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inSIGHT

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Is “Happy Lawyer” an Oxymoron?

By Douglas Querin

The “happy lawyer” question arose for me some months ago when I was struck with the realization that, during my 15-plus years with the Oregon Attorney Assistance Program (OAAP), the single most common topic I have read, written, and spoken about has been the unhealthy and problematic state of lawyers’ physical and mental health.

The duties, responsibilities, practices, and habits of those in our legal community often create or exacerbate significant personal and professional well-being challenges in the lives of lawyers and others with whom they are close. It’s clear that the demands of our profession can take a toll.

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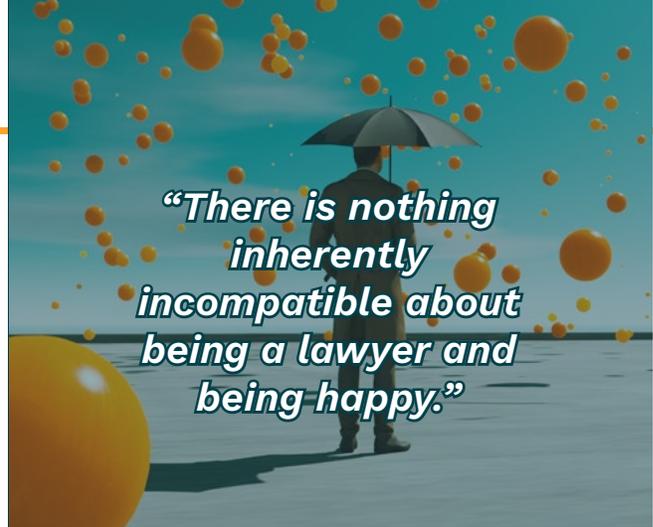
So, is “happy lawyer” an oxymoron? Let’s start with the foundational question: What is happiness? The frustrating answer, of course, is that it means different things to different people. Though it escapes easy definition, the concept of happiness generally resonates with each of us in its own special way. In her book, *The How of Happiness: A Scientific Approach to Getting the Life You Want*,¹ Sonja Lyubomirsky describes happiness as a combination of various characteristics and emotions:

1. Experiencing positive emotions such as joy, gratitude, love, and contentment
2. General satisfaction with one’s life
3. Flow and engagement in enjoyable activities
4. Meaning and purpose
5. Positive relationships with friends, family, partners, and colleagues
6. Optimism, positive thinking, acts of kindness, and resilience

In his 2015 law review article, “What Makes Lawyers Happy?”,² Lawrence Krieger comments that the data “demonstrate that lawyers are very much like other people, notwithstanding their specialized cognitive training...” Happiness research has generally found little to no significant correlation between *external factors* (e.g., income, status, prestige positions) and happiness/well-being. *Internal factors*, on the other hand, (e.g., autonomy, competence, social connections, and positive psychological factors) are correlated with happiness/well-being. In short, meaningful happiness typically comes more from within oneself than from without—and this is true for lawyers and non-lawyers alike.

Equally important, according to both Lyubomirsky and Krieger, is the psychological reality that (1) happiness levels fluctuate in the same way as moods and attitudes depending on any number of circumstances and conditions and (2) happiness does not *just happen*; it must be attended to and nurtured.

Although the U.S. legal profession has distressingly high rates of certain mental and behavioral health conditions, no known



“There is nothing inherently incompatible about being a lawyer and being happy.”

research or literature suggests that lawyers as a group have innate psychological, physiological, or behavioral conditions precluding them from being “happy,” however one defines that term. It is true that the legal community at large has much to do in addressing its well-being issues. It is *not true*, however, that the *majority* of lawyers are less healthy than the general population. In fact, statistically speaking, a clear majority of lawyers are reasonably healthy, functioning well, and reasonably satisfied with their chosen occupation despite the stresses of the work.

