WVJLAP and Lawyer Well-Being

CHIEF JUSTICE BETH WALKER
WEST VIRGINIA PUBLIC DEFENDER SERVICES
2019 ANNUAL CONFERENCE

Agenda

• The New Court
• WVJLAP
• The Lawyer Well-Being Movement
• Q&A
The New Court

- Chief Justice Beth Walker (term expires December 31, 2028)
- Justice Margaret Workman (term expires December 31, 2020)
- Justice Tim Armstead (term expires December 31, 2020)
- Justice Evan Jenkins (term expires December 31, 2024)
- Justice John Hutchison (special election May 12, 2020)
The New Court

- Working with the Legislature
  - Courts 101
  - Budget

- Transparency and Accountability Initiative
  - Financial Policies
  - Travel Policies
  - IT Policies
  - Employee Handbook and Code of Conduct (in process)

- “Trust and Integrity Tour 2019”

Newest Circuit Judges

- Thomas H. Ewing (12th Circuit - Fayette) January 2, 2019
- David M. Hammer (23rd Circuit - Berkeley, Jefferson, and Morgan) May 22, 2018
- Debra McLaughlin (23rd Circuit) March 26, 2019
- Shawn D. Nines (19th Circuit - Barbour and Taylor) January 2, 2019
- Michael J. Olejasz (1st Circuit - Brooke, Hampshire, and Ohio) December 19, 2018
- Darl W. Poling (10th Circuit - Raleigh) April 10, 2019
- R. Steven Redding (23rd Circuit) March 19, 2018
- Tera Salango (13th Circuit – Kanawha) November 16, 2018;
- Debra Scudiere (17th Circuit - Monongalia) March 29, 2019
- Steven L. Shaffer (18th Circuit - Preston) May 18, 2018
The West Virginia Judicial & Lawyer Assistance Program (WVJLAP) is a free & confidential service for Lawyers, Judges, Bar Applicants and Law Students, who may be struggling with issues such as aging, retirement, stress, anxiety, burnout, work/life balance, depression, substance abuse, suicidal ideation, codependency, compulsive behavior, grief, trauma or any other mental/physical/emotional health disorders.
JLAP is more than you might think

JLAP provides

individual support consultation education
intervention support groups monitoring referrals
The Lawyer Well-Being Movement

2016 Surveys

- 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 (Journal of Legal Education)
  - 15 law schools
  - 3300 law students
- The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys (Journal of Addiction Medicine)
  - ABA CoLAP and Hazelden Betty Ford Foundation
  - 13,000 actively practicing lawyers
Law School Survey – Alcohol Use

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<thead>
<tr>
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<th>Law Students</th>
<th>Other Grad Students</th>
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<tr>
<td>Got drunk prior 30 days</td>
<td>53%</td>
<td>39%</td>
</tr>
<tr>
<td>Binge drank at least once prior 2 weeks</td>
<td>43%</td>
<td>36%</td>
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<tr>
<td>Binge drank at least twice</td>
<td>22%</td>
<td>21%</td>
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Law School Survey – Mental Health

- 17% depression
- 14% severe anxiety
- 23% mild/moderate anxiety
- 6% suicidal thoughts in last year
**Lawyer Survey – Alcohol Use**

![Bar chart showing alcohol use](chart.png)

“Problematic Drinking” = hazardous, possible dependence

**Lawyer Survey – Mental Health**

- **Mental Health Snapshot**
  - Depression - 28%
  - Severe Anxiety – 19%

- **Mental Health Over Career**
  - Anxiety – 61%
  - Depression – 46%
  - Suicidal Thoughts – 12%
Lawyer Well-Being

• NOT the absence of illness or 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
What is "well-being"?

A continuous process in which lawyers strive for thriving in each dimension of their lives:

- **OCCUPATIONAL**: Cultivating personal satisfaction, growth, and enrichment in work. Financial stability.
- **EMOTIONAL**: Recognizing the importance of emotions. Developing the ability to identify and manage our own emotions to support mental health, achieve goals, and inform decision-making. Seeking help for mental health when needed.
- **SOCIAL**: Developing a sense of connection, belonging, and a well-developed support network while also contributing to our groups and communities.
- **INTELLECTUAL**: Engaging in continuous learning and the pursuit of creative or intellectually challenging activities that foster ongoing development. Monitoring cognitive well-being.
- **PHYSICAL**: Striving for regular physical activity, proper diet and nutrition, sufficient sleep, and rejuvenation. Minimizing the use of addictive substances. Seeking help for physical health when needed.
- **SPIRITUAL**: Developing a sense of meaningfulness and purpose in all aspects of life.

