

BY LIZZY MCLELLAN

An Open Discussion

Bill Putman addresses his struggles with depression by creating a dialogue about it.

BILL PUTMAN'S RESUME INCLUDES BEING A LAW FIRM partner, in-house counsel, state prosecutor, and now, running his own firm.

It's a career that would make plenty of lawyers jealous. But for many years, he didn't discuss what was taking place behind the scenes: a battle with depression.

Born and raised in Arkansas, Putman began his career teaching communications at Purdue University before opting to attend law school back in his home state. He landed a clerkship right after graduation in 1991 and then took a job at a local firm.

It was there that he was first diagnosed with depression.

Putman says he came into the profession with a family history and predisposition for depression. But the work—the sheer volume of it—was certainly a factor.

"I was handling a lot of really complex litigation ... looking back on it, it was something I should not have had so much individual responsibility for," Putman says. But he didn't want his colleagues to know he was overwhelmed.

It's "a feeling a lot of lawyers have ... but you don't want to show that kind of vulnerability. You don't want to show any weakness."

In the fall of 1994 it became too much, he says. He remembers days when he would stare out the window for long stretches, or sneak out of the office to a coffee shop or bookstore, unable to work any more. He called a psychiatrist he already knew and made an appointment.

"It was kind of a classic story. I realized after I got the diagnosis I had episodes throughout my life," he says.

Getting the right medication was a challenge, Putman says, but he tried out a few and sought help from a therapist, and read "everything I could get my hands on" about depression.

And he continued to work at the firm, then called Mashburn & Taylor, becoming a partner in 1996.

Depression was becoming a bigger part of the national conversation, as new antidepressants entered the market in the late 1980s and early 1990s. But Putman was hesitant to share his experience.

"We weren't at the point in the profession, definitely not

at my firm, where it felt like something I could talk to anyone about," he says.

He raised the issue just once with senior partners at his firm.

"They didn't react negatively, but they didn't really want to hear about it or talk about it," Putman says. "It never came up again."

Putman took a job in the state attorney general's office after the senior partner he worked with most left to pursue a judgeship. After a year as a prosecutor, Putman took a job in Walmart's legal department working on class actions and other litigation.

That brought new challenges. On his first day at Walmart, the longtime general counsel who had hired him resigned.

"It was a pretty chaotic time after that," Putman says. In his three-and-a-half years at the company, he reported to nine different people. Morale was low, he says.

"They were different environments, public service and corporate legal work. But it was not something I felt comfortable talking to anyone about," Putman says.

There were a few exceptions. While working at the AG's office, he met a lawyer who resigned from the office soon after he arrived, who was also dealing with depression. They became friends and talked about their experiences, feeling unable to confide in their current colleagues.

And there was another lawyer he met in-house who told him about her own depression, and who also became a friend.

"We both felt that it was not something we wanted to share with our colleagues ... it would be career-limiting," Putman says.

His boss at Walmart never specifically discussed mental illness, he says, but often referred to certain choices or characteristics in people as "career-limiting." And he would refer to "the optics of a situation" in many contexts.

"I thought the optics of being an attorney in that situation, dealing with depression, would not be good," Putman says.

He left Walmart in 2006 and hung his own shingle for the first time.

"At this point I think of depression as something I manage," Putman says. But "being a solo, starting a law practice



"AT THIS POINT I THINK OF DEPRESSION AS SOMETHING I MANAGE."

BILL PUTMAN

has its stressful times ... at that point I was feeling the depression creeping back."

He wanted to head it off, so he did some research. He found Dan Lukasik's website, *Lawyers With Depression*, and a book by Richard O'Connor, *Undoing Depression*. Putman reached out to Lukasik, saying he wanted to create a legal community for lawyers with depression, like Lukasik had done on his website.

"At that point I was more open about it. It wasn't something I talked to a lot of people about, but it wasn't something I felt like I had to hide," Putman says.

He kept in touch with Lukasik and became more engaged in educational efforts on mental health in the law. Eventually he was speaking at CLEs and other events about his own experience. He even wrote a piece for *Lawyers With Depression*, which was published online in 2016, the same year he joined the committee of the Arkansas Judges and Lawyers Assistance Program.

"It was worth the risk that some people might view that as a negative in my career, if I could use my experience to help other people," Putman says.

Putman returned to his former firm in 2008. By that point

he felt like he could talk about depression openly, but he still felt a cultural mismatch with the firm, now called Taylor Law Partners, and he left in 2017.

Going back to solo practice has been "a net positive," he says, also giving him more flexibility and autonomy over his work.

Looking back, Putman says he would advise younger lawyers to spend some time asking themselves what they want not just from their careers, but out of their lives.

"You get into the field, and you let the field in a way define what counts as success," he says. "I've had a good career in private practice, public service, corporate law. For a lawyer from Fayetteville, Arkansas, who's not with a Big Law firm, I've had some substantial accomplishments."

But one of the things he's most proud of is the article he wrote for Lukasik's website.

"I want to be the guy standing in front of a group of lawyers and saying ... 'don't fear if you're struggling, that if you acknowledge that you have personal things to deal with that it will negatively affect your career,'" Putman says. "It doesn't have to be that way."

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BY LIZZY MCLELLAN

Making Room for Feelings

Jeena Cho fought anxiety and depression in a field where emotions are often hidden.

JEENA CHO ALWAYS STRUGGLED WITH ANXIETY AND DEPRESSION. As she progressed through her career as a lawyer, that became intertwined with her work.

“I didn’t really have the tools to be able to manage the amount of human suffering we come across as lawyers,” Cho says.

She has spent almost a decade discovering learning to use those tools. And for the last few years, she’s been helping other lawyers do the same.

Cho started her career in 2003 as an assistant state attorney in Tampa, Florida. The work took a toll—because of the victims, and also the harsh sentences doled out to some defendants who seemed trapped by the system.

“No one gets involved in the criminal justice system on a good day,” she says.

