

Work + Wellness Day: Preventing Burnout & Promoting Mental Health in the Legal Profession

Tuesday, April 26, 2016 Seattle, WA

*Presented by WSBA CLE
in partnership with the WSBA Lawyers Assistance Program*

CHAPTER ONE

**BURNOUT OR FADE AWAY, ISN'T THERE ANOTHER WAY? RECOGNITION AND
MANAGEMENT APPROACHES TO PROFESSIONAL STRESS AND BURNOUT**

April 2016

Dr. Chris Bundy
Washington Physicians HealthPhone: (206) 583-0127
Email: cbundy@wphp.org

CHRIS BUNDY, MD, MPH, is the Medical Director of the Washington Physicians Health Program (WPHP) and Clinical Assistant Professor of Psychiatry at the University of Washington School of Medicine. He is board certified in adult and geriatric psychiatry and addiction medicine. Dr. Bundy came to WPHP in 2014 from the VA Puget Sound Health Care System where he was Mental Health Service Chief and Chief of Psychiatry. His professional interests and recent speaking engagements focus on physician health related to substance use, cannabis legalization, burnout, and aging.

Burnout or Fade Away - Isn't There Another Way?



Recognition and Management Approaches to Professional Stress and Burnout

Introduction

Despite an apparent high prevalence of burnout among attorneys, it has not been well studied in this group and is often accepted as a normal part of the profession. Lawyers suffer disproportionately high rates of psychological distress, depression, suicide, and substance use disorders, and have high rates of job turnover and egress from the field. Could burnout be a prodrome to these issues?

Burnout has been well studied in physicians. Extrapolating from this reasonably comparable group of professionals suggests that burnout in attorneys is likely a significant problem with understandable causes and preventable consequences. With this insight, comes the opportunity for change. However, change requires a willingness to take action.

In this session we will explore the scope of the problem of burnout among attorneys and the suffering that accompanies it. We will then look at the individual and systemic issues that create vulnerability to burnout and what can be done to reduce the risk and address the problem once it has taken hold. Sometimes a change of job or career is what is needed, however less drastic measures may produce substantial relief. With this in mind, participants will use their own ideas for change as a model for understanding the process and what keeps us from evolving in ways that promote our own wellness and resilience.

Burnout and Wellness for Legal Professionals



Useful Links

Burnout Self-Assessment:

https://www.mindtools.com/pages/article/newTCS_08.htm

Mindfulness Practice:

<http://www.mindfulnessnorthwest.com/> (Facilitates WPHP Mindfulness Programs)

<http://themindfullawyer.com/> (Scott Rogers, MS, JD)

<http://www.miamimindfulness.org/> (University of Miami Mindfulness Law Program)

<http://ggia.berkeley.edu/> ("Greater Good in Action" mindfulness practices from the Greater Good Science Center)

Meditation Apps:

Headspace: <https://www.headspace.com/>

Calm: <https://www.calm.com/>

ABA Academy: Wellness CME

<http://shop.americanbar.org/eBus/abaacademy.aspx?ptopic=Lawyer+Wellness^Professional+Interests~Lawyer+Wellness>

ABA Leisure Program

<http://www.abaleisure.org/home>

Articles:

French, D. American Legal Education and Professional Despair. Acad. Quest. (2011) 24; 157-166.

https://www.nas.org/articles/American_Legal_Education_and_Professional_Despair

Maslach and Leiter. Reversing Burnout. Stanford Social Innovation Review. 2005:

http://ssir.org/articles/entry/reversing_burnout

Sara Tollefson, Mindful Lawyering, Greater Good Science Center, 2014:

http://greatergood.berkeley.edu/article/item/mindful_lawyering

Burnout or Fade Away - Isn't There Another Way?

Recognition and Management Approaches
to Professional Stress and Burnout

Washington State Bar Association
Lawyers Assistance Program
April 26, 2016



Chris Bundy, MD, MPH
Medical Director
Washington Physicians Health Program
Clinical Assistant Professor
University of Washington School of Medicine

Disclosures

- Speaker has no conflicts of interest to report



Presentation Goals

After attending this presentation participants will be able to:

- Define burnout and identify signs of burnout in yourself or a colleague
- Describe the professional and personal consequences of burnout
- Identify strategies for change that may improve burnout and increase resiliency

What percent of attorneys are currently burned out?

