speak with him or her and share your concerns. Here what to watch for :anxiety,; insomnia;; memory impairment;; depression,; irritability;; suicidal thinking; loss of interest in previously favored activities and people financial challenges; and personal and business relationship problems.

For California lawyers who wish to reach the State Bar's LAP contact: **877-LAP-4HELP (877-527-4435)** [LAP@calbar.ca.gov](mailto:LAP@calbar.ca.gov).

***"Every addiction starts with pain and ends with pain. Whatever the substance you are addicted to - you are using something to cover up your pain."***

**-Eckhart Tolle**

Emotional suffering, extreme stress, and worry are painful for those who experience it, as well as their family members and colleagues. Keeping up with changing law, court rules, technology, business development and meeting deadlines is stressful. Mind altering substances may offer momentary escape from the anguish, but the pain only increases when one comes down off the high. If you or a colleague has become addicted, it is time for outside counseling. If however, you need to find ways to deal with the stress, consider the following steps to help relieve anxiety at work:

- Get your office organized- if need be, hire a professional organizer so you can find things quickly and make deadlines
- Make a To Do List each morning with the most important things to do, and don't deviate from your priorities- get the most important work done first.
- Take mini-breaks throughout the day (take 5 deep, slow cleansing breaths, or get up and exercise at your desk for 5 or 10 minutes)
- Use technology to make your job easier-(The State Bar Law Practice Management and Technology Section has suggestions to help you)

- Create “focused sessions” at work, and say no to all distractions ( for example, don’t take any calls when writing a brief)
- Set specific times to check emails and text messages
- Delegate whenever you can, and utilize a support network

*“The time to relax is when you don't have time for it.”*

--Sydney J. Harris

**Here are some steps to de-stress at home:**

### **1. Breathe Deeply**

Focus on your deep breathing to take in oxygen slowly (breathe in for 5 seconds and gently breathe out for 5 seconds. Do this five times. This simple exercise will decrease your stress hormones, lower your heart rate and bring down your blood pressure.

### **2. Meditate**

This ancient practice of mediation relaxes your mind and the body. If you are comfortable praying, that is also soothing and focuses you on serenity. If you are willing to meditate for a few minutes several times a day, you can refresh your mind as well.

For several minutes each day, sit quietly and comfortably. While you do this, focus your mind on one of these things: Your breathing (listen to each breath and feel the motion of your chest); look at an object like a candle or a photo of a serene place; repeat a specific word or phrase (mantra).

As thoughts intrude your meditation, just gently let them go, and return to your focus. Try this for 10 minutes a day and extend the time to 20 minutes twice a day.

#### **Exercise**

Sweat out your stress and get your heart rate up with an aerobic exercise. Walking, cycling, swimming or just some short simple exercise at your desk will make a difference in how you feel. Exercise boosts endorphins, the brain chemicals that improve your mood.

#### **Listen to Guided Imagery**

This technique has the same relaxation benefits of deep breathing and meditation. You may record this yourself or download guided meditations from the internet. Or record your own meditation to listen whenever you feel a need to lower anxiety.

Here’s an example: Settle in and start by breathing deeply and slowly. Close your eyes and in your mind’s eye see yourself on a beautiful white sandy beach with a gentle warm wind touching your face. View yourself in a calm and peaceful state – the temperature is warm and comfortable. You see palm trees swaying gently in the wind, seagulls strolling along

the shore, and pelicans are flying in formation. The ocean waves are gently kissing the sand, and dolphins are jumping on the horizon. You feel the warmth of the sun upon your face and experience calm, peace, serenity and contentment. As you bathe in the sunshine and cool breeze, you let go and just slowly breathe in the fresh sea air which refreshes and rejuvenates you. You stay in this place for a while just taking in the serenity and happiness of this place. You know you can return to this serenity at any time. After envisioning all the sights and sounds and feeling the tranquility, you may gently return to the outer world feeling refreshed.

### **3. Eat Stress Reducing Foods**

Foods rich in vitamin C, like oranges and grapefruits, may help lower your stress hormones. Omega-3s, like those found in salmon and other fatty fish, as well nuts and seeds are also calming. Eating whole grains, vegetables, and fruits also keep your body healthy and less stressed. For a sweet treat, try dark chocolate which has a calming effect by lowering stress hormones.

### **4. Talk Positively to Yourself**

There is great power in positive thinking. We create our own reality, so if we look for the good in every situation we will find it. Since we have a choice about how to view a situation, consider that everything happens for a reason and something good will come out of any situation. Instead of thinking of an issue as a problem, consider it a challenge. Help yourself relax by practicing positive self-talk. You may want to stay away from watching hours of news on television. If you read the morning paper you will know what is going on.

### **5. Get Enough Sleep**

Getting a good night's sleep can help you fight stress the next day. Go to bed a little earlier to make sure you can get at least 7 hours rest a night. Try to go to bed and wake up at the same time every day -- even on the weekends. Avoid caffeine and strenuous exercise after 3 p.m.

### **6. Spend Time with a Good Friend or Play with a Pet**

When you feel overwhelmed, get away from the situation for a while and to ask for another perspective. Calling a good friend who will just listen to you can help you see that a situation is not as bad as it seems. At the least it will give you a chance to air your concerns and frustrations so new ideas can flow in. If you have a pet to play with, this will distract you from your worries and increase your endorphins. Studies show that pet owners have lower blood pressure, fewer heart problems and live longer....

*"People are disturbed not by a thing, but by their perception of a thing."*

*-Epictetus*

Family law demands our time, efforts and expertise. We can choose to think of the work as exciting and challenging instead of overwhelming. We can view the difficulties and time constraints as growth opportunities to make a positive difference in our clients' lives. We can select positivity no matter the outcome recognizing that we are doing the best we can. We can only control ourselves- not the court, not the other attorneys involved and often not even our own clients. When we feel the stressors of daily life as lawyers, and complexities and struggles that are part of the human condition, it may help us to remember the Alcoholics Anonymous Prayer: ***"God, grant me the serenity to accept the things I cannot change, the courage to change the things I can, and wisdom to know the difference."***

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