



LAWYER TO LAWYER MENTORING PROGRAM
WORKSHEET J
INTRODUCTION TO MENTAL HEALTH AND SUBSTANCE USE ISSUES

Worksheet J is intended to facilitate discussion about substance use and mental health issues in the legal profession, including possible warning signs, what to do if the mentee is faced with a substance use or mental health issue, and resources for assistance.

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- Review the attached Ohio Lawyers Assistance Program (“OLAP”) *Attorneys* materials, the New York Times article *The Lawyer, the Addict*, and the American Bar Association’s *National Research on Lawyer Impairment* infographic. Discuss the statistics regarding substance use and mental health problems among lawyers, particularly new lawyers
- Review the attached American Bar Association *What is Well-Being?* infographic. Share with the mentee the ways that you attend to your own well-being and how you practice self-care. Discuss the mentee’s strategies for self-care and help the mentee develop new strategies for dealing with the demands of being a lawyer.
- Share with the mentee the experiences, if any, that you have had dealing with an impaired lawyer or judge (including yourself, if you are comfortable doing so) and how you handled (or should have handled) the situations. Discuss the signs and symptoms of impairment that you noticed or experienced. Review OLAP’s *Signs and Symptoms* list to familiarize the mentee with indicators that they or another attorney may have an impairment that is affecting their practice. Review the OLAP’s *Alcohol/Drug Self-Test* and *Depression Self-Test* to raise the mentee’s awareness of any problems that may be occurring in his or her life.
- Discuss a lawyer’s duty to decline or withdraw from representation if a physical or mental condition materially impairs his or her ability to represent a client. See Prof.Cond.R. 1.16.
- Discuss a lawyer’s duty to report the misconduct of a colleague when a substance use problem or mental health issue affects his or her fitness to practice law. See Prof.Cond.R. 8.3 and 8.4.
- Discuss the resources available to lawyers who are struggling with substance use or mental health issues. Identify local assistance programs and direct the mentee to the Ohio Lawyers Assistance Program website at <http://www.ohiolap.org/> for information.



Discuss the confidentiality of referrals to OLAP or other bar association assistance committee, as outlined in OLAP's *We are Your Confidential Resource*.

- Review the information provided by the Ohio Judicial Conference regarding the OLAP Judicial Advisory Group and discuss how this group may assist with a judge you are concerned about.
- Discuss the most professional ways for dealing with the following situations:
 - The judge before whom you appear seems to be impaired
 - The opposing counsel in your case attempts to negotiate with you while s/he appears to be impaired
 - The opposing counsel in your case appears with his or her client at a deposition or hearing and you suspect s/he is impaired
 - Your client appears for a hearing impaired
 - You are concerned that your personal situation is impairing your ability to practice.
- Discuss a lawyer's personal and professional duties to assist their colleagues if they suspect impairment.
- Consider how solo practitioners can address their professional obligations while addressing impairments caused by substance use or mental health issues.
- Discuss a lawyer's heightened responsibility to a client who is mentally impaired. See Prof.Cond.R. 1.14.

IN-HOUSE MENTORING RELATIONSHIPS

- Share with the mentee any policy your firm has for dealing with an employee who exhibits symptoms of substance use or mental health problems. Discuss what the mentee should do if such problems are suspected of partners, other associates, or support staff.
- Discuss any support plans your firm has in place for assisting an employee with substance use or mental health problems.
- Discuss the importance of protecting clients' cases from an impaired lawyer.



RESOURCES

Ohio Lawyers Assistance Program: <http://www.ohiolap.org/>

The Lawyer, The Addict: <https://www.nytimes.com/2017/07/15/business/lawyers-addiction-mental-health.html>

American Bar Association's *National Research on Lawyer Impairment* infographic: https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_hazelden_research_infographic.authcheckdam.pdf

American Bar Association *What is Well-Being?* infographic: <http://lawyerwellbeing.net/wp-content/uploads/2017/11/What-is-WellBeing-e1510256398737.jpg>

Signs & Symptoms: <https://www.ohiolap.org/signs-symptoms>

Self-Tests: <https://www.ohiolap.org/self-tests>

Ohio Rules of Professional Conduct: <http://www.supremecourt.ohio.gov/LegalResources/Rules/ProfConduct/profConductRules.pdf>

Judicial Advisory Group: <http://www.ohiojudges.org/Document.aspx?DocGuid=9774abd8-250e-4101-a553-f1e49bdcd488>

American Bar Association National Task Force on Lawyer Well-Being Report: <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFINAL.pdf>

National Research on Lawyer Impairment: https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx

Article about vicarious trauma and post-traumatic stress disorder in lawyers: <https://lawstreetmedia.com/issues/health-science/vicarious-trauma-can-legal-culture-make-worse/>



Younger Lawyers Are Most At Risk For Substance Abuse And Mental Health Problems:
http://www.abajournal.com/news/article/younger_lawyers_are_most_at_risk_for_substance_abuse_and_mental_health_prob/

Mental health and wellness self-assessments:
<https://www.authentic happiness.sas.upenn.edu/testcenter>

How to Prevent Stress, Substance Abuse and Depression in the Profession:
http://www.abajournal.com/voice/article/lawyers_weigh_in_how_to_prevent_stress_substance_abuse_and_depression/

Out of the Darkness: Overcoming Depression Among Lawyers:
https://www.americanbar.org/publications/gp_solo/2015/march-april/out_the_darkness_overcoming_depression_among_lawyers.html

American Bar Association Young Lawyers Division #Fit2Practice initiative:
https://www.americanbar.org/groups/young_lawyers/initiatives/fit_to_practice.html

American Bar Association Commission on Lawyer Assistance Programs library of resources for substance use and mental health conditions:
https://www.americanbar.org/groups/lawyer_assistance/articles_and_info.html

Lawyers with depression can still zealously represent clients while embracing their humanity, abajournal.com: <http://www.abajournal.com/voice/article/lawyers-with-depression-can-still-zealously-represent-clients-while-embracing-our-humanity-and-vulnerability?icn=sidebar&ici=text>