While “career satisfaction” is only one benchmark of happiness, it is worth noting that the most recent OSB economic survey³ asked respondents to rate their satisfaction with their legal employment on a scale from 1 (very dissatisfied) to 5 (very satisfied). Statewide, the mean average was 3.93, a slight decrease from the 3.98 of 2017. [Depending on geography, type of employment, and other factors, some groups reported satisfaction levels both above and below this average.] In a survey recently published in the *ABA Journal*,⁴ 68% of responding lawyers reported that, despite work-related stresses, they were satisfied or very satisfied with their overall job, and “71% of the lawyers would not switch careers if given a chance for a do-over...” Finally, findings reported in a 2023 Pew Research study⁵ of job satisfaction among the general U.S. population suggest that lawyer satisfaction levels are well within statistical norms.

So what are we to make of all this? In my view, the question “Is ‘happy lawyer’ an oxymoron?” is a non sequitur. There is nothing inherently incompatible about being a lawyer and being happy. At times it may not be easy; it may take attention and work. But it is eminently

doable! The good news is that our profession is recognizing that it is healthy for lawyers to talk about their mental and emotional health and well-being, including how they can achieve the level of happiness they seek. We need to normalize these conversations to effectively help ourselves, others, our clients, and our communities. In this way, each of us can foster increased happiness and well-being, within the profession and beyond.

- **DOUGLAS QUERIN**
Senior Attorney Counselor, OAAP



Annual Recovery Dinner

We are pleased to share that the 35th Annual Attorney Dinner Celebrating Recovery will be held on **Friday, May 17, 2024, at the Embassy Suites by Hilton Portland Downtown**. If you haven't attended this event before, it's a great opportunity for fun and fellowship with other lawyers in recovery. If you have, then you know it's a great time to catch up with old friends and meet new ones. For more information or how to register, contact the OAAP at bryanw@oaap.org or douglasq@oaap.org.

OTHER WORKS BY DOUG QUERIN AT OAAP.ORG

inSight

- Social Connections: An Essential For Well-Being (Winter 2023)
- How Anxiety, Depression, Stress, Drinking Impact Lawyers (Spring 2023)
- The OAAP: Providing Confidential Help for Over 40 Years (Summer 2023)

Thriving Today

- Moderation During the Holidays (December 15, 2023)
- There is More (June 22, 2023)

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“When we put the canary down into the coal mine and the canary starts having problems with breathing and living and functioning, we don’t say ‘Oh shoot, how do we make that canary more resilient?’”

Canaries in the Coal Mine: Working Together to Reduce Burnout in the Legal Profession

By Bryan Welch

“I feel tired all the time. I can’t seem to get started on the things I need to do. I feel angry and irritated even when I’m home with my family. Nothing I do seems to help anyone—what’s the point? I can barely make myself go to work now—the thought of doing this for 15 more years is unbearable.”

Thoughts like these are often expressed by lawyers who come to the OAAP for help with what they see as a growing dissatisfaction with their work and are common signs of burnout. According to Christina Maslach, a professor of psychology at the University of California, Berkeley and one of the leading experts in this field, “burnout is a state of physical, emotional, and mental exhaustion, as well as cynicism and detachment from work.” Lawyers experiencing burnout usually have symptoms in all three of these dimensions. They may suffer from

physical ailments like fatigue or lack of energy, headaches and stomach problems, or panic attacks. They or their colleagues might notice mood shifts like irritability, anger, or withdrawal. Burnout fuels dissatisfaction, disillusionment, pessimism, and hopelessness. And burned out lawyers undergo emotional changes that often show up as numbness or disengagement from work and personal relationships, which in turn can lead to unhealthy coping strategies like increased substance use or misusing food, sex, or the internet.

OAAP Recovery Support Meetings

The OAAP offers three weekly, confidential recovery support meetings for Oregon lawyers, judges, and law students who are interested in healing from problem substance use. Our recovery meetings have successfully served our Oregon legal community for 40 years. They provide a confidential, safe, friendly, and respectful environment for those seeking healthy and sustainable recovery from alcohol and other drugs, and are accessible in person and by teleconference.

For questions about our meetings or other information, please contact OAAP Attorney Counselors Doug Querin at DouglasQ@oaap.org, 503.226.1057 ext. 12; or Bryan Welch at BryanW@oaap.org, 503.226.1057 ext. 19.

