



March 2018

Issue No. 107

Welcome Karen!

Page 1

*Bringing the
Breath to Work*

Page 1

*National Task Force
Report on Lawyer
Well-Being*

Page 4

*Finding
Meaningful Work*

Page 8

*Lawyers in Transition
Presentation Calendar*

Page 8

OREGON ATTORNEY ASSISTANCE PROGRAM

503-226-1057

1-800-321-OAAP

www.oaap.org

Helping
lawyers and judges
since 1982

- Alcohol & Chemical Dependency
- Career Change & Transition
- Gambling Addiction
- Mental Health
- Procrastination & Time Management

A free, nonprofit,
confidential program
for you.

OREGON ATTORNEY ASSISTANCE PROGRAM

IN SIGHT *for Oregon Lawyers and Judges*

IMPROVING THE QUALITY OF YOUR PERSONAL AND PROFESSIONAL LIFE

WELCOME KAREN!

The OAAP is pleased to announce that Karen A. Neri, JD, has joined the OAAP as an attorney counselor and group facilitator.

Karen earned her law degree from the New College of California, School of Law, in 2006. She is in the process of obtaining her MA in Marriage, Couple, and Family Counseling at George Fox University, a degree that will prepare her for attaining dual licensure as a Professional Counselor (LPC) and Marriage and Family Therapist (LMFT).

Prior to joining the OAAP staff in 2018, Karen worked as an associate attorney in California, with a focus on family law, personal injury, and general civil litigation. She subsequently was a sole practitioner, until her move to Oregon. Her legal work exposed her to diverse clients seeking guidance on personal matters, including those relating to divorce, domestic violence, and mental health.

Karen joins our three OAAP attorney counselors, Shari R. Gregory, LCSW, JD; Douglas S. Querin, JD, LPC, CADC I; Bryan R. Welch, JD, CADC I; and OAAP group facilitator Kyra M. Hazilla, JD, LCSW.



BRINGING THE BREATH TO WORK

David Rosen, Oregon attorney, yoga teacher, and co-owner of SoulRoar Breathwork, talks breathwork, mindfulness, law, and the middle ground between them all.

Q. Breathwork – What is it?

Breathwork is a form of active breathing – distinctly different from meditation – where you are forcefully moving the breath through the body. In short, you lie on the ground, take deep belly breaths through the mouth for approximately 25 minutes, followed by a rest period and guided meditation.

In doing that, you change the body chemistry, and when you change the body chemistry, the mind reacts differently.

Q. What do people experience with breathwork?

While everyone experiences breathwork differently, I think it helps give people great clarity and insight, the ability to see things from a different perspective. Breathwork also gives us an opportunity to get past the stories we tell ourselves. Most

(Continued on page 2)

(Continued from page 1)

of us are our harshest critics. Most of us have stories we tell ourselves, whether it is that we aren't good enough, or if we get "this thing," everything will be better. I think breathwork gives us the opportunity to see the stories, to see ourselves, and to see what we want to change and how to do it.

Q. Why do you think lawyers should be doing breathwork?

The most appealing aspects of breathwork are its accessibility and efficacy. Unlike some modalities where you build up to an experience with practice over time, breathwork frequently has a proven, immediate, felt experience the very first time someone tries it. This is a practice that is accessible to everyone, and the results occur in the first session.

Lawyers will appreciate the efficiency of the practice – the ratio of low-time commitment to high-yield insight from the practice. Of course, this should be done only with a trained breathwork facilitator.

I think lawyers will also appreciate that the work provides an opportunity to address life's challenges while also addressing current problems of the day at work. In addition, breathwork can serve as the spark for a larger practice in mindfulness.

Q. What is the relationship between breathwork and a mindfulness practice?

For me, my mindfulness practice is grounded in yoga, meditation, and breathwork. In metaphoric terms, think of building a house of "becoming more present." Yoga and meditation are the day-to-day work. The framing, the siding, the finishing – it is all yoga and meditation. The breath is the foundation. Breathwork is the blueprints. When we are unsure of how we want the house to look or how to solve a problem, we need to go back to the blueprints. For me, breathwork is the answer.

Q. How have these practices informed your practice of law?

Yoga, meditation, and breathwork provide me with a better perspective of what is important, keeping my ego in check and learning how to not take on others' negative energy. It is learning to respond rather than

react. By being present in the practice of law, I can serve my clients better, work with opposing counsel better, and manage the needs of my law practice.

