



Say Something

“If you see something, say something.”

I’ve always been uncomfortable with that post-9-11 anti-terrorism guidance. It reminds me more of life under the Stasi, the East German secret police, than anything remotely American. Even so, it condenses crucial, life- and career-saving advice for Tennessee lawyers.

I am tempted to say we practice during a crisis in lawyer mental

health and substance abuse. But that’s not right. “Crisis” suggests a finite period of danger. And there’s nothing finite or temporary about the mental health and substance abuse issues we face. As long as any lawyer alive today has practiced, and probably as long as any of us will practice, the mental health dangers and challenges we face have existed and will continue to exist.

What has changed, and what we can change more, is how we react, both personally and as a profession.

In July, *The New York Times* published a remarkable lawyer story, “The Lawyer, the Addict.” It’s the story of the death of a high-powered lawyer who practiced with a prestigious Silicon Valley firm. It’s also the story of how the writer, the lawyer’s ex-wife, retraced the last months and years of that lawyer’s life. It chronicles his descent into addiction and his death without reaching out for help.

Last year, for the first time in more than 25 years, we heard the results of a wide-ranging empirical study of lawyer mental health and substance abuse issues. It was grounded in a sample of almost 13,000 lawyers (including Tennessee lawyers) and used widely accepted survey instruments. The last such study, in 1990, focused on about 1,200 Washington state lawyers. This 2016 study by the Hazelden Betty Ford Foundation and the Wisconsin Lawyers Assistance Program made headlines with stunning results.

About 36 percent of practicing attorneys today are problem drinkers. To put

that in perspective, about 15 percent of our physician and surgeon colleagues and about 6 percent of the general population are problem drinkers. The 1990 survey found 18 percent to be problem drinkers, then almost twice the prevalence in the general population. The 1990 study found about 19 percent of lawyers with significant indications of depression, compared with 3 to 9 percent in the broader population.

Most counter to my own expectations were the Hazelden study’s clear findings that those in the first 10 years of practice are most at risk, upending naïve notions I had that our younger colleagues were healthier, stronger, and more resilient. Attorneys with 10 years or less of experience had significantly higher rates of alcohol abuse than those with more experience. That finding directly contradicted findings in the 1990 study.

About 29 percent of those studied qualified as problem drinkers in their first 10 years of practice. That figure dropped to about 21 percent for those practicing between 11 and 20 years. According to the Hazelden study, more than 32 percent of lawyers under 30 qualify as problem drinkers, as compared to 26 percent between the ages of 31 and 40. Consistent with these results, three times as many lawyers reported that problematic drinking had started within their first 15 years after law school.

The Hazelden study also concluded that attorneys working in private firms and for bar associations were more at risk

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for hazardous drinking.

Just as with problem drinking, depression is more prevalent among lawyers than among other professionals and than among the general population. Again, those lawyers most at risk are those younger and newer to practice. About 28 percent of practicing lawyers struggle with depression.

I've spent a lot of time representing and advising lawyers, often at times of real stress. Dealing with a bar complaint, or moving their practice, can be stressful. Over the years, I have often said to these lawyers, right out loud: *Lawyers are human; we're all subject to ordinary human emotions and stress; and many of us are very bad at recognizing that we are affected by the current state of our mental and emotional health.* I know how mundane — or even silly — this sounds, but experience has taught me that, sometimes, in a time of stress, just quietly focusing a lawyer on that thought can bring them up short, helping them to ask for or accept help.

While I'm no expert on mental health, I know that timely help is crucial.

Tennessee is blessed with formal and informal resources, in almost all corners of our legal community, from Memphis to Mountain City, that change the lives and save the careers of lawyers and judges in trouble. Foremost among these is TLAP — the Tennessee Lawyers Assistance Program. TLAP is staffed by its marvelous Executive Director Laura McClendon and her remarkable Deputy Director Ted Rice, and led by an intensely committed TLAP Commission, currently chaired by Judge John Everett Williams. Even if you know them, you may not realize that TLAP has an unpaid army of devoted volunteers and friends. They're in every community, intensely devoted to changing and saving the lives of Tennessee lawyers and judges with mental health and substance abuse issues.

As your president, I have also asked our TBA Attorney Well-Being Committee,
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Attorney Well-Being Resources

To contact or learn more about the **Tennessee Lawyer Assistance Program**, visit www.tlap.org or call toll-free 877-424-8527.

Read *The New York Times* article, "**The Lawyer, the Addict**," at www.nytimes.com/2017/07/15/business/lawyers-addiction-mental-health.html?_r=0.

To see the **2016 ABA/Hazelden Betty Ford** study:

- Visit http://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx.
- See this PowerPoint by the researchers at https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_aba_hazelden_research_sept_2016_webinar_powerpoint_presentation.authcheckdam.pdf.

