

ATTORNEY – LEGAL COMMUNITY – WELL BEING

June 6, 2023

Welcome to **Dictum.Live**, a feature of Catalyst Publications. I am your host, Chris Fox.

This is another in a series of conversations relating to the practice of law, particularly as it pertains to the State of Washington.

Today, our topic is **Attorney Well-Being** or more broadly described **Legal Community Well-Being** as it encompasses law students, attorneys, and members of the judiciary.

I'm honored and pleased to introduce our first guest, [ADELY RUIZ](#), a clinical social worker, and part of the Wellness Team at the Washington State Bar Association. Adely previously worked at Sounds Belltown Clinic, a community health facility, and she has spent several years with the nonprofit organization Centro de la Raza. She received her master's in social work from the University of Washington.

Welcome, Adely.

ADELY RUIZ

Thank you, Chris. Yes, I am part of the [Member Wellness Program at WSBA](#). Our program provides services for our members and encompasses students as well. Although we do not directly provide services to the judiciary, we do reference it on our site.

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CHRIS FOX

Thank you, Adely. Our second guest is Washington State attorney [MARK BRAUMANN](#). Mark received his JD from Pepperdine University School of Law and has been an attorney with the state of Washington since 199. Presently he is a clinic director at the Conflict Science Institute and the Integrative Client Counseling Institute. He previously served as a Judge Pro Tem on both the Lower Elwha Klallam Tribal Court and the Clallam County District Court. Mark has presented on a variety of topics. One that particularly caught my attention relative to today's presentation is *Brains on Conflict: Interpersonal Neurobiology and Relationship Inform Conflict Resolvers*, at the Northwest Dispute Resolution Conference of 2014.

Welcome, Mark.

MARK BRAUMANN

Thanks Chris, nice to be here.

CHRIS FOX

Let me move to a brief description of the challenges - intrinsic or perhaps epidemic - to the legal profession, but they do exist as well in the public.

[*The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*](#)¹ identifies the challenges as:

¹From the [National Task Force on Lawyer Well-Being](#) conceptualized and initiated by the ABA Commission on Lawyer Assistance Programs

- 21 to 36% of the legal profession are problem drinkers.
- 28% suffer or are subject to depression.
- 19% experience anxiety, and
- 25% have work addiction.
- high suicide rate
- sleep deprivation
- work life conflict

Unfortunately, there is resistance or reluctance, and avoidance of seeking help.

Additionally, there have been several studies. One is [*It Takes Two: Professional Interconnections and Potential Collaborations Between Small Town Family Attorneys and Couple Family Therapists*](#). The abstract of this 2002 Antioch New England Graduate School study, and I quote, “attorneys who specialize in family practice may experience significant rates of mood disorders and substance reliance. They face challenges such as compassion fatigue and vicarious trauma. And burnout as well as safety concerns for themselves and unfortunately there's a resistance to therapy due to stigma or unfamiliarity with the process.

The second study, published in 2023, is titled [*The Impact Of Covid 19 Pandemic On Overall Well-Being Of Practicing Lawyers*](#). Quoting briefly from the abstract. “There's an alarming high suicide rate, drug overdoses and reports of severe depression and this is particularly the case with attorneys in rural practices and

(CoLAP), the National Organization of Bar Counsel (NOBC), and the Association of Professional Responsibility Lawyers (APRL).

solo practices.” The study identified attrition as a serious problem in the early years of legal career and once again highlighted a perceived stigma of perceived weakness which oftentimes prompts a hesitation in seeking therapy. Finally, the study didn't exclude judges from experiencing these kinds of issues. It notes that while attorneys typically socialize with other attorneys, judges are restricted from doing that.

So, with that is an introduction, let me turn the microphone over to either of you and ask if you'd like to elaborate or provide professional anecdotal information regarding those challenges?

ADELY RUIZ

From the standpoint of the Member Wellness Program and being able to work with these individuals, all these things are relevant and topics that we circle around.

Doing the stress group meetings there was conversation how a lot of these habits tend to show up and the wonderful thing about this group was that they were all able to agree that they were experiencing this and being able to be validated in this experience was wonderful. But it doesn't end there with the understanding with doing this group. Yes, it's important that the people were able to acknowledge that, but the legal community is so much bigger than that. And how do we communicate this to a larger or to a larger audience? And how do we minimize those experiences, those challenges?