Q. We often hear today about the practice of law being stressful, anxiety-producing, etc. What has been your experience?

That's accurate. However, I also think we develop patterns of anxiety. I believe the body gets conditioned to create anxiety because we get positive relief when the worries aren't realized. We create anticipatory stress and anxiety concerning how something is going to go, what's going to happen, and all the worst-case scenarios. When the situation actually occurs, we are often relieved to learn that the anxiety, stress, or worry we had didn't come to fruition. We experience elation on the basis that the thing we were worried about didn't come true.

In that process, we create both the problem and the solution. The irony is that ALL of it is in our mind, a complete fabrication that is distinctly separate from reality. It is always our choice whether to engage. We can choose to focus on the present, or we can hop on the roller-coaster in our mind. Mindfulness allows us the opportunity to see the choice, and then if we are mindful, with practice, we can choose not to follow the stories in our head.

Q. Are mindfulness practices in conflict with adversarial work in law?

Quite the contrary. I think we are doing our best for our clients and our profession when we respond rather than react. When I am mindful, I can hold my ground, evaluate the argument from the other side, decide how best to proceed, and, if the other side is approaching me from a reactive state, choose not to get swept up into their manner of handling things.

Q. What do you find particularly challenging about practicing law?

Not taking the job home with me. In Oregon we have a fantastic bar, and, thankfully, it is rare to deal with an opposing attorney who is hostile. But we all know hostility when we experience it. I think I've always been able to handle difficult attorneys from

a case perspective, but I would take it home with me – especially, if I became reactive in response. Being mindful has had an incredible impact for me in this area.

Q. What tips do you have for lawyers who are considering starting a mindfulness practice?

1. Try a breathwork class.
2. Start a meditation practice:
 - a. Keep it simple and short to start: Give yourself time constraints that you can be successful with. It can be breathing for thirty seconds (or even three breaths) twice a day. Set a timer. If the timer goes off and you want to sit longer, sit longer.
 - b. Find a quiet space: Mornings are chaotic. It's important to find a space where you won't be disturbed.
 - c. Create anchors: If you still the body, the mind will follow. Find a comfortable seat. Focus on stilling the body (committing to being still), then find the breath. The mind quiets on its own. If the mind turns on, just keep coming back to the anchors of the body and the breath. We don't quiet the mind with more thinking; we quiet the mind by anchoring in the body and the breath.
 - d. Don't be discouraged when the mind doesn't shut off. The mind doesn't shut off and stay off.

e. Don't wait until you feel "ready." You can begin anytime.

Q. Parting thoughts?

The great irony is that we often go searching for some "thing" to give us a feeling of a greater purpose. But the truth is that "thing" is in the middle of our chest, and the path to it waits quietly in the whisper of the breath. It's always there, waiting for us to return.

Our thanks to David Rosen for this article. David is a lawyer, yoga instructor, and breathwork instructor in Bend, Oregon.

Resources for Starting a Mindfulness Practice

Guided Meditations:

- *Meditations on the Mat, Practices for Living from the Heart*, Rolf Gates through Sounds True
- *Guided Meditations, Evoking the Divine Ground of Your Being*, Adyashanti

Books:

- *Wherever You Go, There You Are*, John Kabat-Zinn
- Anything by Thich Nhat Hanh

Divorce Support Group for Lawyers

Beginning April 5, 2018, the OAAP will offer a support group in Portland for lawyers experiencing the challenges and issues of divorce. This eight-session group will meet at the OAAP, 520 SW Yamhill Street, Suite 1050, Portland, Oregon 97204, on Thursdays from noon to 1:15 p.m. The group will be co-facilitated by OAAP Attorney Counselors Bryan Welch, JD, CADC I, and Karen Neri, JD, MA-MCFC Candidate. There is no fee, but advance registration is required. Attendance by phone might be possible. To participate in this group, set up a meeting with Bryan at 503-226-1057 or 1-800-321-6227, ext. 19, or email him at bryanw@oaap.org.

