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## PERSONAL DEVELOPMENT

# Substance Abuse and Mental Health

### Themes:

- Facilitating discussions about substance abuse and mental health issues in the legal profession.

### LEARNING HOW TO:

- (a) recognize possible warning signs of addiction or mental health problems,
- (b) understand the impact this may have upon one's practice
- (c) find resources for assistance
- (d) provide support.

### Conversation Starters:

- How do you handle stress in your practice? What are your coping strategies? Who do you turn to when you need support?
- What are the available WSBA member assistance resources for substance abuse and mental health?
- How are people impacted by addiction and/or mental health problems? Your peers? Your clients? Family or friends?
- What is the impact of addiction and/or mental health problems on the legal profession?
  - Discuss the proposition that scholarly and lay publications report that, compared to those in other professions, lawyers have some of the highest rates of alcohol and substance abuse.
  - If you had a crisis related to mental health or addiction, would you know where to turn?
  - How can therapy or group treatment be useful for these problems?

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#### Activities:

- Brainstorm the most professional ways for dealing with the following situations:
  - The judge before whom you appear seems impaired
  - The opposing counsel in your case attempts to negotiate with you while seeming impaired
  - Your client seems to be impaired at a hearing or a negotiation
  - You are concerned that a colleague at work may be struggling with addiction
  - Create a role play: One of you is struggling with one of these problems and the other is providing support.
- Explore employer's mental health services and programs. EAPs? WSBA resources? Other options for attorneys.
- Consider privately taking a depression or addictions online self-assessment.
- Review best practices for suicide assessment.

#### Resources:

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- WSBA Resources for addiction and mental health:
  - Review [Member Wellness Program website](#) to understand services offered. Understand Member Wellness Program Manager Dan Crystal's role in providing consultations, triage, and referral. [danc@wsba.org](mailto:danc@wsba.org)
  - Discuss [WSBA Connects member assistance program](#)
    - Discuss confidentiality of discussions with or reports to LAP ([see APR 19](#))
    - Review WSBA [lending library materials](#) on mental health
    - After reviewing WSBA's programs, find out what programs your employer offers and how you access them.
    - Review [this link](#) to understand Washington rules and bar opinions about attorney cannabis use since the legalization of marijuana.

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#### Resources (continued):

- Drug and alcohol [assessment tools \(www.drugabuse.gov\)](http://www.drugabuse.gov)
- ABA: signs symptoms and effects of:
  - [Alcohol abuse](#)
  - [Drug use and dependence](#)
  - [Depression](#)
  - [Stress](#)
  - [Potential suicide](#)
- [WSBA's Connects Member Assistance program](#)
- [Depression screening self-assessment \(mentalhealthamerica.net\)](#)
- List of Washington [suicide hotlines](#). National Suicide Hotline open 24/7: 1-800-784-2433
- [Washington Contemplative Lawyers website](#)
- Rules of Professional Conduct and Rules for Enforcement of Lawyer Conduct
  - [RPC 1.16 \(a\) \[2\]](#) – duty to decline representation if attorney's physical or mental condition impairs the ability to represent a client
  - [RPC 1.14](#) – What to do when you represent a client with diminished capacity
  - [RPC 8.3](#) – applicability of duty to report violations of RPC in cases of substance abuse or mental health
  - [ELC 2.13 \(c\)](#) – duty to disclose medical and psychological records
  - Discuss a lawyer's personal and professional duties to assist their colleagues if he or she suspects impairment
- Information about [WA mental health and adult drug courts](#)