She recalled seeing undocumented immigrants being sentenced to significant jail time for driving without a license, which they cannot obtain in Florida.

“I was just so traumatized by that,” says Cho, who immigrated to the United States as a child.

The stress accumulated over time.

“I went through a period of burnout, I was depressed all the time, I was having nightmares,” Cho says. “I just wasn’t processing the job well.”

But addressing her feelings while working at the State Attorney’s Office would have been “unthinkable,” Cho says. It was a competitive environment.

“That’s very common in the legal profession in general,” she says. “We’re lawyers, we’re prosecutors. We’re supposed to be hardcore.”

So Cho moved out to California, where she started a

bankruptcy practice with her now-husband, Jeff Curl, in San Francisco.

She enjoyed bankruptcy law. But the switch didn’t fix it all.

“I just got used to it. I think I just assumed that this is how it is to practice law. That this is the norm and I just have to grit my teeth and practice,” Cho says.

Being a bankruptcy lawyer still involves taking in clients “on their worst days,” she says. There’s often some traumatic event that leads a person to file for bankruptcy.

“Over time, I felt more and more anxious ... about meeting with clients, even about seeing friends,” she says. “It was almost like I was a third person observing myself going through these motions.”

But she didn’t think much of it, she says, figuring working harder might help.

Then her physical health started to show the effects—headaches, stomachaches, hair loss. Managing the symptoms while trying to get through each day became an increasing challenge.

“Inside, there was this feeling of not being altogether there, just waiting for the shoe to drop,” she says.

Driving to a hearing one day, she scared herself.

“I thought, ‘It would actually be nice if I got in a car accident because then I could call the court and say I can’t come,’” Cho says. “As soon as I had that thought, I was startled. I realized that’s not a thought I should have.”

Still, Cho hadn’t thought depression was a problem—she was still getting out of bed each morning, eating, functioning normally to any outside observer.

It took lunch with a friend to change her perspective.

That friend, a psychotherapist, suggested Cho might have

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JEENA CHO

an anxiety disorder, and recommended an anxiety management clinic at Stanford University. She was diagnosed with social anxiety disorder. “When I was first diagnosed I had this deep feeling of shame and embarrassment,” Cho says. “What does this mean for my ability to be a lawyer ... are people going to try to use this information against me?”

But she sought treatment through Stanford’s clinic anyway. It was a 13-week program in a group setting, including cognitive behavioral therapy. She says she realized in that program that she lacked the tools to handle a stressful profession.

“I had this sort of epiphany that there wasn’t something wrong with me,” she says.

She learned that working with people in traumatic situations—whether they are accused of a crime, or have fallen into major debt after a death in the family—has real effects on one’s own mental health. Now, she says, she gives herself the space and time to process those experiences and talk them out when needed.

“I learned a lot about vicarious trauma,” Cho says. “Helping people who are in distress has a direct impact on your well-being.”

She’s married to her law partner, and they’ve gone through

the learning process together, she says. So they each understand when the other needs time to recuperate.

Since then Cho co-authored a book, “The Anxious Lawyer,” and began speaking about her experience before bar associations and even several large law firm audiences, teaching mindfulness and meditation.

“Now, I spend a lot of time checking in with myself—How am I feeling today? How am I feeling in this moment? Before, I would think that’s too self-indulgent.”

She says her former attitudes toward self-care are likely held by many in the profession. As a prosecutor, she says, she would never have approached her employer about her mental health, for fear of being laughed at.

“I had one boss who said, ‘There’s no room for your feelings in this room,’” Cho says. “It’s painful.”

But the profession may be rounding a corner, she notes, as law firms begin to take an interest in mental health, and some even have therapists on site.

“As a profession, we really need to help each other care for our own well-being,” she says.

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BY SUSAN DESANTIS

A Path to Peace

David Aronstam reflects on addiction, anxiety and recovery.

NEW YORK CITY LAWYER DAVID ARONSTAM CAN'T RECALL the years between 1998 and 2001—other than the park on 15th Street where he bought heroin, the crack den in Stuyvesant Town where he squandered everything, the doctor's office where he secured the Xanax and the bar where he drank until he blacked out.

But this much is certain: He wiped out his savings, tore through his pension and charged \$250,000 to his New York City Bar Association credit card and other accounts. By the time he entered rehab, the real estate attorney had only a handful of clients left.

"I really can't tell you what my work life was like because smoking cocaine and practicing law doesn't really mix," he says. "I know I went to court. Don't ask me what happened. I don't remember."

Aronstam, who had succeeded in every aspect of his life, was baffled that he was "a total failure at quitting drugs." It turned out, he says, he was failing because he tried to do it alone. He would eventually find his way, but it took work, and help from others.

Growing up in South Africa, Aronstam drank excessively by his early teens and smoked pot regularly. But when it was time for exams, he abstained. He graduated third in his law school class.

In social situations, Aronstam felt terribly awkward. But he liked the partying and how his inhibitions lifted under the influence. Ambitious and a high achiever, he deftly concealed the extent of his substance use.

Nevertheless, by the time he emigrated from South Africa to the United States in the early '80s, the seeds of addiction had firmly taken root. He believes that his early drinking and drug use and a genetic predisposition paved the way for his substance abuse. But for a while, he kept it under control.

He settled in New York, where he passed the bar exam in 1984. As a newly minted lawyer, he found a job as an associate at a prestigious boutique firm, McLaughlin & Stern, in downtown Manhattan. He frequented New York City Bar Association events, where he socialized with other lawyers, but he reserved the heavy drinking and drug use for the weekends.

"There would be hangovers, sure. But that was the exception," he says.

McLaughlin & Stern disbanded and reorganized in 1992, and Aronstam found himself out of a job. It was a temporary setback, though. He launched a solo practice and soon his business was booming.

Then, four days after Thanksgiving in 1995, Aronstam, 40, had a massive heart attack.

His wife summoned an ambulance, and he was rushed to Cabrini hospital, which was just three blocks from their apartment on E. 15th Street. His heart had stopped working, and he was declared dead on arrival.