As far as all these statistics you've addressed around anxiety, and substance use are common situations. Through this program we've provided a stress group and built community with

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attorneys who were able to relate to these issues and feel validated. But we're addressing this in a group of 6 to 7 people. The legal community is much larger than that. The goal is to create this community across a bigger audience.

MARK BRAUMANN

Right. And what the Bar Association is doing by making this program and Adely's work is fantastic by making this very specific thing that people can do, and for raising the topic as something to talk about. It's not something that people talk about or are comfortable talking about. For anyone who feels like they're getting to a point where things are getting difficult, consider a therapist. Look for somebody who you feel safe with. That's the most important thing. Shop around and try out a couple different therapists and just spend a little bit of time - six months or a year - just talking with somebody on a weekly basis.

CHRIS FOX

Mark, from your extensive legal background as a practitioner in the beautiful city of Port Angeles on the incredible Olympic Peninsula in the State of Washington, what have you observed in your collaborative efforts, your mediation efforts and your advocacy that particularly strikes you as stress points for attorneys that seem to come up on a repetitive basis, that perhaps what you have found or might suggest being helpful in addressing those issues?

MARK BRAUMANN

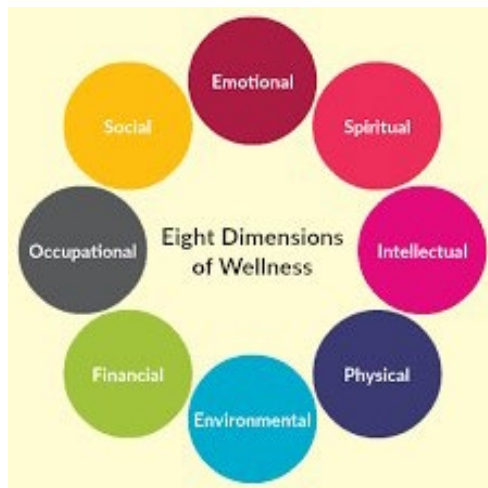
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Oh, that's a big question. But you know a lot of the things that we do. We don't really put the words to it that they are stressful and one of those that people don't always talk about is untrained judges that can be. A source of tremendous stress is the adversarial system, being in that all the time is a source of stress that oftentimes isn't acknowledged. Lawyers are particularly subject to secondary trauma daily. We get secondary trauma just from this being in the system but also in hearing our clients' trauma and their stories and really, it's like being a boxer is what we do as lawyers. We are going to get hit. We are going to get hurt probably every day experiencing other people's trauma and so taking some steps to manage that is essential. And a program like Adely's is a great start, but it's just a start and so we need to find models that help us think about it and there's a couple easy models to start with.

One is the 8-dimension model of wellness.



This graphic describes an 8-dimensional model that covers quite a range of areas that we might think of or might not think of the eight dimensions are: spiritual, social, physical, environmental, financial, emotional, intellectual, and occupational. As we start paying attention to all those different domains, we can put together a broad-based approach to helping us manage the secondary trauma that we experience and improve our wellness.

Another great model is the [Trauma Informed Care Model](#). It has a lot of useful information, and it has a pretty good orientation towards the legal community as well.

CHRIS FOX

Thank you, Mark. In my years of practice - and I acknowledge that I have stepped away from the active practice now and I'm just providing pro bono services - in litigation, client consultations and representation, I certainly observed many of the challenges previously described: drinking, depression, and anxiety. I'm not a medical practitioner by any means - you wouldn't want me operating on you - so I won't say this is causation, but maybe there's a correlation. I've had colleagues who unfortunately have suffered heart attacks, Parkinson's disease, and depression. And that's just in the attorney world. Amplifying what you described and pointed out, Mark, we are in a ring on behalf of our clients as we zealously represent them. This exposes us to a certain vulnerability to and empathy with the trauma that the clients are feeling. One very notable situation that I can recall particularly related to a woman I was representing in a domestic situation. It

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was an amicable ending to a long-term marriage. Certainly, she did not wish it and when a settlement proposal was received, she was in my conference room, and she couldn't bear to hear it. She crawled underneath my conference table, curled up in a fetal position. Over a period of time, with phone conversations with her therapist, we coaxed her out and took her to the clinic. Every moment of that is with me about how this process of legal involvement can impact clients and collaterally affect us.

Mark, you probably have some similar or at least some related incidences that you've observed over the years.