**OUR CHALLENGES**

- 21-36% problem drinkers
- 28% depression
- 19% anxiety
- 23% elevated stress
- 25% work addiction
- High suicide rate
- Sleep deprivation
- Work-life conflict
- Avoid seeking help
- Job dissatisfaction and attrition

**OUR POTENTIAL**

- Physically strong and healthy
- Emotionally thriving
- Contributing to society
- Focusing on client care
- Feeling connected and a sense of belonging
- Willing to seek help
- Engaged at work
- Continually seeking intellectual growth
- Emotionally intelligent
- Experiencing a sense of meaning and purpose
West Virginia Task Force on Lawyer Well-Being

• Established March 21, 2018 by Court Order
• One of over 20 state initiatives
• Duties
  • Study the national report
  • Identify recommendations of national report to implement
  • Recommend any necessary rule changes

WV Task Force Members

Robert Albury
Hon. Michael J. Alois
Charles F. Bagley, III
Dean Gregory Bowman
Rachael Cipoletti
Hon. Bridge Cohee
Dana F. Eddy
Mark Gaydos
Brian A. Glasser

Michele Grinberg
Brad Hall, MD
Madeleine Jaeck
Karen E. Kahle
John R. McGhee, Jr.
Chris Newbold
Meshea L. Poore
Hon. Debra H. Scudiere
Teresa A. Tarr
Hon. Beth Walker, Chair
2018 West Virginia Lawyer Well-Being Survey

• 1,346 lawyers (including judges) completed the online survey through the web host Survey Monkey.

• Online survey completed in December 2018.

• Mark Blankenship Enterprises (MBE) was responsible for the data analysis and interpretations presented to the Task Force and summarized in this presentation. MBE was not solely responsible for sampling frame, questionnaire design or survey administration.

• Some totals in this presentation may not equal 100% as a result of rounding.

Selected Highlights of Key Findings

2018 West Virginia Lawyer Well-Being Survey
Over eight in ten (84%) say they are very/somewhat satisfied with their professional life – 16% are not.

“Generally how satisfied are you with your professional life?”

- Very Satisfied: 34%
- Somewhat Satisfied: 12%
- Not Very Satisfied: 4%
- Not At All Satisfied: 50%

Nearly one-third (29%) would likely NOT become a lawyer if they had to do it all over again.

“If you had to do it all over again, would you become a lawyer?”

- Definitely: 22%
- Probably: 33%
- Probably Not: 28%
- Definitely Not: 7%
- Unsure: 9%
Two in ten describe their overall well-being as excellent while one-fourth say it is fair/poor.

“How would you generally describe your well-being - meaning overall physical and mental health?”

Over half describe the overall well-being of other West Virginia lawyers as fair/poor.

“How would you generally describe your well-being - meaning overall physical and mental health – of the West Virginia lawyers you know?”
45% say professional experiences have fallen short or not met law school expectations.

“Thinking about your expectations before law school of what life would be like as a lawyer, how has your actual work as a lawyer compared to those expectations?”

Nearly half (47%) only somewhat agree they are optimistic about professional future.

“Do you agree or disagree with the following statement?”
I am optimistic about my professional future.
41% are unlikely to contact WVJLAP for help.

“How likely would you be to contact the WV Judicial and Lawyer Assistance Program if you or a family member or friend needed help?

- Very Likely: 18%
- Some Likely: 33%
- Not Very Likely: 28%
- Not Likely At All: 13%
- Unfamiliar with WVJLAP: 7%

West Virginia Task Force Work Highlights

- Partnering with the law school
  - Wellness room
  - Wellness in the curriculum
- Board of Law Examiners

**Question 33 - Psychotic Disorders**

Within the past five years, have you been diagnosed with or have you been treated for bipolar disorder, schizophrenia, paranoia, or any other psychotic disorder as defined by the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (DSM-5), or subsequent editions thereof?

[If the applicant responds affirmatively, he is prompted to provide the current contact information for the treating physician or counselor and to complete an authorization and release form for each physician or treatment facility.]
Q&A