- 0-25%
- 25-50%
- 50-75%
- 75-100%

Is Burnout a Sign of Success?

To what extent do you agree with the following statement...



Burnout Badge of Honor

**If you aren't burned out,
you aren't doing it right.**

- Totally agree
- Somewhat agree
- Neutral
- Somewhat disagree
- Totally disagree

Case: The Burned Out Dentist

- Max was a 50 y/o dentist who started a private practice after retiring from a successful career as a military dentist. After two years Max was burned out and his practice was failing.
- He hired a consultant who insisted he take one week off for every six weeks of work. Max complained that this just wasn't possible. The consultant set an ultimatum – if Max didn't follow his directions, he'd have to find a new consultant.
- Desperate to see his practice succeed, Max relented and agreed to try it out. Over the next year Max's practice flourished, his profits increased, and he re-discovered his love of dentistry. He continued to follow the consultant's advice and over the next three years his productivity and profits increased year over year.
- As he nears retirement, Max is still taking a week off for every six he works and his practice has never been stronger.

What is Burnout?

Burnout

- Emotional exhaustion
- Depersonalization
- Low personal achievement



Resulting in decreased effectiveness

Maslach Burnout Inventory

- Developed in 1980, validated over the last 30 years.
- 22 item survey evaluates the 3 domains of burnout.
- Respondents rate frequency on 7 point Likert scale.
- 3 Sub-Scales: Depersonalization, Emotional Exhaustion and Low Personal Accomplishment
- Normative national samples of like professionals

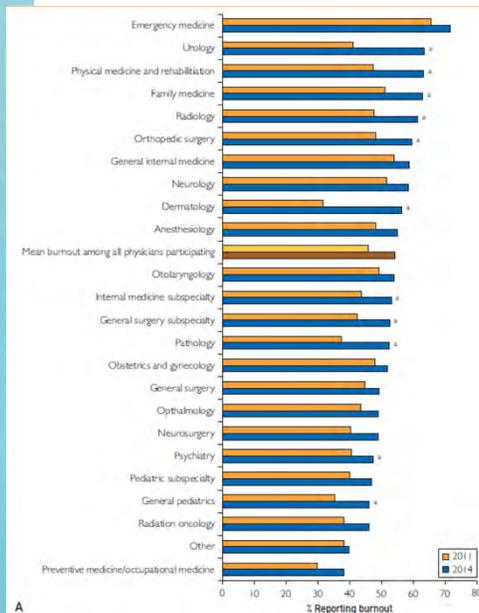
Getting Crispy?

- Irritability
- Poor sleep
- Anxious
- Callous
- Cynical
- Interpersonal Conflicts
- Exhausted
- Social Withdrawal
- Demoralized
- Unmotivated
- Poor self-care

Are You Burned Out?

- Yes
- No
- Maybe

Prevalence of Burnout in Physicians...is Increasing



**54.4% burnout (2014)
vs
45.5% (2011)**

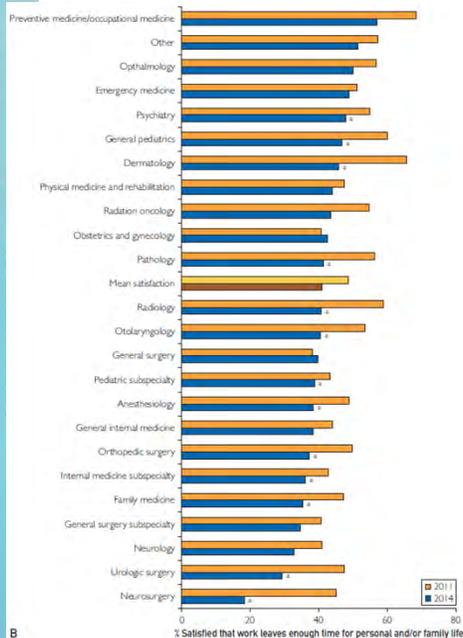
Changes in Burnout and Satisfaction With Work-Life Balance in Physicians and the General US Working Population Between 2011 and 2014

Tait D. Shanafelt, MD; Omar Hasan, MBBS, MPH; Lotte N. Dyrbye, MD, MHPE; Christine Sinsky, MD; Daniel Satele, MS; Jeff Sloan, PhD; and Colin P. West, MD, PhD

Mayo Clin Proc. December 2015;90(12):1600-1613.