MARK BRAUMANN

Yes, suicide expressions or actual suicides. But your example is a good one. It's very intense and figuring out how to respond. One of the things that just comes through over and over, if you see what we do as being relational professional lawyers, is a subcategory being a relational professional. We can look at Adely's fields of mental health, counseling and education and see there's research that's been done and a lot of techniques that have been identified for how to have empathy. How to build it up and how to manage it. Being empathic is a great thing to do for clients and it's a powerful tool that you can use as a litigator. But it can also expose us to an increased level of exposure to trauma. So yes, learning to identify these experiences and how to manage them is important.

When you told me about that experience before, Chris, if taking off your coat and sitting down under the table with the client and just saying, I'll just sit here with you, might be a response. That

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was a response I did when a client expressed suicidal thoughts on the phone, and I had to call the police to do a wellness check. I arrived at her house just moments after the police did and I stayed there for the afternoon with the client and with the police. Just listening and being an ear. One of my favorite phrases from a master therapist is an agenda-less presence: just being present without being judgmental or expecting anything - just listening.

CHRIS FOX

Thank you very much Mark. I'd like to turn the conversation to the resources that are available and increasingly available. Adely, you, and your colleague Dan Kristol who is a clinical psychologist, are part of the Member Wellness Program of the Washington State Bar Association. You provide consultation, community and education on mental health and self-care topics. Your services are free and they're available to attorneys, law students and those concerned about an attorney. Looking at the website, I can see links to booking an initial consultation, raising an inquiry about a fellow attorney, and requesting a presentation. There is also a [Healing Of The Minds](#) Zoom meeting on June 15, 2023

Adely, can you elaborate or describe those?

ADELY RUIZ

Yes, thank you for providing the overview. Those clinical consultations are free. All our services are free to our members. Clinical consultations utilize a telehealth platform. It's HIPPA compliant. Our consultations are HIPPA compliant. There's an assumption or maybe feeling that I've seen amongst members that we're internal with the Bar Association. We are integrated

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there and sometimes raises the question; can I trust the licensing system that is overseeing my practice? I always like to make it clear that our clinical consultations have HIPPA confidential rights. So, nobody within the Bar Association is going to be looking at those other than myself and Dan Crystal, who is the program manager.

Apart from those services we are starting a second group. We just finished our stress group and as you mentioned Healing Minds is starting June 15th. This is going to be a telehealth platform as well. But that's going to be an ongoing support group that we're looking to offer, so this is different from the stress group which was eight weeks. The Healing Minds will be ongoing. We've learned a lot from other lab assistance programs across the country. Oregon does an ongoing one and used them as a crutch writer, kind of like a big brother or sibling that you can look over to for support and so they've really helped this group model as well or influenced us to offer this ongoing. Apart from just that group, even though we have not advertised it on our website yet, we are looking to start a Career Support Group as well. This will be a guidance model for individuals who are looking to change their practice. Also anticipated will be offering our service to students as well.

You mentioned the different link. We are trying to make it accessible. So, if you're looking to book that consultation you can do that on the website based on your time and availability. If it doesn't work for you, my direct contact is listed on the website as well. I want to make it clear to individuals to please reach out. We can always find a time that works. The life of a legal professional.

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is always busy and it's hard to find the time when you can receive the support, or when you can spend time for yourself outside of your career.

We're also offering concerned attorney options. We like to view these as our third -party calls when you may be concerned about somebody that you know or that you work with. Or you might be married to an attorney about whom you are concerned. The limitation is very small in terms of who can call us and showing concern. One thing that I would like to make clear about these third-party calls is they are confidential, both ways. We're not going to reveal the individual who is calling about the attorney of concern. And the same thing for the other individual who we're calling that is of concern. We're not going to reveal any of the information that they may have revealed to us or any struggles or whatever the case may be.

If you are concerned about an attorney, you're able to call and voice that, and we can connect with that individual or if you are not looking to reveal the name of the individual then we can go ahead and touch base about how we can provide that individual support. I've had calls that go both ways where they want to reveal the name of the attorney and I'm able to call them and support them. But it's not a system to reprimand people and that's always what I want to make clear about this because when I talk about it, it sounds like something to tattle on, right? It's just a system that you can use to tattle on individuals just as you would with the disciplinary counsel through the Washington State Bar. We are very much separate from that. This third-party

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call is meant as cry out for help. Whether it is the individual calling on themselves or somebody else calling on their behalf.