In what Aronstam sees as a sign from a higher power, the heart muscle that had been destroyed came back to life. Still, he had to undergo open-heart surgery, which led to a difficult, year-long recovery.

"I was too sick for a while to do anything," he says. "It took about a year for the wound to heal and for me to even start feeling a semblance of normalcy."

But the better he felt physically the deeper his desire became for drugs and alcohol.

"The heart attack was the dividing line, because I consider the shock of the heart attack resulted in a form of PTSD and it kicked up my alcohol and addiction," he says.

The one drink a day turned into two and then three. He resumed smoking pot. And then at a party one night, the inevitable happened.

"Someone puts out some lines of cocaine on the table. My intellect is saying that's bad for you and you have a damaged heart, but I've had a couple of drinks," he recounts.

Despite giving in to the temptation that night, he mostly kept it together, representing clients while drinking and dabbling in drugs. His marriage was rocky, though, and a year later, his wife walked out.

A lawyer friend, noting Aronstam's disheveled appearance and erratic work schedule, urged him to lay off the alcohol and drugs. The friend stayed on his case, but eventually his efforts waned as the friend confronted problems of his own—hepatitis C that turned into terminal liver cancer. His death removed Aronstam's only anchor.

"I DIDN'T FEEL COMFORTABLE IN MY OWN SKIN. I WAS FEARFUL OF PEOPLE."

DAVID ARONSTAM

Still, somehow, Aronstam held onto a couple of major clients. He had millions of dollars in escrow, but safeguarded the money while going deep into debt to buy drugs.

Eventually, Aronstam established a relationship with a new girlfriend who disapproved of drugs and drank very little. In the beginning, he managed to hide the extent of his addiction from her. He woke up practically every other day vowing to stay sober and avoid the drugs, but failed each time.

Then his abuse escalated to the point where he would disappear for long stretches. One time, he stayed with a friend in Vermont for 10 days, blackout drunk the whole time.

When he returned, the girlfriend, another friend and his only high-profile client each gave him an ultimatum: Go to rehab, or we're out of your life. So he went.

"Upon entering recovery, I learned about the nature of my addiction and that my self-help efforts were doomed to failure," he says.

During intensive outpatient sessions four days a week for eight weeks, he accepted that he couldn't recover without help. Once the intensive phase ended, he tapered down to one session a week, staying with it for about a year.

"I learned that I needed outside help," he says. "It was a

very simple and powerful explanation of my disease and the remedy."

He went to meetings with other addicts and had a mentor who gave him feedback. Through meditation and a spiritual practice, Aronstam says, he became more tolerant and forgiving. If he makes a mistake now, he sets things right. With his clients, he tries to be satisfied that he has given a matter his best effort even if he doesn't get a good result.

"Having looked back at my life I see symptoms from my earliest memories. That there was something different about me. I didn't feel comfortable in my own skin. I was fearful of people. I was fearful of being judged. And then I took a drink and a drug and I felt comfortable," he says.

After six years of being sober, he got involved with the New York State Bar Association and New York City Bar Association lawyer assistance programs. He helps lawyers and law students with problems similar to his own.

"It makes me stop thinking about myself," he says. "It's a whole feeling of self-esteem and self-worth helping another person. It helps me stay sober."

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BY LIZZY MCLELLAN

Always on Call

The 24-hour workday and constant accessibility push lawyers to exhaustion and depression.

LET'S FACE IT. BECOMING A LAWYER, let alone succeeding in the practice of law, is an enormous task.

It's not the only profession that requires rigorous academic study followed by extreme dedication in order to excel. And it's not the only career where failure can mean disaster for those counting on a practitioner's expertise.

But the challenges and demands specific to being a lawyer can lead individuals down a path toward mental health struggles. A 2016 study by the Hazelden Betty Ford Foundation and the American Bar Association found that 28% of lawyers have depression at some level, and 19% have symptoms of anxiety.

"Does becoming a lawyer cause depression? I'm often asked that. And I say no, it does not. But is it a significant risk factor for depression? Yes, it is," says Dan Lukasik, founder of LawyersWithDepression.com and director of workplace well-being for the Mental Health Association in Buffalo, New York.

Lawyers in every corner of the profession—prosecutors and public defenders, in-house counsel, government lawyers, solo practitioners, and lawyers at firms large, medium and small—face some of the same universal pressures.

"You have this constellation of issues that create tremendous stress and then really puts lawyers at the risk of being vulnerable to mental health or substance-abuse issues," says Eileen Travis, director of the New York City



**"YOU CAN'T RUN YOUR ENGINE AT FULL FORCE AND EXPECT IT NOT TO FALL APART."
—DAN LUKASIK**

Bar Association's Lawyer Assistance Program.

Industry watchers and psychologists point to several deeply ingrained features of the legal profession: lawyers must always be ready to do their job at the drop of a hat; they must vigorously represent their client or cause at all costs, but may not do the same for themselves; forsaking one's own well-being in favor of embodying a lawyer's mindset at all times is a badge of honor.

Taken to the extreme, these realities have created a population of tired and lonely lawyers.

"It's kind of like an endurance contest or something. This big reservoir of resentment ... fills up with rage," William Meyerhofer, a psychotherapist and former Sullivan & Cromwell lawyer, says. "It leaks out in all these behaviors where you scream at your girlfriend, or go home and get stoned every night, or spend the whole night playing video games."

THE FIRST CASUALTY: SLEEP

Want happier, healthier lawyers? Let them go home and turn off their phones.

Yes, it's easier said than done. Many lawyers get into the law—which they view as a profession, not just a job—because they view it as their calling.

They are typically high-achieving people for whom sleep is just one of many sacrifices along the course of their advancement. That begins even before law school and continues well afterward, says Tyger Latham, a clinical psychologist

in Washington, D.C., who counts numerous lawyers among his clients.

