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Substance Abuse and Mental Health

IV. PERSONAL DEVELOPMENT

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?

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Activities:

- Brainstorm the most professional ways for dealing with the following situations:
 - The judge whom you appear before 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. Contact Dan Crystal, WSBA Member Wellness Program Manager danc@wsba.org or Adely Ruiz, Clinician and Outreach Lead adelyr@wsba.org or 206-727-8268 for consultations, triage, and referrals.
 - 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.

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Resources (continued):

- Drug and alcohol [assessment tools \(www.drugabuse.gov\)](http://www.drugabuse.gov)
- ABA: signs symptoms and effects of:
 - [Alcohol abuse](#)
 - [Drug use and dependence](#)
 - [Depression](#)
 - [Stress](#)
 - [Potential suicide](#)
- Clinical consults through [WSBA's Member Wellness 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 they suspect impairment.