For more about the report, "**The Path to Lawyer Well-Being: Practical Recommendations for Positive Change**," released recently by the National Task Force on Lawyer Well-Being, see the press release of the ABA Commission on Lawyer Assistance Programs (CoLAP) at www.americanbar.org/news/abanews/aba-news-archives/2017/08/growing_concern_over.html. Download the report at <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportFINAL.pdf>.

For more information about the **TBA Attorney Well-Being Committee**, visit www.tba.org/committee/attorney-well-being-committee or contact **Chair Julie Sandine** at jzanolli.sandine@gmail.com.

WRITE TO THE JOURNAL! Letters to the editor are welcomed and considered for publication on the basis of timeliness, taste, clarity and space. They should be typed and include the author's name, address and phone number (for verification purposes). Please send your comments to 221 Fourth Ave. N., Suite 400, Nashville, TN 37219-2198; FAX (615) 297-8058; EMAIL: srobertson@tnbar.org.

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ably chaired by Julie Sandine, to study a fine new report, "The Path to Lawyer Well-Being: Practical Recommendations for Positive Change," released last month by the National Task Force on Lawyer Well-Being. It's a very thoughtful and practical set of recommendations aimed at root causes and prevention. Expect to hear more from your TBA on initiatives in the coming months.

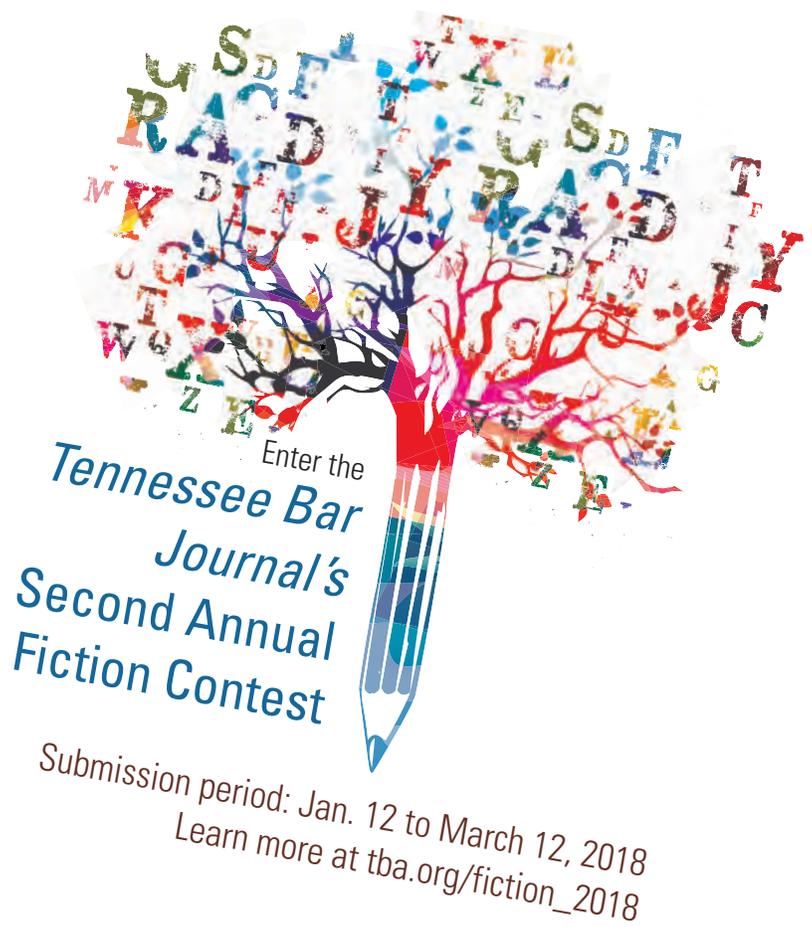
But none of these resources matter if lawyers and judges in need don't get to them. Which brings me back to where I started. We all need help sometimes. Often, we don't know it when we do. But often those around us do. Small (or large) changes in behavior can tell others something is amiss. And those around us can make a difference when they do something or say something.

The few times I've experienced some worry about a fellow lawyer's mental health or well-being, I've almost never known what to do. But the answer isn't as hard as I have sometimes made it. Talk with the lawyer; ask what might be amiss or just show you care; call their partner, if you know them, or another friend of the lawyer, or just your own partner or friend, and discuss what can be done.

Or — my favorite reaction — call TLAP and say, "I have no idea what to do, but I am worried. What should I do?" I have always gotten meaningful advice from TLAP in this situation.

If you see something, say something. You could save a career, a marriage, a family, or a life. 

LUCIAN T. PERA is a partner in the Memphis office of Adams and Reese LLP. A Memphis native, he is a graduate of Princeton University and Vanderbilt University School of Law. He is a former TBA YLD President and a past ABA Treasurer. His wife Jane tells us she wishes he'd ask for help more often himself, but that's apparently a whole other column. You can reach him at Lucian.Pera@arlaw.com.



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