"If I'm going to get this brief done, I'm going to have to pull an all-nighter—if that's your frame of reference, that's presumably what you're going to end up doing ... and it probably continues until it no longer works," Latham says.

Lukasik refers to this as a lack of "good coping skills" that often predates a person's entry into the legal industry.

"They're overachievers, they're used to living their life with their pedal on the gas the whole time," Lukasik says. "Just like with a car, you can't run your engine at full force and expect it not to fall apart."

Health effects aside, functioning on too little sleep can also stunt performance, both in the short and long term.

"When you're overtired you do a lot of unconscious acting out on unexamined feelings," Meyerhofer says. "You have a very short fuse. You start bursting into fury ... suddenly crying."

"I used to wonder as a lawyer, if they had just given me a couple days to sleep for 15 hours, if I would have been a different person," he says.

Sleep deprivation has a similar effect to intoxication, according to Jarrett Green, who works with lawyers to address the problems of a high-stress environment. Green is also a co-founder of the mindfulness, stress management and peak performance program at the University of Southern California Gould School of Law and a former associate of Skadden, Arps, Slate, Meagher & Flom.

"If you were walking around saying it's 11 a.m. and I'm wasted and I'm going to go work on this \$2 billion transaction, the firm would be fired. People are overtly boasting about something that's not only super dangerous healthwise,



"IT'S NOT THE 2,000 HOURS THAT KILLS US. IT'S ALL THE TIME PEOPLE ARE WORKING AROUND THE CLOCK." —JARRETT GREEN

but also super dangerous professionally," Green says.

And the deprivation can feed on itself.

"It can be a bit of a chicken-and-egg phenomenon," Latham says. "Stress can make people lose sleep, but lack of sleep makes you more susceptible to depression and anxiety."

Shelby Harris, a psychologist who specializes in behavioral sleep medicine, says sleep-deprived people start to see cognitive deficits.

And sleepiness, which may seem like a minor problem in the short term, can create some bad habits with major consequences over time.

"We start to see issues with depression, anxiety increase," Harris says. "More risky behaviors as well. ... People start to rely more on things to either help them sleep or feel less depressed."

A lack of sleep is sometimes the first reason a person turns to harmful substances, Latham says, to stay up later or to silence the anxious thoughts that keep them up at night. Harris says the same. She has patients who are addicted to Xanax or Klonopin or alcohol because of insomnia.

"About half my patients are addicted to something that helps them sleep," Harris says.

STEP AWAY FROM THE SMARTPHONE

At law firms, billable hour requirements certainly play a role in sleep deficits. When a person is expected to bill over 2,000 hours a year, that alone takes up nearly eight hours a day, virtually ensuring that lawyers will be working after hours. And that eats into time for basic physiological needs, such as sleep.

But the billable hour alone isn't to blame.

"It's not the 2,000 hours that kills us. ... It's all the time people are working around the clock that we can't bill for," Green says.

Billing a certain number of hours per day isn't a problem in itself, Green says, but it all comes down to how long it actually takes to bill those hours.

Lawyers who get no time to rest when they're not billing—because they are constantly at-the-ready, checking email every few minutes—generally take a lot longer to get around to the work that's actually billable, Green says.

The question is whether that sense of urgency is always necessary.

"Our culture is becoming more and more a 24-hour, seven-days-a-week society. We just don't know how to turn off," Harris says. But lawyers who never disengage from work can actually become less effective.

That's not just limited to the legal industry. Laptops and cellphones have made it easier for clients to reach their lawyers, and partners to reach their direct reports, at any time of day, so many feel the need to be constantly ready to work.

Elizabeth Tillinghast, a former practicing lawyer who is now a psychiatrist in New York, says she actually felt a relief when she became a doctor. In medicine, she says, "you are on call sometimes, but you know when you're going to be on call."

"When you're a lawyer ... you're always on call. And the workload is so unpredictable," says Tillinghast, who treats many lawyers and remains involved in bar associations.

Bagging the billable hour would require a major overhaul to the typical law firm business model and lawyer-client dynamic, one that many firms would find impossible, at least as a near-term solution.

But the billable hour alone isn't the issue, experts say. After all, it's been a cornerstone of the business model for decades. The newer entrant, for a number of professions, is the constant attachment to work through smartphones, laptops and remote network access.

With that in mind, Green says firms can work toward improving lawyers' mental health without abandoning the

billable hour. The key is helping lawyers find ways to detach from and reattach to their work more efficiently. That means allowing them to send calls to voicemail or let email go unread for a certain number of hours each day. Having that time to recharge makes it easier to focus during the true workday, Green says, so they can complete eight billable hours, for example, in an 11.5-hour day, instead of a 13.5-hour day.

"Distractibility is the No. 1 issue we talk with all attorneys

about. ... One of the No. 1 coping mechanisms for stress is distractibility and entertainment," Green says.

Just as having too little sleep builds on itself, so does getting enough rest, he says. Getting rest makes lawyers more productive during work hours, which makes the day shorter, then allowing for more rest and even better productivity.

"You have to actually pull away from the work, so we can accomplish more in less time," Green says. "We can become a lot healthier within it. We can have a lot less work time, while still hitting the goal."

But, Harris warns, law firms have to really allow their lawyers to disconnect if they want to see results.

"Firms are having me start to come in and give talks on wellness and sleep ... but then we're still giving the signal of 'you also have to produce,'" she says. "It's a mixed message these firms are giving."

Some other firms, she notes, want to talk about wellness, but when sleep enters the conversation, they ignore it. But well-rested people are both more productive and less depressed, she says.

"It's a cycle that has to get broken at some point," she says.

One way to help break the cycle? Lawyers should stop taking their smartphones to bed every night.

"We need to start there ... just setting hours where you say, 'I'm not on call right now,'" Harris says.



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—WILLIAM MEYERHOFER**

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BY CHRISTINE SIMMONS

Resources and Remedies

A cottage industry of coaches, conferences and apps has arisen to address lawyer well-being.