Women in Trauma Group

Starting Spring 2024, the OAAP will facilitate a confidential support group for women who have experienced trauma, including volatile relationships or childhood trauma, and/or who have struggled with a loved one's compulsive behaviors. Topics will include the process of trauma, power and abuse, grounding and self-soothing, and healthy relationships.

OAAP Director Kyra Hazilla, JD, LCSW, and OAAP Attorney Counselor Associate Kirsten Blume, JD, MA Candidate, will facilitate the group.

Please watch for more information on our website or a broadcast email.

A Systemic Problem

Lawyers are particularly susceptible to burnout due to the high degree of stress that frequently comes with the profession. In a 2023 survey by the New Jersey Bar Association, lawyers reported burnout rates nearly twice that of the general population. Putting in long hours on weekends, expectations of availability outside normal business hours, and isolation all correlated with elevated levels of burnout. The unrelenting pressure to perform at an exceptional level, deliver outstanding results, and meet the demands of clients, colleagues, and the courts can be daunting and lead to feelings of inadequacy and frustration. In addition, a tendency toward perfectionism, the need for personal validation through achievement, and stressful life circumstances can all exacerbate this susceptibility.

It's critical to acknowledge that burnout diminishes cognitive function. Studies show that brain structures responsible for regulating attention, memory, logic, and other executive functions are impaired in people experiencing burnout. Medical imaging has revealed that the amygdala—the part of the brain that helps detect and manage response to threat—is larger in people exposed to chronic burnout. For lawyers, this all adds up to a heightened potential for mistakes, missed deadlines, and deteriorating relationships with clients and colleagues.

The decline in work satisfaction that comes with burnout also begets absenteeism and turnover, which can erode the overall efficiency of a law firm. In a recent Massachusetts survey of 4,450 lawyers, more than 75% of respondents reported experiencing burnout, and nearly half of those who responded had considered leaving their current job—or the legal profession—in the past three years. Burnout rates were even higher for women, caregivers, and members of marginalized groups. Paula Davis is a lawyer and coach who specializes in helping lawyers overcome burnout and authored the book, *Beating Burnout at Work: Why Teams Hold The Secret to Well-Being and Resilience*. She notes that “burnout is not just a personal problem, it's a problem for the legal profession as a whole. Burned out lawyers are less able to provide high quality representation to their clients, and this ultimately undermines the integrity of the legal system.”

Burnout is more than a person's inability to cope with work stress. It is spawned by a workplace environment in which the demands of the job chronically outweigh the resources available. Says Davis, “Burnout is an individual expression of a workplace culture / systemic issue, and it should not be labeled as a personal illness or defined in medical terms.” That is, burnout is not a problem solved simply by doing more yoga or eating more salad. It is a problem that will exist so long as the conditions that created it exist. Addressing burnout in the legal system therefore requires a two-pronged approach. The first is to eliminate the *causes* of burnout by changing workplace culture to lessen job demands and enhance job resources. The second is to develop personal strengths to mitigate the *symptoms* of burnout.

A Culture Change

Efforts to prevent burnout need to start by assessing the work environment. As Jennifer Moss, author of the *The Burnout Epidemic: The Rise of Chronic Stress and How We Can Fix It*, says, “When we put the canary down into the coal mine and the canary starts having problems with breathing and living and functioning, we

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don't say 'Oh shoot, how do we make that canary more resilient?'" Instead, we look at how to make the environment more sustainable. Maslach identified six primary environmental factors (job demands) correlated with burnout (what Davis calls "The Core 6"): unfairness; unmanageable workloads; lack of control or autonomy; lack of communication, support, and connection; lack of recognition and reward; and, finally, a disconnect between employee and workplace values. To offset the impacts of these demands, employers can work to provide greater resources in each of these areas.

Fairness. *Do employees trust their managers to be fair?*

Employees are less subject to burnout when decision making is transparent, isn't perceived as arbitrary, and gives them a voice; when rules and policies apply equitably to all regardless of position; and when opportunities for advancement or desirable assignments are based on merit.