N=6880 physicians

Physician Work-Life Balance...is Worsening



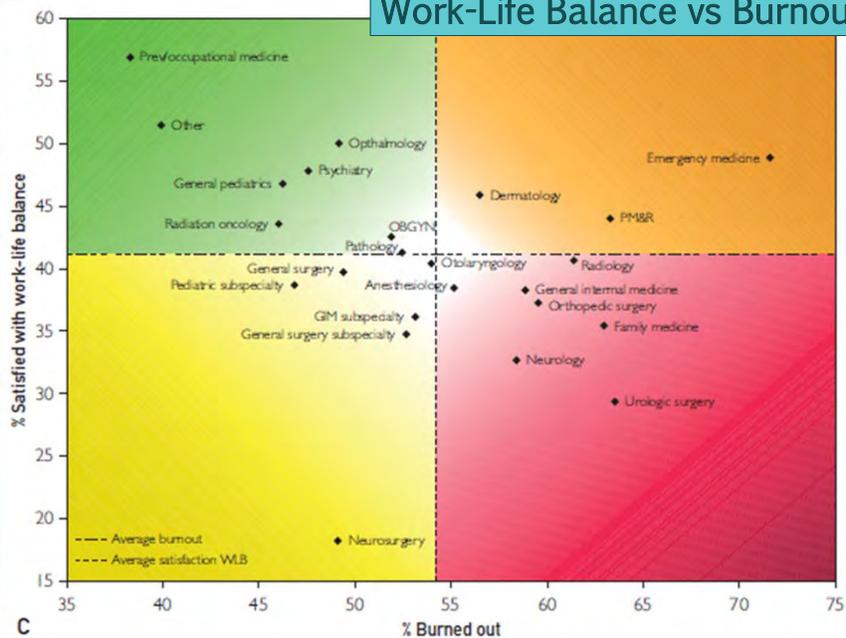
40.9% satisfied (2014)

vs

48.5% (2011)

B

Work-Life Balance vs Burnout

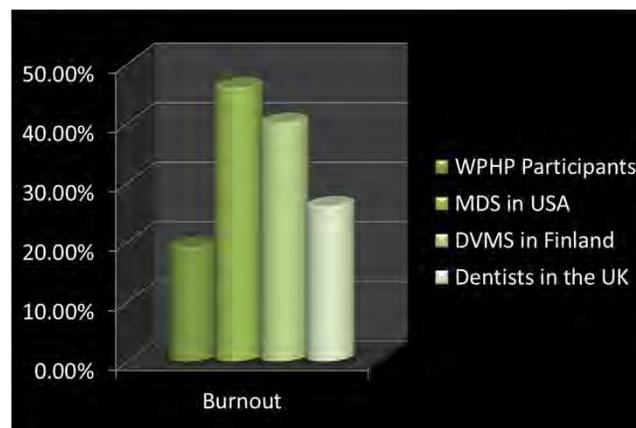


C

Burnout Greater Among Physicians than Non-Physicians...

- OR 1.36 vs matched, employed, population controls
-(6179 MD vs 3442 control)
- In general, more education associated with decreased burnout
- Except for medical professionals

Burnout is Prevalent Among other Medical Professionals



Shaw, Meredith, Bundy, April 2015, presented at FSPHP Annual Meeting

What About Lawyers?



- “Burnout and attorney” 11 pubmed citations
- “Burnout and physician” 1879 pubmed citations
- Google results for attorneys...