THE DEMAND TO TREAT LAWYERS FACING SUBSTANCE abuse or mental health issues is skyrocketing. It hasn't gone unnoticed.

A cottage industry appears to be developing around the field of well-being services for lawyers, partly sparked by an American Bar Association pledge last year to which more than 100 big firms, law schools and corporate legal departments have signed on, agreeing to take steps to prioritize well-being.

Some services are run by doctors and other professionals who physically meet with lawyers. Others services offer well-ness training through video conferencing with coaches or around-the-clock access to doctors through an app.

Some providers are marketing their services to help firms meet the pledge. Mental health experts express caution to vet the services carefully, especially for more nontraditional treatment services, wary of anyone looking to gain a quick profit on the movement.

Patrick Krill, an attorney and drug counselor who led the pledge campaign, says it would "go against the spirit and intent of the ABA pledge" to view the list of signatories "as a marketing list" for vendors. "It's critical for lawyers, legal employers and law firms to vet" resources, he says.

Still, Krill and others say it's helpful that legitimate resources are emerging to help lawyers and firms cope with the devastatingly high rates of substance abuse, depression and anxiety in the industry. Law firms will have to spend some money to meet the pledge goals, Krill says, as it's likely they don't have internal resources for the types of training, support or counseling that lawyers and staff may need.

LAWYER-GEARED PROGRAMS

Even traditional clinical providers are seeking to curate programs around lawyers. Sarah Church, a clinical psychologist who specializes in the treatment of alcohol and substance use disorders, left the Albert Einstein College of Medicine in New York last year and opened a group psychotherapy practice, Elevate360, with five other psychologists. Church says she was surprised when she opened her practice doors that many patients were attorneys. No other profession appears as frequently in her practice, she says.

Now she's seeking to launch a group psychotherapy practice in New York tailored to attorneys and others in the legal field who are in recovery after alcohol or substance use disorders. This treatment group would provide support and offer skills and strategies for preventing relapse and coping with stress and negative moods.

Meanwhile, other services are offering attorneys video-conferencing, apps and other tech tools to reach lawyers on the go. For instance, Happy, a lawyer-created app, just launched, connecting users with more than 2,000 peers who are trained to be "compassionate listeners."

Another service, healthPiper, which calls itself a virtual mental health provider, wrote in a recent LinkedIn post that it was "poised to help lawyers in their industrywide campaign to address mental health" and linked to the ABA's own efforts. The program offers an app in which users can meet with a doctor via video chat, agree on a treatment and have medication shipped to their door, while participants can text message with the doctor through the secure app. The program offers a combination of cognitive-behavior therapy and medication for depression and anxiety.

Fred Kipperman, chief operating officer of healthPiper and a lawyer himself, says the app allows doctors and patients to have an ongoing dialogue. Kipperman says healthPiper's customer base is much broader than lawyers, but he believes healthPiper can be particularly helpful to legal industry professionals. "We want to be one of many treatment options that lawyers can choose that's right for them. We're not trying to be a one-stop shop for everybody," he says.

Kipperman says participants can be assured of healthPiper's own credentials by its participating doctors with board certification. He notes that its founder, Dr. Joshua Freedman, a graduate of Yale Medical School, is a clinical professor of psychiatry at UCLA and a supervising psychiatrist at the UCLA Mood Disorder Clinic.

Another service, Life Cross Training (LIFE XT), also isn't shy about advertising its services to help firms meet the ABA pledge. Its website says: "Avoid lawyer burnout outlined in the ABA Well-being Pledge ... Contact LIFE XT now for help achieving your pledge goals!"

LIFE XT, which formed seven years ago, offers law firms one-on-one coaching with lawyers and staff through video-conferencing, for the goal of "increasing resilience to stress and maximizing joy, meaning and productivity," the program says.

Law firm participants meet with LIFE XT coaches on a video call about five times in a four-month time frame, while also being guided by written, video and audio practices in between coaching, says LIFE XT founder Nate Klemp, who was previously an assistant professor of political science and philosophy at Pepperdine University.

As an example, coaches teach lawyers how to integrate meditation into their schedules and make it a long-term habit, Klemp says.

LIFE XT isn't suitable for everyone, Klemp says, adding that when coaches encounter a participant experiencing anxiety or depression, they recommend participants seek medical treatment.

But a lot of attorneys, Klemp says, are "just looking for ways to be more optimal and to get tools that will help them be more resilient and manage stress more effectively—that's our sweet spot."

With a pledge like the ABA's, Klemp says, "there are always going to be people interested in taking action and firms that are wanting to help. I don't think there's anything inherently nefarious that is serving a demand," Klemp says, adding that LIFE XT has been working with firms long before the 2018 pledge. Klemp also notes that LIFE XT uses 13 assessment tools to measure the effectiveness of the program, by polling participants before and after the coaching.

The company has worked with about seven law firms in the last few years, including Seyfarth Shaw and previous work with Kirkland & Ellis. (The firm's chairman, Jeffrey Hammes, was on the board of LIFE XT's main investor, venture capital fund Abundant Venture Partners.)

Speaking from his own experience, Brett Bartlett, a Seyfarth Shaw partner, says LIFE XT's program helped him change the way he looks at the legal profession and develop more coping mechanisms.



"IT'S CRITICAL FOR LAWYERS, LEGAL EMPLOYERS AND LAW FIRMS TO VET [MENTAL HEALTH RESOURCES]."
—PATRICK KRILL

Bartlett and Klemp declined to provide details on LIFE XT's prices to firms, but Bartlett calls its services "a material investment" at Seyfarth. "It is not something that a firm's partners would simply shrug at," Bartlett says.

RED FLAGS

Krill, who declined to comment about any particular service provider and doesn't endorse any single program, recommends lawyers and law firms conduct due diligence by asking about a service's prior experience working with legal industry professionals and asking other law firms and lawyers whether they've had good experience with any particular resource. If a business is purporting to offer mental health services or addiction treatment services, but they don't have licensed clinical staff, that's a red flag, Krill says.