NATIONAL TASK FORCE REPORT ON LAWYER WELL-BEING

In 2017, the National Task Force on Lawyer Well-Being (Task Force), consisting of the American Bar Association (ABA) Commission on Lawyer Assistance Programs and a broad coalition of other organizations, published the most comprehensive report (Report) to date on the well-being of American lawyers. The Report, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*, relied on numerous empirical studies, two of the most notable being the recent ABA-Hazelden Betty Ford Foundation survey of nearly 13,000 currently practicing U.S. lawyers and the 2016 Survey of Law Student Well-Being, surveying over 3,300 law students from 15 law schools throughout the country. These studies revealed that many lawyers and law students struggle with anxiety, depression, and/or substance use issues.

Well-Being in the Legal Profession

The findings of these studies and the national media attention their publication generated, sparked the creation of the Task Force and its Report. The central question for the Task Force was how the profession can best address these health concerns in a collaborative, comprehensive, and sustainable way to meet the needs of all concerned.

The Report made clear that, although a disturbing portion of our legal profession has substance use and

behavioral health challenges, the majority of lawyers and law students do not. It noted, however, “. . . that does not mean that they’re thriving. Many lawyers experience a ‘profound ambivalence’ about their work, and different sectors of the profession vary in their levels of satisfaction and well-being.” Well-being is thus more than “the absence of illness; it includes a positive state of wellness.” To be a good lawyer, the Report noted, one has to be a healthy lawyer, and the research suggests that “the current state of lawyers’ health cannot support a profession dedicated to client service and dependent on the public trust.” The Task Force thus undertook to address not only mental health and problematic substance use concerns, but also the overarching issue of lawyer well-being within the profession. How can lawyers experience well-being and actually thrive in their personal and professional lives?

The Task Force defined lawyer well-being as a continuous process whereby one seeks to thrive in six primary areas of one’s life:

Emotional health – identifying and managing emotions in personal and professional environments;

Occupational pursuits – cultivating personal satisfaction, growth, enrichment, and financial stability;

Creative or intellectual endeavors – engaging in continuous learning and the pursuit of creative or intellectually challenging activities;

Spirituality – experiencing a sense of meaningfulness and purpose in all aspects of life;

Social connections – developing a sense of belonging and support with others important in one’s life; and

Physical health – striving for regular physical activity, proper diet, nutrition, sufficient sleep, and recovery from the use of unhealthy substances.

Stakeholders

The Task Force’s Report makes over 40 recommendations, some general to all stakeholders within the legal community and some very specific to each individual stakeholder group. The Report is nothing less than a call to action. It seeks to encourage through collective action significant change in the culture of the legal profession. The stakeholder groups addressed

30th Annual Dinner Celebrating Lawyers and Judges in Recovery

Please join the Oregon Attorney Assistance Program on Friday, April 13, 2018, at the 30th Annual Dinner Celebrating Lawyers and Judges in Recovery at the Hotel Monaco in downtown Portland from 6:00 to 9:30 p.m. on the 10th floor.

For a registration form or more information, call the OAAP at 503-226-1057 or 1-800-321-6227. The deadline to RSVP is Wednesday, April 11, 2018. Dinner is \$40 per person.



include judges, regulators, legal employers, law schools, bar associations, professional liability carriers, and lawyer assistance programs.

Task Force Recommendations

To their credit, many of the stakeholders in Oregon are committed to lawyer well-being and have already begun implementing some of the Task Force’s recommendations. However, there is always room for additional improvement when it comes to one of the most important issues for this and future generations of our legal community.

Some of the general recommendations to all stakeholder groups include:

- Take action to minimize the stigma that is often attached to mental health and substance use disorders; encourage those with such conditions to seek help.
- Foster collegiality and respectful engagement throughout the profession; reduce chronic incivility that can foment a toxic culture that is counter to well-being.
- Promote diversity and inclusivity initiatives that encourage both individual and institutional well-being.
- Create meaningful mentoring and sponsorship programs, which research shows can aid well-being and career progress, particularly for women and diverse professionals.
- Guide and support the transition of older lawyers to, among other things, capitalize on the wealth of experience they can offer and, at the same time, reduce risks sometimes faced by senior lawyers challenged by the demands of technically evolving professional environments.
- De-emphasize alcohol at social events, and provide a variety of alternative non-alcoholic beverages at such events.
- Utilize monitoring to support recovery from substance use disorders in environments where it can be supportive.