How lawyers can avoid burnout and debilitating anxiety
www.abajournal.com/newsroom/articles/2015/07/20/how-lawyers-can-avoid-burnout-and-debilitating-anxiety/

Knockout Burnout - Attorney at Work - Attorney at Work
www.attorneyatwork.com/knockout-burnout/

A Lawyer's Guide To Dealing With Burnout: Does Burnout...
www.lawyersfordepression.com/~a-lawyers-guide-to-dealing-with-bur/

Burnout: Avoidable, Not Inevitable | Law Practice Division
www.americanbar.org/groups/law_practice/division_of_legal_education/~/media/~/images/pdfs/2014/04/20140420_burnout-avoidable-not-inevitable.pdf

Burnout: A Necessary Part of Lawyers' Lives?
www.southflorida.com/~burnout-a-necessary-part-of-lawyers-lives/

My Burnout Story - JD Nation

= 390,000

Indirect Evidence: Depression and Suicide

- Burnout is correlated with depression and suicide in physicians
- Lawyers are 3.6 times more likely to suffer from depression than non-lawyers (including physicians). Lawyers are the most frequently depressed occupational group in the US
- Lawyers rank 5th in incidence of suicide by occupation. They are 4 times more likely to kill themselves than non-attorneys (vs physicians who are 2-3x as likely)
- Do higher rates of burnout account for the higher rates of depression and suicide in attorneys?

Burnout and Suicidal Ideation in U.S. Medical Students

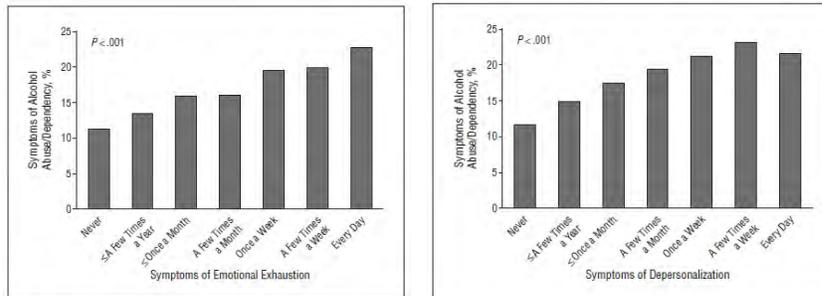
Risk of Suicidal Ideation	Odds Ratio	
Burnout	OR 3.46	P<0.001
High Emotional Exhaustion	OR 3.17	P<0.001
High Depersonalization	OR 2.10	P<0.001
Low Sense of Personal Accomplishment	OR 2.03	P<0.001

Drybye et al., *Annals of Internal Medicine* 2008;149:334-341

Indirect Evidence: Substance Use

- Burnout is correlated with substance use problems in physicians
- Substance use problems are more prevalent in lawyers
- Krill et al. *Journal of Addiction Medicine* 2015
 - n=14,895
 - 20.6 % lawyers problem drinking by AUDIT score vs 12% of the general population
 - 15% of surgeons scored positive on the quantity/frequency subscale (Oreskovich et al. 2012) compared with 36.4% in the Krill study
- Do higher rates of burnout account for higher rates of substance use disorders in attorneys?

Burnout and Alcohol Problems in Physicians



Oreskovich et al, *Archives of Surgery* 2012 Feb;147(2):168-174

Indirect Evidence: Turnover and Egress

- 40,000 lawyers leave practice every year
 - Diana Nelson Jones, Legally Unhappy: Experts Worry About Growing Tide of Lawyers Abandoning Careers, Pittsburgh Post-Gazette, May 4, 2005
- 1998 NALP Study, 10K associates: 9% in 1st year, 50% by year 3
- 2010: 20% of law firms lost their associates (<100 and 251-500 attorney firms)
 - Association for Legal Professionals Foundation
- 13 billion in turnover costs to the legal industry
 - The Right Profile White Paper: Assessing Lawyer Traits and Finding a Fit for Success, 2014

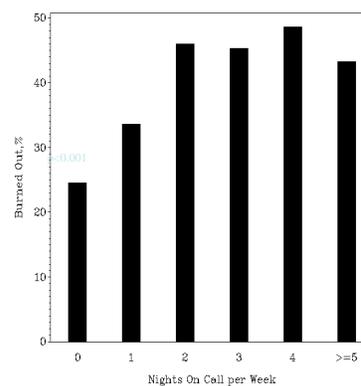
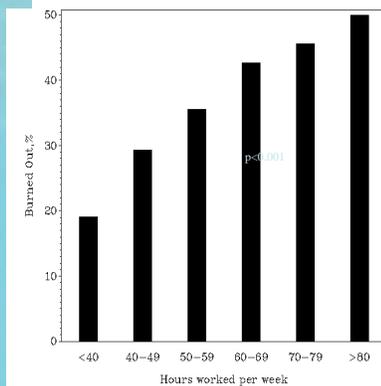
What Causes Burnout?