Meanwhile, Krill says, it's "important for lawyers to recognize that their coach is not their therapist."

In an era of digital start-ups, resources can come and go quickly, making vetting even more imperative. One service that was being marketed to law firms, Annum Health, was a digital startup that

called itself an alternative to rehab for heavy drinking. The service closed in January, citing an "unforeseen change in our financial circumstance," according to healthcare industry site MedCity News.

Bartlett, at Seyfarth, says he's not concerned about "the fly-by-night lower end folks coming in and ruining" the new awareness of mental health priorities in the legal industry. "I think they're going to be strained out by the lawyers' natural resistance to this kind of new mindset in the first place," he says, adding he hasn't noticed "a surge of con men."

Ultimately, once a well-being resource is vetted by a law firm and agreed upon, Bartlett says, it's important that those at the top of the firm champion it. "If there's not adoption of what's being offered, if there's not championship or credibility, then it [could] fall flat on its face," he says.

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BY DYLAN JACKSON

Left Behind in Law Firms

Is the legal profession's mental health movement neglecting law firm staff?

IAN TURVILL WAS CHIEF MARKETING OFFICER AT CHICAGO-based Freeborn & Peters in 2017 when he died by suicide in his home in Evanston, Illinois.

The circumstances of his death echoed that of law firm partners who have recently ended their own lives. He was under immense pressure to meet deadlines. He worried that any failure would mean losing his job. He had long struggled with depression and anxiety, yet he hid it at work, and his death came as a surprise to everyone except his wife, Marny Turvill.

"He was terrified what would happen if anybody knew he was sick or struggling in any way," says Dr. Marny Turvill, Ian's wife and founder of Outside the Pill Box, a holistic medical practice. "If you show vulnerability it's the kiss of death. You'll be overlooked for projects or promotions. If people have any doubt that you would perform at the highest level you won't be trusted."

In July—less than two years after Ian Turvill took his life—Doug Johnson, a legal consultant in Denver who previously was chief strategy officer at Drinker Biddle & Reath and who did work for Holland & Hart, also died by suicide. While separated by geography and time, both these deaths demonstrate that law firm professional staff can also succumb to the same pressures and stress that afflict their attorney colleagues.

But even as mental health takes a front seat in law firms, bar associations and conferences, many professional staff—whether in legal operations, pricing or marketing—see the effort largely focused on attorneys. There are few, if any, studies that examine the rates of depression, anxiety, addiction or suicide among law firm professional staff.

And despite the plethora of resources available at several large firms today, including on-site mental health professionals and wellness applications, many have not extended their mental health resources firmwide. A survey of 30 Am Law firms found that 36% of firms that say they offer mental

health programming do not extend those programs to their professional staff.

This bifurcated mental health treatment is actually symptomatic of one of the most acute stress factors afflicting law firm professionals: a power hierarchy that devalues professional staff.

Many describe law firms as extremely hierarchical, dominated by rainmaking partners who often lack any formal leadership or management training. Those who don't hold law degrees but nonetheless contribute to the success of the firm are often dubbed "nonlawyers," a moniker that comes with second-class status and exacerbates the stress many professionals already face.

Mark Greene, president of consulting firm Market Intelligence and interim CMO of Munger, Tolles & Olson, says that while most corporations and industries give professional staff a seat at the leadership table, law firms rarely do.

"The fact that almost no law firms do is indicative of the degree to which we're somewhat marginal-

ized, and that puts pressure and [shows a] lack of respect and appreciation of us as professionals," he says.

Deborah Farone, founder of Farone Advisors and former CMO at Cravath, Swaine & Moore and Debevoise & Plimpton, says that although law firm professionals believe in their firms and the work they do, the feeling of otherness can be isolating.

"If you feel that you're being told you're a nonlawyer or non-something, it's very disconcerting having that dissonance between what you're being called and what your responsibilities are," she says.

Structural problems within the profession manifest themselves in other ways, too. Many professional staff tell stories of being screamed at by a senior partner who never faces repercussions, of juggling several disparate tasks from a wide range of attorneys and even other departments.

**"HE WAS TERRIFIED WHAT
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STRUGGLING IN ANY WAY."
—DR. MARNY TURVILL**



"I think the No. 1 reason my staff when I was CMO experienced stress is because they felt like they had to serve every partner, every lawyer, every other department as their client. And everything was urgent; everything was important," says Mark Beese, founder of the legal consulting firm Leadership for Lawyers.

"You never went home with the feeling that you've done your job—that you've satisfied all of your clients," he continues. "You always went home leaving something on the table or not doing something to the level of perfection that's expected."

Since many of the exacerbating factors stem from the organizational structure and culture of law firms, many say the solutions lie in addressing the structure itself.

Greene says that firms should treat their C-suite

executives as contributors to the business of the firm and empower them to watch and protect their own staff. Beese adds that firms should reexamine their mission statement and culture. Several professionals agree that professional staff should join a trade organization such as the Legal Marketing Association to combat isolation.

And because a heightened concern for attorney mental health has already brought in a slew of new programs and resources, many say that simply extending those mental health resources to all law firm staff could go a long way.

"There has to be parity in what's offered," Farone says. "We should ensure that whatever we're extending to the lawyers we're extending to the professional staff."

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BY JAY HARRINGTON

Failure Comes First

Mistakes are inevitable—and invaluable—on the path to success.

I STARTED MY LEGAL CAREER AT ONE OF THE WORLD'S largest law firms on Sept. 17, 2001. I was supposed to be an M&A lawyer, but after the 9/11 terrorist attacks I was shifted to the corporate restructuring group. Planes were grounded and financial markets closed. The economy was still reeling from the dot-com crash. No one knew what was going to happen next, and companies were putting contingency plans into place, which in many cases meant preparing for Chapter 11 bankruptcy.

It was intense, and I was unprepared. This was my first real job. I had not taken a single class in law school about bankruptcy law, and everyone in my practice group was so busy that there were few opportunities to ask questions or get feedback. It was text-book trial by fire.