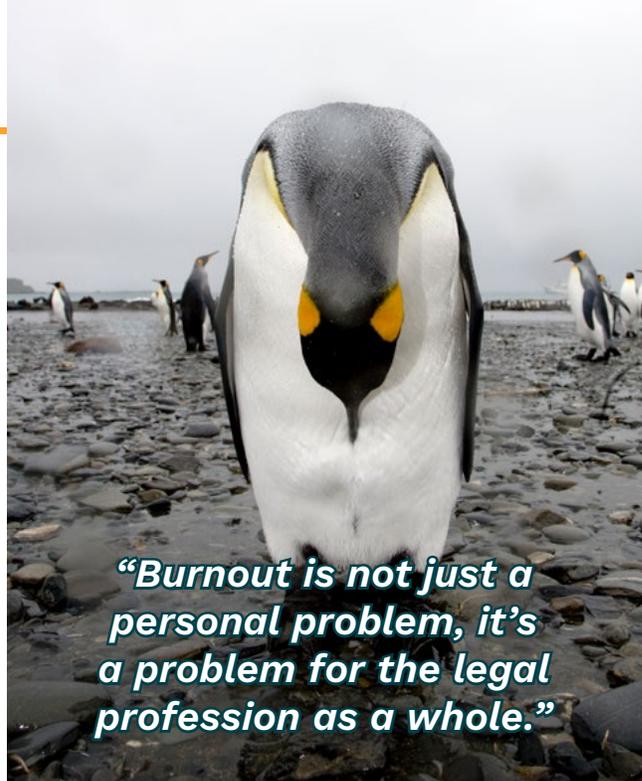
Workload. *Do employees have what they need to do their job well?*

Lawyers are used to being highly productive. However, mounting billable hour pressure, staffing reductions, inadequate or outdated office systems, lack of training, and an expectation of constant availability explain why many attorneys feel overburdened by the sheer volume of responsibilities. Do they have a genuine opportunity to "turn off" work obligations, or are they expected to be accessible and responsive 24/7?

Autonomy. *Do managers trust their employees to do what they need to excel?*

The ability to have agency over how one conducts their life is a basic human need, particularly for independent, high-functioning professionals like lawyers. At work, this can look like having some choice about what to work on, whom you work with, when and how you work, etc. Micromanagement is counterproductive and destroys trust and confidence.

Communication, Support, Connection. *Do employees feel like they are a valuable member of the team?*



"Burnout is not just a personal problem, it's a problem for the legal profession as a whole."

We all know instinctively that having friendships at work has many benefits—it reinforces psychological safety, improves job performance, sparks innovation, and reduces absenteeism. According to a 2022 Gallup survey, people who had a best friend at work were twice as satisfied with their job as those who didn't. Creating opportunities to forge these relationships at the office is crucial, even more so in the wake of the pandemic. Feeling connected is important; so is feeling supported, especially for new lawyers and new employees. Firms can minimize burnout by embracing real mentorship and training, by delivering timely and meaningful feedback on work product and behaviors, and by fostering open channels of communication.

Recognition and Reward. *Do employees feel that their hard work is seen and appreciated?*

Recognition and reward include being compensated commensurately for the work, but fair pay alone is not sufficient. Taking time to celebrate successes as a team and directly acknowledging team members' achievements and contributions is also key.

Values. *Do employees find their work meaningful?*

Be able to articulate company values and mission. Are firm actions consistent with those values? Whom are you serving? Why is this work worthwhile? Are employee skills and talents being put to their best use?

According to Davis, acknowledging the problem, getting leadership buy-in and support for change, and assembling and nurturing thriving teams within the organization are all vital to successfully confronting workplace burnout. If you're interested in learning more, refer to *Beating Burnout at Work* where she describes how she has helped organizations create these teams.