And then the last part you talked about was the presentations and so that's really where that community piece comes in along with the support groups that we do. This is a way to reach people on a larger level. We get requests from other firms and other bar associations. I just did a couple of presentations for Clark County and their Bar Association and for the King County Bar Association. This is a really nice way for us to provide these wellness topics, and attendees can receive free credit. It also allows for that ability to step away from your profession and recognize that your wellbeing does matter and how do we implement that and incorporate that in our work.

CHRIS FOX

And so, if I might Adely, just inquire about the dynamics relating to both the upcoming Zoom biweekly and the follow up that you or your colleague might make when a call is made by way of a referral, or a concern expressed about another attorney or member of the legal profession.

First, regarding the Zoom. Is there a hesitancy by people to acknowledge publicly that they may be experiencing one of these issues or challenges? How do you structure the Zoom conference in a way that potentially allows a certain degree and anonymity?

ADELY RUIZ

And yes, that's a great question. You know that's not something directly that I've experienced with our program generally when

people are reaching out to us. They really are open and want to receive that support. But if that were to happen, we are open to being able to offer that and navigate that and so I think my call would always be, let's just make a phone call then. Let's not even make this phone call because it might be a discomfort if I don't like this telehealth platform, which for some individuals I have seen where they just prefer the phone call instead. So, there's always ways to navigate that and I like to leave it as an open-door policy, making it clear to people about transparency. I think the biggest thing that it comes down to is just being fully transparent about what it is that you're doing. How are you documenting things? I always let individuals know whether they disclose to me the concern of documentation. I let them know I just write notes for the purpose of a summary so that when we do a follow up or check back, I know what we had talked about previously. But I don't put anything on there that may be incriminating or make you feel as though I am analyzing you from a clinical perspective that may feel to meaning.

CHRIS FOX

And the second part of my question has to do with you or your colleague reaching out in connection with a member of the legal community whose name has come up as a subject of concern. Is that a delicate or difficult call and what kind of receptivity have you experienced?

ADELY RUIZ

And yes, that's a great question. You know these calls are always interesting because you never know who it is at the other end

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that's making that call right and full transparency, I've gotten calls from the opposing council right? which then leads. Need to really take everything with the grain of salt because is it truly out of concern or do you feel as though we're going to reprimand the other individual and this will give you the upper hand in your case.

Attorneys have every right to respond in a rude manner and act out because somebody called out of concern for them. But they haven't. They've been gracious, letting me know what it is that may be going on. I've also had those calls where it wasn't that anything's going on but just opposing counsel wanting to be a little mean and nasty.

CHRIS FOX

Thank you. That is informative and provides insight. I will note that in linking through your program's website for booking a clinical consultation the template came up. The calendar is there, and it looks like it's quite easy to schedule a particular weekday, Monday through Friday on a half hour basis. The ease of connecting with you seems very apparent.

ADELY RUIZ

And yes, we try to make it easy. It's one link that's sent and even if you book follow up sessions that's going to be the same link. We try to make it as easy as possible. I'm glad that you mentioned that 30-minute sessions are what we're offering and that is what it states on the site and when you book. But I'm open to doing longer sessions with individuals as they see fit same thing with the number of consultations. I've noticed the 30 minutes doesn't

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always feel like it's enough. The first session is just figuring out what it is that's going on? How can we provide support? By the time you get to the second session you've started to do some of the work to provide the support. When you get to the third session, and you've only officially done one session where you feel like you've worked on things other than just addressing the initial stuff. So, I always try to offer more services, and that's a conversation I have right at the beginning of our third session, letting individuals that I am willing to offer more. Some people are okay with just the three and they'll let me know, but I always want to make it clear that there is an open-door policy and I want to be able to provide as much support as I can.

CHRIS FOX

The MCLE board has proposed a one credit of mental health ethics for the APR 1. [The MCLE is requested responses to a survey by June 9, 2023.](#)² Mark. what are your thoughts on requiring credit for Mental Health ethics?

² WSBA proposed APR 11 amendments proposed April 25, 2023 Comments [here](#) by June 9, 2023, or attend the MCLE Board meeting on June 16, 2023, where comments will be heard via Zoom or phone. Specifics: i. (10) *Mental health ethics*, defined as subjects that educate and inform lawyers, LLLTs, or LPOs about their ethical obligations and professional responsibilities under the rules of professional conduct regarding mental health issues. This includes education concerning the ethical risks to the practice of law associated with, but not treatment for, substance abuse, addictive behaviors, stress management, work-life balance, anxiety disorders, depression, bipolar disorder, suicide prevention, schizophrenia, and other mental health issues.