The next four months were a blur of all-nighters and overwhelm. I had too much work, and most of it was way beyond what I was capable of, or at least what I thought I was capable of, at the time.

It took everything I had to keep my head above water and my wits about me, which meant I had nothing left for anyone or anything else. I kept telling myself—and others, such as my wife, whom I barely saw—that things would get better, but I didn't know that to be true.

Eventually they did. The world and the markets calmed down, and things took on a more manageable cadence at work. I got my head back above water. Things started clicking. I settled into a routine. I learned how to approach and solve problems. I became more organized and productive. I became a better lawyer.

At the same time, I made lots of mistakes along the way. One of the biggest was not stopping from time to time to understand and appreciate the progress I was making. I'd move closer to my goals, but each new stage I reached became the new normal, and I'd move on to the next goal. I was moving ahead, but it didn't feel that way.

The point is, in the moment, it's easy to fixate only on your struggles and failures if you never look back at how far you've come. If you take the time to look back, you'll realize that the good things didn't happen despite the bad ones; they happened because of them. Put another way, the only way to succeed is to fail.

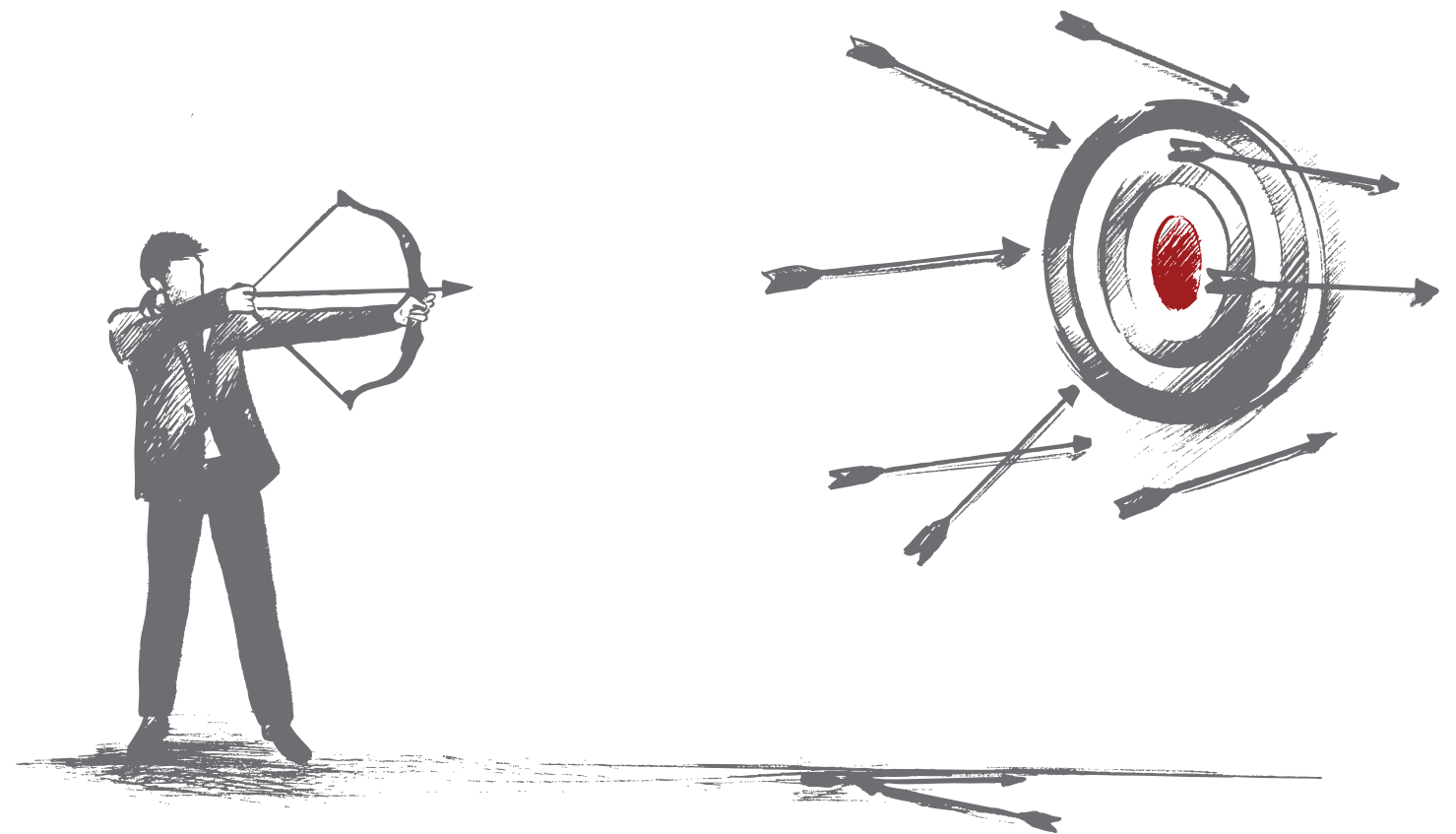
As a lawyer, your tolerance for failure is critically important. If you fail, it means you tried. And you can't win without trying. Michael Jordan is one of the greatest basketball players of all time. The only way he made lots of shots is because he took lots of shots (and missed a significant percentage of them). In 1923, Babe Ruth set records for the most home runs and highest batting average in a season. He also set the record for most strikeouts. If you want to hit the ball you need to swing. Sometimes you'll miss.

Similarly, the only way you can learn to take a good deposition is to take a bad one. Failing provides valuable feedback that can be applied when you try again—and win. Success, therefore, is a byproduct of failure. As Robert F. Kennedy said, "Only those who dare to fail greatly can ever achieve greatly."

Failing is a skill to be trained and refined. And as with any skill, practice makes perfect. This gets to the core of what makes the practice of law both frustrating and exhilarating. To get better at it, you need to stretch yourself. To grow you need to change. And to change you need to grow.