Developing Personal Strengths

So what can lawyers do to build their own strengths to help them alleviate the symptoms of burnout? Here are a few ideas:

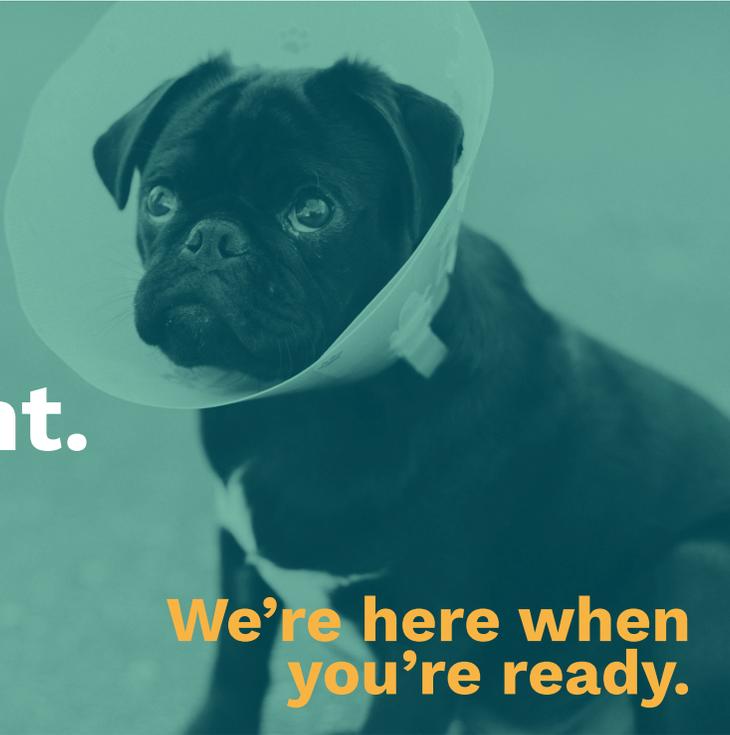
- **Take breaks:** It's essential to take breaks from work to recharge and refocus. Whether it's a short walk outside or a longer vacation, time away from one's job duties and other professional commitments can help prevent burnout. If you're lucky enough to have paid leave, use it. That's what it's for. If instead you work for yourself, set an intention and block off time to be away from the office.
- **Practice self-care:** Yes, I know I said that beating burnout isn't about doing more yoga, but engaging in activities that promote physical and mental well-being—such as good sleep, exercise, meditation, or favorite hobbies—can help moderate the effects of stress and symptoms of burnout.
- **Set boundaries:** Preventing overload and maintaining work-life balance requires setting clear boundaries around work and nonwork time. Carve out time to turn off the phone. Establish limits on when you'll check email. Let clients know when they should (and shouldn't) expect responses.
- **Advocate for yourself:** If you find that you need additional support around any of the "Core 6" job demands listed above, start the conversation. If the workload is too much, let your manager know. Ask questions if you need a clearer picture of the task or your role. If need be, look for resources outside of your firm for mentorship and training.

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No judgment.
Just help.**



**We're here when
you're ready.**

- **Seek support:** Finally, get help if you're feeling overwhelmed. Lawyers pride themselves on being self-sufficient, but they should not be afraid to ask for assistance when things feel unmanageable. This could mean talking to a therapist or seeking counsel and encouragement from friends, family, colleagues, or a mentor. Or call us here at the OAAP. We can offer guidance and resources to help you and your organization thrive.

– **BRYAN WELCH**
Attorney Counselor, OAAP



OTHER WORKS BY BRYAN WELCH AT OAAP.ORG

inSight

- The Heartfelt Importance of Social Connection During the Holiday Season (Winter 2023)
- The OAAP: Providing Confidential Help for Over 40 Years (Summer 2023)

Thriving Today

- Savoring a Summer Shower (August 7, 2023)
- Flashing Lights and Guiding Lights Lawyers and ADHD (March 15, 2021)

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Mindful Parenting Group Starts April 2024

Beginning in April 2024, we will be forming a group for lawyers who want to learn how to implement mindfulness-based parenting practices in their lives. The group will be offered in hybrid format at the OAAP office in downtown Portland with remote attendance option available, and facilitated by OAAP Director Kyra Hazilla, JD, LCSW, and OAAP Attorney Counselor Associate Kirsten Blume, JD, MA candidate.