MARK BRAUMANN

You know I think people will have multiple feelings. On one hand, oh yuck, they're making us do more stuff. They're micromanaging what we do but on the other hand what we do is really complicated. I personally wouldn't think of it as a necessarily mental health credit so much as a client counseling credit in terms of a relational approach. How do I function? What affects me in a positive or negative way? How do I relate to my clients and what do I do that has a positive or negative effect on my clients. I think it's a great thing.

CHRIS FOX

Adely, since you are part of the WSBA and involved in the internal functioning of it and providing services, as I read the Board of Governors meeting minutes, particularly from the meeting held on May 19-20, 2023, it does appear that the Board Of Governors is taking an increased interest and placing more emphasis on member well-being as a strategic priority. Judging from the Board is going to form a task force to study the issue and report back the findings and bring together stakeholders to talk about this topic. Do you sense within the internal workings of WSBA an increased interest in this topic and this concern?

ADELY RUIZ

Yes, there definitely has been an increased interest in discussing this and being able to research it further. They approved the task force several years back and approved extra funding which has

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now allowed me to be employed through the Bar. They've shown interest in member wellness and overall attorney well-being. There's going to be research that we've talked about within the memory wellness program and or what could that look like.

CHRIS FOX

Adely, have you or your colleague or other individuals associated with Member Wellbeing given presentations to law schools in the state?

ADELY RUIZ

Unfortunately, because of Covid things like that died down momentarily. But recently we've been connecting again with the law schools to be able to provide the support, so it is a conversation that we've had and something that we've been talking about for our goals for the fiscal year.

CHRIS FOX

During preliminary research prior to this conversation I found that [Gonzaga School of Law has an ongoing program for the well-being of its law students along with a robust and dynamic website](#). Perhaps Seattle University and University of Washington can follow suit with something similar.

ADELY RUIZ

And yes, Gonzaga's got a good program and I know that while other schools within Washington State might not be as robust as that. I know that there's a conversation ongoing around well-being.

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And there's also been studies around changing the way law schools are structured to facilitate that well-being early in someone's legal career.

CHRIS FOX

Mark, as we conclude this conversation, I invite you to offer your thoughts not only on what we've talked about but also ways we haven't discussed that could fashion either a curriculum or a presentation or effectively reaching out to the legal community.

MARK BRAUMANN

Adely's group meeting idea is great. All the therapists and coaches I know say group sessions are powerful and an effective model for many people. This is in part because the feelings that we have are never unique to just ourselves and the other thing, it is a complex topic. Even knowing that trauma is difficult to define.

Thinking about wellness is multi-dimensional. I wrote a blog article on the [Conflicts Science Institute](#) website.³ DMM⁴ is a model that I like to use for understanding trauma and conflict. I wrote an article about tuning into wellness and secondary trauma. So, all the things that I've mentioned today are in that article with links to other resources. But really, it's getting to find a model to help us think about all this.

³ Related: [Wellness and secondary trauma for legal professionals: safety and danger](#), Conflict Science Institute, June 6, 2023

⁴ [Dynamic-Maturational Model of Attachment and Adaptation](#)

One of my favorite hobbies is to take parenting classes from some of the more advanced parenting models because when you're talking about parenting skills or parenting education, you're really talking about one form of relationship. How do parents communicate and relate to their children and how do children relate to their parents? It's the same how we relate to our clients, how we relate to the trauma that we are exposed to, how we bring that home and communicate with our partners and our friends. It's all about relationships.

CHRIS FOX

Thank you both. We've talked about the challenges that individuals face. We've talked about the programs and increased interests available through the Bar Association. To add further context, there is the [Institute for Well-Being in Law](#). Numerous states have well-being task forces, 24 states plus Puerto Rico as of 2021. Washington may be joining them. The Institute for Well-Being website has available [podcasts](#): 28 episodes beginning in August 2020 and the most recent April 26, 2023. I encourage our listeners to access those and draw from them whatever he or she may wish. Although not focused on Washington State, there's information that may be helpful to all of us in the legal profession.

Do either of you have any closing comments?

MARK BRAUMANN

Yes, I would just say thanks Adely for doing all this this work and helping to be a leader on the topic. It's great.

ADELY RUIZ

Thank you, Mark. And thank you both for considering us. And for our members, please schedule a consultation with us. It's free.

CHRIS FOX

So, thank you both. May you each have a great afternoon.

MARK BRAUMANN

Thanks Chris.

ADELY RUIZ

Thank you.