Physician Personality Characteristics Associated with Burnout

- Perfectionism
- High achievement orientation
- Difficulty setting boundaries
- Intellectualization
- Delay of gratification
- Compartmentalization
- Materialism



Hours, nights on call and burnout



Balch et al, *Journal of the American College of Surgery*, 2010; 211: 609-19

What Causes Burnout?

Attorney Personality Characteristics Associated with Burnout

- Need achievement
- Be extroverted and sociable
- Be competitive, argumentative, aggressive, dominant, cold,
- Show low interest in people, emotional concerns and interpersonal matters,
- Have disproportionate preference for Myers-Briggs thinking v. feeling
- Focus on economic bottom-line and material concerns
- Have a markedly higher incidence of psychological distress and substance abuse.

Susan Daicoff. Lawyer, Know Thyself: a Psychological Analysis of Personality Strengths and Weaknesses, 2004, pp. 40-41

What Causes Burnout?

It starts in Law School...

- Entering law school, students are psychologically healthy. After law school, 20-40% have a psychological dysfunction
- 44% law students have clinically significant psychological distress, negative symptom levels begin within 6 months of starting
- Law students use more alcohol and drugs than college and high-school graduates of same age, increasing between L2-L3 years
- Higher stress, stress symptoms, and alcohol abuse than medical students

Peterson and Peterson. Stemming the Tide of Law Student Depression. Yale J. Health Pol'y L. & Ethics 357 2009

What Causes Burnout?

...and continues in the work environment

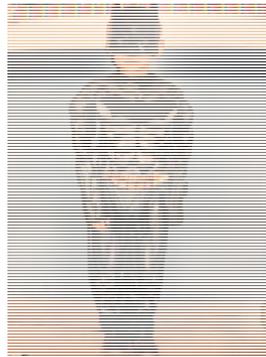
- Long, dehumanizing hours
- Burdens of responsibility for someone else's money, family, freedom, even life
- The omnipresence of trained adversaries eager to pounce on any opening
- Judges, juries, others constantly passing judgment on your performance
- Ever-present deadlines



What Causes Burnout?

...and continues in the work environment

- Ever-present interruptions-telephones, emails, Blackberries
- Instant communication causing ever-faster documents and decisions
- Competition for clients
- Clients' stress and anger transferred to their lawyers
- Job security concerns
- A gap between the ideals of those entering the profession and the reality
- Gap between lawyers' intelligence and the mind-numbing nature of the work



Stress: What Is It?" in Julie Tamminen, ed., Living with the Law: Strategies to Avoid Burnout and Create Balance, 1997, pp. 1-2.

<http://blogs.wsj.com/law/2007/07/16/british-lawyers-are-unhappy-too/> by Peter Lattman on 16th July 2007

Which of the following is most contributing to stress or burnout in your current practice?

- Unreasonable demands/long work hours/billable hour
- Adversarial nature of the work
- Economic pressures (attorney oversupply, lack of work)
- Client demands
- Unrewarding work

Work Correlates

- Workload
 - Sustainable workload versus chronic overload – exhausts energy
 - Do employees have recovery time?
- Control
 - Access to resources; **experience of autonomy**; perceived capacity to impact decisions that affect their work product
- Reward
 - Are rewards – both intrinsic and extrinsic – consistent with expectation? Are rewards connected to outcomes that the individual has some **control** over?
- Community
 - What is the overall quality of social and interpersonal community at the workplace? **To what degree are unresolved conflicts endured?**
- Fairness
 - **Perception of fairness** fosters respect, shared community, and feelings of self-worth
- Values
 - What motivation attracted us to this job? How well do personal ideals/goals match with organization mission?

Leiter & Maslach, 2004. Areas of worklife: A structured approach to organizational predictors of job burnout. In P. Perrewé & D. C. Ganster, (Eds.), Research in occupational stress and well being: Vol. 3. Emotional and physiological processes and positive intervention strategies: 91-134.