If you are interested in this group, or for more information please contact Kirsten Blume, at 503.226.1057, ext. 11, or 800.321.6227, ext. 11, or at kirstenb@oaap.org.



Parental Burnout Primer for Legal Professionals

By Kyra Hazilla

As you have read elsewhere in this publication, burnout is often defined as a condition caused by a toxic and unrelentingly stressful work environment. Many researchers now broaden that definition to include a constellation of symptoms characterized by emotional exhaustion, depersonalization (losing our sense of who we are and our connection to others), and a lack of self-efficacy that can result from chronic exposure to emotionally draining environments across domains and outside of helping professions.

One such area receiving more attention in the research—especially since the pandemic—is burnout affecting parents. It stands to reason that any responsibility beset by too much stress and too few resources can overwhelm a person’s ability to cope—and parenting is no exception. Parental burnout is defined as “a prolonged response to chronic and overwhelming parental stress.”¹ Symptoms specific to parents include both emotional and physical exhaustion, as well as physical discomfort (somatic complaints like back or neck pain), poor sleep quality, emotional distancing from their children, a loss of one’s sense of self as a parent (especially in contrast with previously feeling connected to that role), feelings of being “fed up” with the parenting role, and a sense of incompetence in their role as a parent.^{2,3}

Researchers at Ohio State University specifically studied the pandemic’s effect on working parents, and here is what they found:⁴

- Sixty-six percent (66%) of parents reported being burned out.
- Factors strongly associated with parental burnout included being female, the number of children living in the home, parental anxiety, having a child(ren) diagnosed with anxiety or ADHD, and concern that their child(ren) may have an undiagnosed mental health disorder.
- Burnout was strongly associated with an increased risk of depression, anxiety, and increased alcohol consumption in parents, as well as the likelihood of engaging in punitive parenting practices.
- Parental burnout is also associated with an increased risk of children demonstrating signs of distress, such as internalizing (e.g., feels sad or unhappy, is down on themselves,

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worries a lot), externalizing (e.g., fights with other children, doesn't listen to rules, teases others), and attention behaviors (e.g., inability to sit still, has trouble concentrating, is easily distracted).

In addition to the factors mentioned above, other researchers have found that parental perfectionism increases burnout risk, as does chronic stress. In a profession that glorifies perfectionism, clings to a culture of overwork, and consistently ranks high in chronic stress and low in social support, it comes as no surprise that parents in the legal profession experience burnout at high rates. While no studies of parental burnout specifically address lawyers, a good deal of correlational research (including in the most recent Bloomberg survey) finds that women lawyers with children were the most burned out of all respondents.⁵ Race, culture, and country also affect burnout.

What can we do to prevent or mitigate parental burnout? First, we need to recognize the risks and symptoms. Building emotional competence and self-awareness allows us to identify and address these changes early and proactively. Second, a supportive community is vital for all parents, but especially those in the legal profession. Some of us are fortunate to have deep and strong networks through supportive family, but many of us need to craft our own safety net. Surrounding ourselves with people who support our parenting selves is protective against overwhelm and thus burnout. Research

shows that developing positive parenting skills and self-compassion practices can protect and intervene against burnout. Lastly, creating time for leisure and intentional self-care is crucial for our own functioning, as well as modeling for our children. If you need support, accessing one-on-one or group services is a great start.

– **KYRA HAZILLA**
Director, OAAP



OTHER WORKS BY KYRA HAZILLA AT OAAP.ORG

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- Fostering Connection in a Lonely Profession (Winter 2023)
- Meaningful Connections at Work (Winter 2023)

Thriving Today

- Well-Being Week in Law: 2023 Preview (April 28, 2023)
- If You Aren't Feeling Buoyed by Resilience, Post-Traumatic Growth May Be on the Horizon (September 1, 2022)

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Parent Burnout Scale

Step 1: Check Yourself for Working Parent Burnout

The 10-item Working Parent Burnout Scale is a tool that can be used to help both parents and clinicians determine whether a parent is experiencing burnout. This scale is free for use and should be employed more readily in the clinical setting as part of routine visits, but especially if a child or parent is being seen for a mental health condition. This scale has demonstrated validity and reliability to detect parental burnout in the working parent population.

