Substance Abuse and Mental Health

Themes:

- Facilitating discussions about substance abuse and mental health issues in the legal profession.

LEARNING HOW TO:

[a] recognize possible warning signs of addiction or mental health problems,

[b] understand the impact this may have upon one’s practice

[c] find resources for assistance

[d] provide support.

Conversation Starters:

- How do you handle stress in your practice? What are your coping strategies? Who do you turn to when you need support?

- What are the available WSBA member assistance resources for substance abuse and mental health?

- How are people impacted by addiction and/or mental health problems? Your peers? Your clients? Family or friends?

- What is the impact of addiction and/or mental health problems on the legal profession?
  - Discuss the proposition that scholarly and lay publications report that, compared to those in other professions, lawyers have some of the highest rates of alcohol and substance abuse.
  - If you had a crisis related to mental health or addiction, would you know where to turn?
  - How can therapy or group treatment be useful for these problems?
Activities:
• Brainstorm the most professional ways for dealing with the following situations:
  ◦ The judge before whom you appear seems impaired
  ◦ The opposing counsel in your case attempts to negotiate with you while seeming impaired
  ◦ Your client seems to be impaired at a hearing or a negotiation
  ◦ You are concerned that a colleague at work may be struggling with addiction
  ◦ Create a role play: One of you is struggling with one of these problems and the other is providing support.
• Explore employer’s mental health services and programs. EAPs? WSBA resources? Other options for attorneys.
• Consider privately taking a depression or addictions online self-assessment.
• Review best practices for suicide assessment.

Resources:
• Discuss what additional resources the mentor/mentee have found useful in their own practice.
• WSBA Resources for addiction and mental health:
  ◦ Review Member Wellness Program website to understand services offered. Understand Member Wellness Program Manager Dan Crystal’s role in providing consultations, triage, and referral. danc@wsba.org
  ◦ Discuss WSBA Connects member assistance program
    ▪ Discuss confidentiality of discussions with or reports to LAP [see APR 19]
    ▪ Review WSBA lending library materials on mental health
    ▪ After reviewing WSBA’s programs, find out what programs your employer offers and how you access them.
    ▪ Review this link to understand Washington rules and bar opinions about attorney cannabis use since the legalization of marijuana.
Resources (continued):

- Drug and alcohol assessment tools [www.drugabuse.gov]
- ABA: signs symptoms and effects of:
  - Alcohol abuse
  - Drug use and dependence
  - Depression
  - Stress
  - Potential suicide
- WSBA’s Connects Member Assistance program
- Depression screening self-assessment [mentalhealthamerica.net]
- List of Washington suicide hotlines. National Suicide Hotline open 24/7: 1-800-784-2433
- Washington Contemplative Lawyers website
- Rules of Professional Conduct and Rules for Enforcement of Lawyer Conduct
  - RPC 1.16 [a] (2) – duty to decline representation if attorney’s physical or mental condition impairs the ability to represent a client
  - RPC 1.14 – What to do when you represent a client with diminished capacity
  - RPC 8.3 – applicability of duty to report violations of RPC in cases of substance abuse or mental health
  - ELC 2.13 [c] – duty to disclose medical and psychological records
  - Discuss a lawyer’s personal and professional duties to assist their colleagues if he or she suspects impairment
- Information about WA mental health and adult drug courts