Consequences of Burnout

- Professional misconduct
- Errors
- Patient/client dissatisfaction
- Patient/client noncompliance
- Absenteeism, high turnover
- Disruptions in collaboration, consultation, collegiality, and morale
- Marital and family discord
- Decreased quality of life

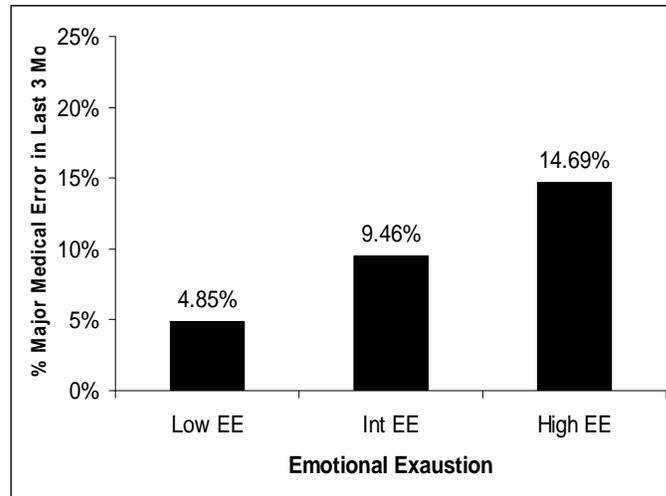
31

Self-Reported Major Medical Errors in ACS Survey

	OR Reporting Error	p
Each 1 point increase EE	1.05	<0.0001
Each 1 point increase DP	1.11	<0.0001
Each 1 point decrease PA	0.97	<0.0001
Screen + depression	3.21	<0.0001

Balch et al, Journal of the American College of Surgery, 2010; 211: 609-19

Emotional Exhaustion and Errors



Balch et al, Journal of the American College of Surgery, 2010; 211: 609-19

Stress and/or burnout negatively impacts my ability to function at work or home...

- Never
- Rarely
- Sometimes
- Often



Killing our greatest assets??

Barriers to Recognition and Assistance



Imperviousness



Culture of Silence



Immense Denial

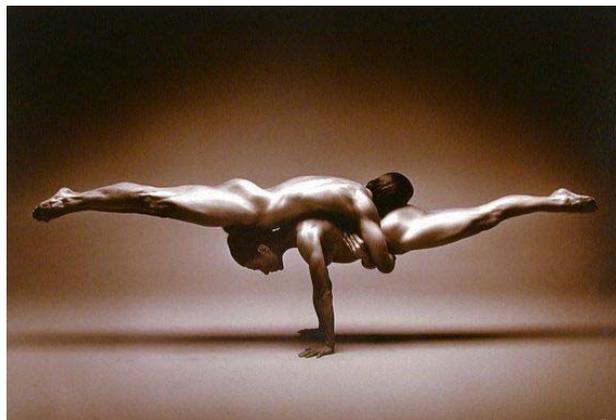


Fear of professional sanction

For Consideration

- We are each the architect of our own misery
- Self-awareness is the precursor to wellness but it is not enough
- The health and well being of organizations and individuals is inextricably linked and bi-directional
- Tomorrow's most successful firms and practices will be those that have the highest levels of attorney satisfaction, health, and well-being

Balance: Yeah, right...



Wellness = Engagement

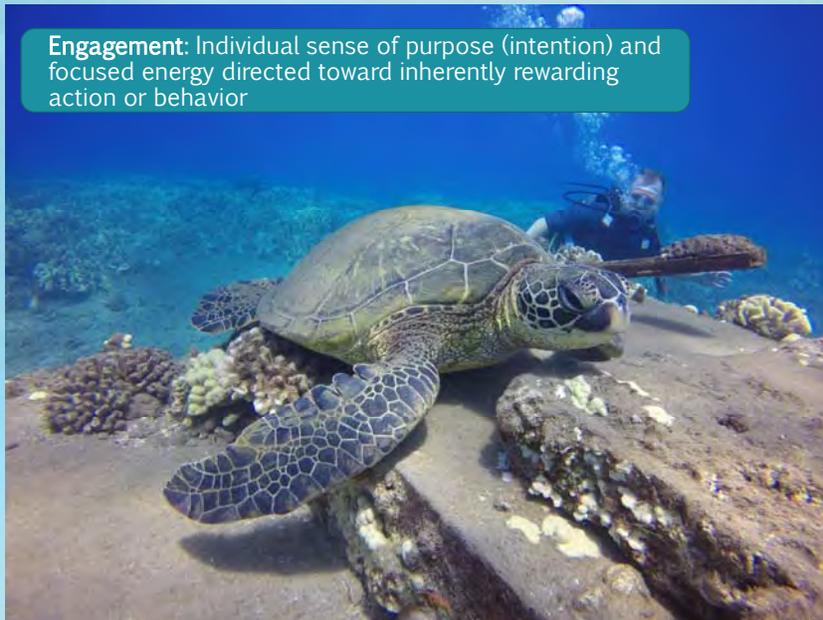


What is “wellness” and how does it apply to attorneys?