	Not At All	A Little	Somewhat	Moderately So	Very Much So
Item 1: I get/feel easily irritated with my child(ren).					
Item 2: I feel that I am not the good parent that I used to be to my child(ren).					
Item 3: I wake up exhausted at the thought of another day with my child(ren).					
Item 4: I find joy in parenting my child(ren).					
Item 5: I have guilt about being a working parent, which affects how I parent my child(ren).					
Item 6: I feel like I am in survival mode as a parent.					
Item 7: Parenting my child(ren) is stressful.					
Item 8: I lose my temper easily with my child(ren).					
Item 9: I feel overwhelmed trying to balance my job and parenting responsibilities.					
Item 10: I am doing a good job being a parent.					

Step 2: Score Each Item

For all questions except questions 4 and 10 on the scale, use these point values.

- Not at all = 0 points
- A little = 1 point
- Somewhat = 2 points
- Moderately so = 3 points
- Very much so = 4 points

Questions 4 and 10 use reverse scoring.

Use these point values for questions 4 and 10.

- Not at all = 4 points
- A little = 3 points
- Somewhat = 2 points
- Moderately so = 1 point
- Very much so = 0 points

Step 3: Calculate the Total

Add all points together for a final score.

Step 4: Interpret the Score

- 0-10 Points: No or few signs of burnout
- 11-20 Points: Mild burnout
- 21-30 Points: Moderate burnout
- 31+ Points: Severe burnout

Score 31+: Severe burnout – Ask for help from your healthcare provider or mental health professional; connect with family members and friends. Utilize available resources.

Score 21-30: Moderate burnout – Take action! Start interventions (e.g., take time out of each day to do something for your mental health and well-being), decrease stressors, use available resources and consider asking for help. If your level of burnout is interfering with your ability to function or concentrate, seek mental health help immediately. It is a strength to recognize when help is needed, not a weakness.

Score 11-20: Mild burnout – Start preventive interventions such as taking short recovery breaks each day to do something for your mental health and well-being, decrease stressors and identify resources to help.

Score 0-10: No or few signs of burnout – you should continue to do the things you are doing and remember to prioritize good self-care.

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Career Resources from the OAAP

FINDING MEANINGFUL WORK

The OAAP holds a periodic 6-session networking and support group for lawyers making job or career transitions called “Finding Meaningful Work.” The sessions assist lawyers in creating a personalized job search plan; developing a mission statement and elevator speech; learning and practicing networking skills; and honing job search skills. Presently, sessions meet virtually through videoconference. To participate or for more information about the next group, please contact OAAP Attorney Counselor Associate Kirsten Blume, JD, MA Candidate, 503.226.1057 ext 11, kirstenb@oaap.org.

CAREER SELF-ASSESSMENT

The OAAP attorney counselors can help you assess your career path and career opportunities. If you would like information about self-assessment, contact OAAP Attorney Counselors Doug Querin, JD, LPC, CADC I, 503.226.1057 ext. 12, douglasq@oaap.org; Kyra Hazilla, JD, LCSW, ext. 13, kyrah@oaap.org; Bryan Welch, JD, CADC I, ext. 19, bryanw@oaap.org; or OAAP Attorney Counselor Associate Kirsten Blume, JD, MA Candidate, 503.226.1057 ext 11, kirstenb@oaap.org.

OAAP LENDING LIBRARY

Did you know that the OAAP maintains a wide variety of books available for members of the Oregon legal community to borrow? We have titles on diverse topics such as career, stress, anxiety, burnout, relationships, mindfulness, recovery, and retirement that can help you thrive in law and in life. To learn more, call Jeanne Ulrich at 503.226.1057. We invite you to stop by and peruse our shelves!