Some of the recommendations to specific stakeholder groups include:

- Conduct judicial well-being surveys.

(Continued on page 6)

What the Research Tells Us

For years, many have voiced varying degrees of concern about the physical and behavioral health of the legal profession. The findings of the two research studies referred to above clearly signaled “an elevated risk in the legal community for mental health and substance use disorders tightly intertwined with an alcohol-based social culture.” Below are some highlights of that research:

Among law students surveyed:

- 17% experienced some level of depression;
- 14% experienced severe anxiety;
- 23% had mild or moderate anxiety;
- 6% reported serious suicidal thoughts in the past year;
- 43% reported binge drinking at least once in the prior two weeks;
- Nearly one-quarter reported binge drinking two or more times in the prior two weeks;
- 25% qualified as being at risk for alcoholism for which further screening was recommended; and
- 50% reported that chances of bar admission are better if a mental health or substance use problem is hidden.

Among lawyers surveyed:

- Between 21% and 36% qualified as problem drinkers (i.e., hazardous use, possible dependence);
- 28% struggled with depression;
- 19% struggled with anxiety; and
- 23% struggled with unhealthy stress.

Lawyers with less than 10 years of practice and those working in private law firms experienced the highest rates of problem drinking and depression and elevated levels of other difficulties, including social isolation, work addiction, suicide, sleep deprivation, job dissatisfaction, and work-life conflicts.

(Continued from page 5)

- Provide well-being programming for judges and staff.
- Encourage judicial participation in the activities of lawyer assistance programs, such as volunteering as speakers, particularly when the judge is in recovery him/herself.
- Educate and inform the judiciary regarding signs and symptoms associated with substance use and behavior health conditions so they are better able to identify when a lawyer may be in need of assistance.
- Adopt regulatory objectives that prioritize lawyer well-being, such as expanding continuing education requirements to include well-being topics; require law schools to create well-being education as a criterion for ABA accreditation; more closely focus on conduct and behavior rather than diagnosis and treatment as character and fitness bar admission criteria so as to avoid stigmatizing mental and behavioral health conditions and treatment; educate and accurately inform law students about bar admission criteria to reduce their fear that getting needed professional treatment will hinder their chances of bar admission.
- Adopt diversion programs and other alternatives to discipline for minor lawyer misconduct to encourage treatment for underlying substance use and mental health disorders.
- Add well-being-related questions to the multi-state professional responsibility exam.
- In legal work environments, form active lawyer well-being committees; monitor for signs of work addiction and poor self-care in legal work; and actively combat social isolation and encourage interconnectivity.

- In law schools, create best practices for assisting law students experiencing psychological distress; provide training to law school faculty regarding student mental health and substance use disorders; and develop mental health and substance use disorder resources, including taking active steps to encourage help-seeking practices by students.

- Empower law students to help fellow students in need; facilitate a confidential recovery network for students; provide educational opportunities on well-being-related topics in law schools; and discourage alcohol-centered law-school-related events.

- Encourage local and state bar associations to sponsor quality CLE programming on well-being topics, and utilize the resources of state lawyer assistance programs when appropriate.

- Emphasize well-being in loss prevention programs, including being aware of the role of lawyer impairment in claims activity.

- Among lawyer assistance programs, encourage emphasis on confidentiality; high-quality well-being programming; and appropriate and stable funding for outreach, screening, counseling, professional staffing, and preventative education.

The Task Force Report “makes a compelling case that the legal profession is at a crossroads” and the time for action is now. It is premised on the belief that, through collective action by all of us, we have the capacity to create a better future for our nation’s lawyers. Improving lawyer well-being is a win-win for everyone: it is good for clients, good for business, good for the profession – and it is the right thing to do!

DOUGLAS S. QUERIN, JD, LPC, CADC I
 OAAP ATTORNEY COUNSELOR

References:

- B. Buchanan, J. Coyle, A. Brafford, et al. (2017). *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*.
<https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportFINAL.pdf>
- P. R. Krill, R. Johnson, & L. Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46 (2016).
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4736291>
- J. M. Organ, D. Jaffe, & K. Bender, *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*, 66 J. LEGAL EDUC. 116 (2016).
<https://jle.aals.org/home/vol66/iss1/13>

**OAAP and OWLS Present the
Eleventh Annual Women’s Wellness Retreat for Lawyers
April 27-28, 2018**



The OAAP and OWLS are pleased to offer the Eleventh Annual Women’s Wellness Retreat for Lawyers on Friday and Saturday, April 27-28, 2018. This year’s theme is “Powering Up Our Resilience Through Mindfulness.” MCLE credits are pending.

