

THE DE-LAP ZONE: Recognizing Impairment in Lawyers

By: Carol P. Waldhauser

Bonita: *“Without treatment, I did not give a damn about myself, anybody, or anything. I was hungry; but couldn’t eat. I needed to work, but could not get out of bed. I just felt terrible sadness and unending hopelessness. I knew something was wrong; but feared the stigma of getting help for an emotional/mental problem. After all, Delaware is a close-knit legal community.”*

Joe: *“I sought treatment for my high blood pressure and my diabetes; but did not for clinical depression. Ironically, it was the clinical depression that nearly took my life. Today, I take personal responsibility for treating my high-blood pressure, me diabetes and my clinical depression.”*

THE ILLNESS:

Generally, all of us feel sad or depressed. In fact, the word depression is part of our everyday language. As defined in Abnormal Psychology:

“Depression is a medical illness that affects a person’s body, mood and thoughts – the whole person. It affects eating and sleeping habits, feelings about self, and every day thoughts. These mood changes may be temporary or long lasting. They may range from a relatively minor feeling of melancholy to a deeply negative view of the world and an inability to function effectively.” P. 267

Depression is the most common mental illness and no one is immune – not even lawyers. This illness is the leading cause of disability in US – affecting 10% of the general public. In fact, lawyers are at higher risk than those in the general public. Subsequently, depression occurs in all age, racial and socioeconomic groups. According to statistics published in www.PRPonline.net: “At some point in their lives, an estimated one in four women and one in 10 men can expect to develop depression so severe as to require treatment.

The American Bar Association reports:

-An estimated 81,000 to 117,000 ABA members have had one or more alcohol, drug, and/or mental health disorders with the past year. Over 190,000 have had or will have a disorder sometime during their lifetime.

-Almost 45,000 ABA members have had a substance abuse (alcohol or drug) disorder in the past year, and over 100,000 will have a lifetime substance abuse disorder and over 40,000 ABA members suffer from depression (within the past year).

As members of the legal profession, most attorneys spend their time dealing with other people's problems, often ignoring their own. The day-to-day pressures and deadlines of practice sometimes manifest themselves into acute difficulties like anxiety, depression or chemical and alcohol abuse/dependence.

RISK FACTORS:

The risk factors are what make an individual vulnerable to developing a particular disorder – physical and/or mental/emotional. Risk factors include, but are not limited to an individual's family history, biological vulnerabilities; environment, stress and lack of coping skills.

SYMPTOMS OF DEPRESSION:

Depressed mood most of the day;
Significant weight loss or gain;
Indecisiveness and diminished ability to think;
Fatigue or loss of energy;
Sleep disturbances (either insomnia or sleeping longer than usual);
Feelings of worthlessness or excessive or inappropriate guilt;
The inability to sit still, pacing or hand-wringing; slowed speech, increased pauses before answering a question, monotonous speech tone, slowed body movements, or an overall decrease in energy level; and/or recurrent thoughts of death or suicide. (2)

SYMPTOMS UNIQUE TO LAWYERS:

Inability to meet professional or personal obligations – procrastination, file stagnation and neglect, lowered productivity, missing deadlines (statutes, filing responsive pleadings or motions), excuse making and misrepresentation to clients;

Emotional/Physical Paralysis – unable to open mail or answer phones;

Chronic sadness, guilt, apathy, anxiety, “empty” feelings;

Loss of interest and/or pleasure;

Trouble concentrating; and

Feelings of loneliness, isolation, desolation, being overwhelmed, unavailable to what is going on around you.

TREATMENT:

Fortunately, technology and other new advances in treatment for depression make it one of the most treatable of all mental illnesses. Talk therapy, medication monitoring or both can relieve symptoms of depression. Unfortunately, the biggest issue is not what treatment; but rather getting people into treatment. People hesitate to seek treatment for depression because they mistakenly think:

- Depression is a weakness, not an illness
- Depression is a normal part of aging; and/or
- Depression carries a stigma; people will talk about me.

Furthermore, feelings of helplessness, frustration, shame, guilt, and even disgust can cause the lawyer to shy away from addressing health issues squarely. Rather, it is easier to isolate the unhappy events as an aberration and to hope things will get better. In other words, it is easier to deny that a problem exists.

On the other hand, the astute individual knows that more than 80% of people with a depressive illness improve with appropriate treatment. Treatment can lessen the severity of depression, and it may also reduce the duration of the episode and may help prevent additional bouts of depression. With early recognition, intervention and support, most people can overcome depression and get on with their lives.

SUPPORT:

The Delaware Lawyer Assistance Program (DE-LAP) is a vehicle for providing **confidential, free** help within the legal community to individuals suffering from depression, addiction, chemical abuse and/or other disabling conditions that interfere with their health and work productivity. If you have concerns about a member of the legal community or if something just doesn't seem right with him/her, call the Delaware Lawyers Assistance Program.

Our mission is enhancing the quality of life for those working in the legal community by delivering education and assistance. DE-LAP is committed to developing and maintaining effective problem solving for the individual and to create a workplace atmosphere that encourages professional growth and excellence.

If you, or someone you know, is experiencing symptoms of depression; or if you know a lawyer or judge who is in need of help; or if you want additional information on depression, health-care referrals. Call the Delaware Lawyers Assistance Program (De-LAP), Carol P. Waldhauser, Executive Director, at (302)777-0123 or 1-877-24delap or e-mail cwaldhauser@de-lap.org for **confidential, free information.**

References

- 1 Abnormal Psychology, Irwin G. Sarason and Barbara R. Sarason, Prentice Hall, Upper Saddle River, New Jersey, p 267.
2. Diagnostic and Statistical Manual of Mental Disorders. Text Revision DSM-IV-TR (AMERICAN PSYCHIATRIC ASSOCIATION), P.349.