The Full Weight of the Law: How Legal Professionals Can Recognize and Rebound from Depression

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About the Authors

Dr. Jeff Fortgang
Dr. Jeff Fortgang graduated Yale in 1971, and, after a few years as a musician/songwriter, completed his PhD in clinical psychology (from Adelphi University’s Institute of Advanced Psychological Studies) in 1980. Licensed as both a psychologist and alcohol/drug counselor, he has held positions and directed clinical programs at several Boston-area hospitals and clinics, and served as an instructor in psychology in the Department of Psychiatry of Harvard Medical School. Since 1998, he has divided his time between private practice and Lawyers Concerned for Lawyers, the Massachusetts lawyer assistance program.

Dr. Shawn Healy
Dr. Shawn Healy received his PhD in clinical psychology from Suffolk University in 2006 where he focused most of his research on conflict resolution. During graduate school, Dr. Healy enjoyed teaching a wide variety of undergraduate psychology courses at several colleges in the greater Boston area. For many years he worked at a nonprofit in their community mental health clinics in the greater Boston area serving children, adolescents, and adults with major mental illness and eventually became the director of those clinics. Since 2014, he has worked full time at Lawyers Concerned for Lawyers, the Massachusetts lawyer assistance program, while also dedicating as much time as possible to playing with his small children.
Preface

Why We Wrote This Book
As clinical psychologists working for Massachusetts’s only lawyer assistance program, we meet directly with law students, lawyers, and judges whose professional and personal lives are suffering because of depression, substance abuse, and various other mental health conditions. We see clearly the human cost of the stress of the legal field, and both internal and external barriers to accessing help. One of the most common declarations we hear from lawyers and law students is, “I wish I came in to see you two years ago.” Unfortunately, for many struggling with burdens like depression, alcohol abuse, and anxiety, it is only when they reach their breaking point, or encounter unavoidable professional consequences, that they feel ready to reach out for assistance. So much benefit could be derived from earlier intervention with problems that can grow to consume a lawyer’s life and career; if this book makes a contribution to overcoming impediments and resistance to treatment, it will have been worth the effort.

In addition to the effects of mental health conditions and alcohol and drug abuse on lawyers’ lives, the same disorders can lead to substantial disciplinary issues that threaten attorneys’ ability to practice law. A number of our clients each year are referred to us through the state’s lawyer disciplinary body. In most cases, they are suffering from untreated or inadequately treated depression, anxiety, or substance abuse, resulting in compromised professional functioning. Formal complaints filed against lawyers commonly involve behavior such as poor
client communication; missed deadlines, statutes of limitations, or court appearances; being overwhelmed and disorganized; chronic procrastination; appearing in court obviously impaired; and mismanagement of client funds. Many or most of these behavioral issues reflect underlying depression, anxiety, and/or alcohol and drug use disorders. The longer that these problems are left untreated, the greater the repercussions.

The Prevalence of Depression in the Law

Law students and lawyers report having a significantly higher rate of depression than the general population. Given that the rate of depression among students initially entering law school is no different from that of the general population and the rate of depression among graduating law students and practicing lawyers is significantly higher than the general population, there appears to be a strong relationship between studying and practicing law and experiencing depression. Depression is an illness that affects multiple aspects of one’s life, the lives of family and friends, and the larger world around the depressed person in terms of both economic and societal effects.

In February 2016, the Hazelden Betty Ford Foundation and the American Bar Association’s Commission on Lawyer Assistance Programs (CoLAP) published a multistate study on the rates of substance abuse and behavioral health conditions among lawyers (Krill, Johnson, & Albert, 2016). Their findings supported some earlier research that drew attention to the issues of depression and alcohol abuse among lawyers while also shedding new light on the changes in how careers in the legal profession are influencing lawyers today (Benjamin, Darling, & Sales, 1990). The Hazelden/CoLAP study found that of their sample of employed lawyers, 28 percent struggle with some level of depression, 19 percent experience significant symptoms of anxiety, and 21 percent qualify as problem drinkers. While these data support previous findings, this new study highlighted the fact that attorneys within their first ten years of practice reported the highest levels of distress.
For years now, the legal employment market has been such that traditional legal jobs have been decreasing even as the number of new law school graduates has been increasing. The stress of seeking a job straight out of law school can be significant. Many new lawyers opt to start a solo practice out of necessity, rather than interest. In addition to starting down a career path that might not be a good fit with regard to personality or skill set, which can lead to additional stress and job dissatisfaction, some new lawyers come to equate difficulty in finding the right job with their ability to be a lawyer. Coupled with the frequent additional burden of significant law school debt, these questions can lead lawyers to wonder whether they have wasted years and tens of thousands of dollars on a career pursuit that might end in regret and hopelessness.

Depression, of course, is not limited to new attorneys. Those who have practiced law for years or even decades are also subject to a decline in mood and outlook as the field changes. For example, as the profession has evolved to become more of a business, for some the sense of reward and satisfaction has diminished. And as life goes on, lawyers are no different from others in having to cope with unpredictable events, including disappointments, illness, and losses. Those with traumatic histories, genetic predispositions, or less robust support networks may react with greater intensity to such events, but no one is completely immune. While all human beings suffer these kinds of potentially depressing influences, lawyers seem to be more reticent than most to reach out for help.

The sobering statistics and the topic area of this book might lead some to conclude that lawyers cannot have satisfying careers free of depression. One of the reasons why we were interested in writing this book was because we have seen first-hand the influence of effective mental health treatment on the personal and professional functioning of lawyers. One of the most harmful misconceptions that lawyers may believe about the stress of the profession is that “this is just how it is and I have to accept it.” The truth is that, despite the cultural and economic forces that can easily impede healthy functioning,
there are many effective strategies that can help to treat depression, stress, anxiety, substance abuse, and other mental health conditions. We hope this book provides a start in that direction.

**Who Should Read This Book**
This book was written for lawyers and law students, as well as concerned family members, friends, and colleagues. We designed it to be as applicable as possible to the most general of audiences in order to offer information, support, and guidance to all involved in the lives of those practicing and studying the law.

**What to Expect in This Book**
This book is organized to be helpful if you read it cover to cover or if you choose to read a specific chapter by itself. In it, we present information about the symptoms of depression, the reasons why depression might be more pervasive among those in the legal profession, the various causes and treatments of depression, the numerous resources available, the co-occurrence of substance abuse, the warning signs for depression, the risk and prevention of suicide, and the importance of resilience. We are primarily clinicians, and although we refer to various studies and theories in this book, most of what we’ve learned and are conveying to our readers is based on real-world, frontline clinical experience with a great many lawyers and law students who have sat in our offices and confided in us.

While this volume is not intended to be used as a self-diagnostic tool, it is designed to be a helpful source of information to guide you in how to recognize depression, identify supports and treatment, and encourage action toward making the changes needed to address the sources and symptoms of depression that can affect any of us. Armed with this information, we hope that, if and when it applies, you will take action and ask for help sooner rather than later. Those who do are likely to feel better and to stay on track as they move forward in their lives.
A note: Just as we work collaboratively yet independently at our lawyers’ assistance program, we have collaborated on this book by writing separate chapters (as indicated in the chapter titles) and incorporating each other’s feedback.

References