“Wellness goes beyond merely the absence of distress and includes being challenged, thriving, and achieving success in various aspects of personal and professional life.”

–Shanafelt TD, Sloan JA, Haberman TM. The well-being of physicians. *Am Med J* 2003; **114**: 513–17.

Engagement: Individual sense of purpose (intention) and focused energy directed toward inherently rewarding action or behavior



What Are Your Values?

What matters most to you?

Time with friends and family

Satisfying work

Financial security

Health

Recreation

Service to others

Spiritual/religious pursuits

Does your Time/Effort Reflect Your Values and What Matters Most to You?

- Almost never
- Sometimes
- Most of the time
- Almost Always



What are you willing to relinquish in order to get more of what you *really* want?



“Accept what is, let go of what was, and have faith in what will be.”



Transformation



- What are you able to change (what is in your direct control)?
- What do you want to change?
- What is the plan for change?
- What might go wrong with this plan?
- What will you do to prevent this?

Self-Help is an oxymoron



Learn to ask for help...

The screenshot shows the Greater Good in Action website. The header includes the logo "Greater Good in Action" with the tagline "Science-based Practices for a Meaningful Life", navigation links for "THE PRACTICES" and "ABOUT US", and a search bar. Below the header, there are social media share icons for Facebook, Twitter, Google+, Pinterest, and LinkedIn. The main content area is titled "THREE GOOD THINGS" and features a five-star rating with "(17 member ratings)". A difficulty level of "EASIER" is indicated. The "TIME REQUIRED" section states "10 minutes/day for at least one week." The "HOW TO DO IT" section provides instructions: "Each day for at least one week, write down three things that went well for you that day, and provide an explanation for why they went well. It is important to create a physical record of your items by writing them down; it is not enough simply to do this exercise in your head. The items can be relatively small in importance (e.g., 'my co-worker made the coffee today') or relatively large (e.g., 'I earned a big promotion'). To make this exercise part of your daily routine, some find that writing before bed is helpful." Below this, it says "As you write, follow these instructions:" followed by a numbered list: 1. Give the event a title (e.g., 'co-worker complimented my work on a project'). 2. Write down exactly what happened in as much detail as possible, including what you did or said and, if others were involved, what they did or said. 3. Include how this event made you feel at the time and how this event made you feel later (including now, as you remember it). 4. Explain what you think caused this event—why it came to pass. At the bottom of the page, there are "PRINT" and "PDF" buttons.

paying attention in a particular way; on purpose, in the present moment, and non judgmentally

-Jon Kabat-Zinn

- Central component of WPHP Wellness Program
- Mindfulness-Based Stress Reduction (MBSR)
- Pathway to mindfulness meditation practice

Into Action

- Change requires action
- Write down 3 things you would like to change that are:
 - Reasonable
 - Attainable
 - Consistent with your identified goals/values
- Pick the one that is most important or you are most likely to succeed at
- Make an implementation plan and anticipate roadblocks
- Find an accountability partner, set intermediate milestones and create rewards for hitting milestones
- Build on successes and rebound from setbacks

Can this Really Work for Me?



Shaw, Meredith, Bundy, April 2015, presented at FSPHP Annual Meeting

The Top 5 Regrets of the Dying

1. I wish I'd had the courage to live a life true to myself, not the life others expected of me
2. I wish I didn't work so hard
3. I wish I'd had the courage to express my feelings
4. I wish I had stayed in touch with my friends
5. I wish that I had let myself be happier

Thank You!



Chris Bundy, MD, MPH
Medical Director
Washington Physicians Health Program
cbundy@wphp.org

206-583-0127

This page left intentionally blank.