A block of rooms is reserved for attendees at a special discounted room rate at the Surfsand Resort, Cannon Beach, Oregon. The deadline to reserve rooms at the discounted group rate is March 29, 2018. Reserve your room by calling the Surfsand Resort directly at 800-547-6100. Please reference the group code OAAP 2018 or folio #429694 to reserve at the group rate. The group rate is also available for Thursday or Saturday (subject to availability).

To register for the retreat, download the registration form at www.oaap.org, or call the OAAP program assistant at 503-226-1057 or 1-800-321-6227, ext. 10. The deadline to register is Wednesday, April 25, 2018. For more information, contact Shari R. Gregory at 503-226-1057, ext. 14, or sharig@oaap.org.

**As you build your
practice, we’ll help
with any baggage.**



Don’t allow personal or professional issues to hold you back. The professionals at the *Oregon Attorney Assistance Program* are lawyers and trained counselors — ideally suited to help lawyers and judges with:

- ✦ ALCOHOL & SUBSTANCE ABUSE
- ✦ DEPRESSION & MENTAL HEALTH CONCERNS
- ✦ TIME MANAGEMENT & PROCRASTINATION
- ✦ CAREER CHANGE & TRANSITION
- ✦ PROBLEMATIC INTERNET USE
- ✦ COMPULSIVE/SELF-DEFEATING BEHAVIOR
- ✦ PROBLEM GAMBLING

Our services are *confidential* and *free of charge*.

Call 503.226.1057 · 1.800.321.6227



**OREGON ATTORNEY
ASSISTANCE PROGRAM**
*helping lawyers and judges
since 1982*

OAAP COUNSELORS: ✦ SHARI R. GREGORY ✦
✦ KAREN A. NERI ✦ DOUGLAS S. QUERIN ✦ BRYAN R. WELCH

OAAP is funded by the Professional Liability Fund.

In Sight is published quarterly.

Tanya Hanson, JD
Editor

503-639-7203



Barbara S. Fishleder, JD, BBA
OAAP Executive Director

503-684-7425
barbaraf@oaap.org

**OAAP ATTORNEY
COUNSELORS**

Shari R. Gregory, LCSW, JD
OAAP Assistant Director
sharig@oaap.org

Karen A. Neri, JD, MA-MCFC
Candidate
karenn@oaap.org

Douglas S. Querin, JD, LPC, CADC I
douglasq@oaap.org

Bryan R. Welch, JD, CADC I
bryanw@oaap.org

OAAP GROUP FACILITATOR

Kyra M. Hazilla, JD, LCSW
kyrah@oaap.org

1-800-321-OAAP
503-226-1057
www.oaap.org

Finding Meaningful Work

The OAAP holds a periodic six-session networking and support group for lawyers making job or career transitions, called “Finding Meaningful Work.” The topics are designed to assist lawyers in creating and executing a personalized job search plan; developing a mission statement and elevator speech; learning and practicing networking skills; and honing their job search skills. The group is facilitated by OAAP Attorney Counselor Shari R. Gregory, LCSW, JD. To participate, please contact Shari at 503-226-1057, ext. 14, or at shari@oaap.org.

Career Self-Assessment

The OAAP attorney counselors can help you assess your career path and job and career opportunities. If you would like additional information about the Finding Meaningful Work group or about individual self-assessment, contact OAAP Attorney Counselor Shari R. Gregory, LCSW, JD, at 503-226-1057, ext. 14, or at sharig@oaap.org.

Lawyers in Transition Presentation Calendar

A “Lawyers in Transition” guest speaker is featured quarterly on Thursdays at noon at the OAAP, 520 SW Yamhill, Suite 1050, Portland, Oregon 97204. These presentations are open for anyone to attend. See the calendar below for scheduled speakers.

April 5, 2018 **Leni Tupper** from private practice to PCC paralegal instructor

For current information on upcoming Lawyers in Transition speakers and topics, please visit the OAAP website at www.oaap.org and click on CLEs/Workshops.