Growth involves a great deal of discomfort at times. For example, at some point in your career—and this point often comes quickly—you'll be in a position where you have to make a judgment call with no one else to fall back on. Or you'll be forced to butt heads with opposing counsel. Sooner rather than later, you'll have to go out and pitch for new business. In myriad ways, you'll have to get comfortable with being front and center, and for most of us that's a place that feels pretty uncomfortable.

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In all aspects of life, those who follow the path toward change and progress are not fearless. In fact, they often feel fear more acutely than those who choose to walk a more well-trod path. But they don't run from the fear; they embrace it. Fear is not a barrier; it's what drives them.

Fear stops young lawyers from doing many things, such as stepping up for tough assignments, putting themselves and their insights into the marketplace of ideas, and making progress on ambitious goals. Too many lawyers tell themselves they will take action "when the time is right." But then years pass, and they're still facing the same circumstances in their careers, despite an intense desire for change and growth.

The truth is that the only time that is ever right is right now. The steps you'll have to take in order to become a successful lawyer are scary at times. Waiting for the fear to go away is a hopeless strategy. It never will. At some point, you

have to be more afraid of settling for mediocrity than you are of chasing your dreams and failing.

It takes courage to face the fear and move toward it. But the more you face it the more it becomes a habit. You learn that taking the plunge is not as scary as you thought so you leap again. And again. Pretty soon, you can't help but stretch yourself in new and exciting ways. Soon you'll come to realize that fear is not something to avoid; it's a feeling to embrace. In most cases, what lies on the other side of fear is growth and satisfaction.

Jay Harrington, a former associate at Skadden, Arps, Slate, Meagher & Flom, is an executive coach and trainer for lawyers and law firms and is the author of the book, "The Essential Associate: Step Up, Stand Out, and Rise to the Top as a Young Lawyer." Contact him at jay@bcommunications.biz.

BY LEIGH JONES

I Was a Law School Jackass

The foundation for healthier, happier lawyers requires supporting each other, not competing.

AS A LAW STUDENT, I WAS EXTRAORDINARILY AVERAGE.

Like most of my classmates when I started law school, I'd been a good student growing up, done well as an undergraduate and had built an identity around being a smart kid. I worked hard, was rewarded for it and got a lot of confidence from it.

And then I went to law school.

Why? I liked reading and writing. Plus, a law degree would take only three years, and it seemed like the best way to get the furthest ahead in the least amount of time. I was living off a school teacher's salary, and the smallest surprise expense, like a new car muffler, threatened financial ruin. The public service aspect of practicing law was also attractive.

I taught English before I went to law school, so I was about six years older than my 1L classmates at the University of Oklahoma College of Law, and I remember thinking at orientation that I was going to blow these kids out of the water academically. It really wasn't even a consideration that I wouldn't be in the top 10% of my class, if not at the very top.

I recall on the first day of law school I saw a young woman who, to me, looked like a cowgirl just off a Greyhound bus from Antlers, Oklahoma. (There really is such a place.) That woman eventually graduated first in our class and landed a job at what's now Norton Rose Fulbright.

I had a lot to learn.

In my first semester, I had an attitude. I had no patience for the gunners or for people who asked too many questions in class. I felt smug when other students didn't know answers when called on, especially if I did know them. I had disdain for the ill-prepared and disregard for others who seemed to be struggling.

Why? Fear. The gravitas of law school, the reading, the preparation, the Socratic Method, the concepts, the expectations, the finals, memos, study groups, outlines. It was all

new—no one except a great-uncle, whom I didn't know, had been a lawyer in my family—and law school was a big damn deal.

Somehow, in my mind, I was doing better if I perceived a classmate to be doing worse. Also mixed in there was the idea that practicing law is competitive, so I figured I'd better start competing while I was in school. And even after I'd gotten my grades first semester—which were a big disappointment—I continued to harbor an every-man-for-himself attitude. And I'm certain I wasn't alone.

Looking back (and given what I know now about the mental health struggles in the profession), I wish I'd been far more supportive of my classmates and tried to promote a feeling that we were all in it together. I wish I had given a kind word after class to the guy who flubbed a cold call in Property or congratulated a classmate for a really smart answer in Contracts.

In hindsight, I would have cut my friend some slack when she was late to a study session. I would have shown compassion for the classmate who had to retake Torts over the summer, instead of thinking "better her than me," I would have told myself that it was OK for my voice to shake when I got called on in Con Law.

The truth is, being competitive and cutthroat with my classmates did not raise me one single spot on the damn class ranking, and I would hazard to say that it never has for anyone.

As one of the editors on the Minds Over Matters project, I've learned that the efforts some firms and schools are undertaking to tackle the mental health problems in the legal profession are commendable.

But until we stop perceiving each other as a threat, the profession will continue to suffer from anxiety, depression and substance abuse at rates higher than other similar occupations.

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DIEGO M. RADZINSCHI/ALM

One more thing about those grades. As I mentioned, they were a letdown. Turns out, I didn't have the kind of brain that does really well in law school. I like to write and paint and play music—none of the skills that typically lead to high LSAT scores and top law school grades. I've come to realize that it's OK. I like my brain just fine.

At the time, however, I was devastated that I wasn't performing like I wanted to. I was defining myself by those grades, and it was really uncomfortable.

But something clicked in my second year. I decided—out of necessity, since I'd tried just about everything else to boost my average—that I was just going to do the best I could and leave it at that. The worst thing that could happen was that I'd flunk out, and if that happened, I'd have to accept that law school was not where I needed to be.

I wasn't giving up—I still studied a ton and did everything I was supposed to do. But I let go of results. I also started including in my life more things that I was good at. I started painting more, which gave me a feeling of success that I wasn't getting from law school. It also gave me some perspective—life beyond law school and all of that. It helped.

I made many As and some Bs the rest of my time in law school. I'm not saying that I found a magic formula, but I do think that taking some of the pressure off myself and taking my career path a little less seriously made all the difference. I had to trust that I'd be OK no matter what happened. And I was.

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