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Lawyers must follow their inner compasses

Observations after the suicide of another former UM student

By **Bari Burke**, professor
University of Montana School of Law

I learned recently that another of my former students committed suicide. I don't and won't presume to know the circumstances of this particular lawyer's death. I do know, however, that the loss of another lawyer's life to the combination of stresses of a lawyer's professional role and responsibilities and to whatever emotional and physical vulnerabilities is part of the individual lawyer's make-up is a tragedy.

Numbers of lawyers and scholars have already realized that the practice of law is difficult and sometimes not especially satisfying. But the depth of the stresses and demands of practice are neither fully acknowledged nor, I think, taken seriously or seriously enough. If they were, we (the law school, lawyers, law firms and the Bar) would be doing more and doing it now. Not that I believe that there is an easy answer or a few tricks that could solve the problems. But we would be willing to ask the most difficult questions and then confront and wrestle with possible promising responses even though such responses might necessitate that we change what we take as unchangeable or inevitable in the successful teaching and practice of law.

First, maybe each of us needs to admit to ourselves that each of us can, and needs to, do what it takes to be healthy, physically and emotionally, and to maintain healthy relationships of all sorts, regardless of the costs those actions impose on our professional lives. Instead, we seem to believe that success in law school and in the practice of law requires that we conduct "ourselves as if deeply human elements of our lives, or ourselves, and of others don't exist or don't matter."

LARRY KRIEGER, a clinical law teacher and former litigator, believes that the most workable approach to improving the professional lives of lawyers is to focus on the level of the internal motivations and attitudes of individual law students and lawyers. In what I found to be a most useful article, Krieger lists 10 assumptions that will help law students prepare to live their lives as lawyers well. The following six are the most relevant to this essay:

■ Law students (and lawyers) really need to know that their aspirations for honors and high achievement are valuable only in the context of a balanced, happy life.

■ Law students (and lawyers) really need to know that they can have good lives as lawyers if they act according to their conscience, their deep personal values, and their ideals.

■ Law students (and lawyers) really need to know that they cannot have good lives as lawyers if they do not act according to their conscience, deep personal values, and ideals.

■ Law students (and lawyers) really need to be encouraged to define success in terms that are personally meaningful, achievable, and which include the experience of a full, healthy, and happy life.

■ Law students (and lawyers) really need to know that their level of professionalism will probably improve if they live a full, satisfying life.

■ Law students (and lawyers) really need to know that a respectful, caring attitude, and consistent enjoyment of life are signs of a mature, healthy person.

'Beyond the obvious pressures of time and economics, few of us will want to be perceived as needing help in such personal ways.'

LAWYERS NEED TO PAY attention to their "inner compasses." Krieger notes that "[a] spectrum of respected sources tell us that high levels of emotional health, maturity, and life satisfaction depend on constant reference to such 'internals' or subjective qualities as one's values, commitments and character, and not primarily to 'externals' such as credentials, win ratios, power, money and tangibles that suggest affluence,

prestige or competitive advantage." Law school and law practice seem to prize "externals."

Krieger also notes that "[g]enuine self-esteem and self-actualization require intimacy with one's feelings, values and other subjective qualities. Since these qualities are foundational for life satisfaction and development of the qualities at the heart of professionalism, improvement of the profession requires that law students and lawyers seek ways to strengthen these faculties within themselves."

Krieger recognizes that most law students and lawyers will have "formidable inhibitions to the level of ongoing attention" that is necessary to make a real difference. "Beyond the obvious pressures of time and economics, few of us will want to be perceived as needing help in such personal ways. Further, the precise nature of the problem from this viewpoint is the attorney's distaste or discomfort with his feelings, and disconnection from his values and sense of self. Direct approaches to strengthening those faculties require openly experiencing and exercising them, and are therefore unappealing to most lawyers and law students."

NO MATTER HOW unappealing or discomfoting it might be to lawyers (who, by many accounts, have a higher than average need for control; who, as a group, are significant-

ly more competitive than the average person; and who tend to focus on external measures of success), we must do whatever is necessary to live meaningful and healthful lives as lawyers and to contribute to making our profession one that allows each lawyer to live a meaningful and healthful life as a lawyer.

Krieger realizes that although attending only a single meeting of a few hours on these topics will be less effective than participating in a full semester course or three-year integrated curriculum, a single meeting could “generate reflection on one’s motivating assumptions about personal and professional life, and an interest in these or related issues.” The State Bar of Montana has already begun to offer such continuing legal education programs.

What might lawyers do to help themselves? Discussion groups among lawyers would be a means to take up these matters regularly. Such a group could be informal and include a few peers who are friends or professional associates. Krieger lists the benefits of such discussion groups: “camaraderie of like-minded professionals; peer reinforcement to create a balanced and enjoyable life for one’s self; an environment that encourages one to notice and express personal feelings and beliefs; and an enforced opportunity to listen respectfully to the feelings and beliefs of others, all on a regular basis.”

The discussion groups that Krieger has proposed seem to me to be modern version of the community that lawyers created in earlier years. In Missoula, lawyers used to meet at the Florence Hotel for lunch. “There was a lawyers’ table and a businessmen’s table. The table would seat about 10, but sometimes there were as many as 16 lawyers, and they would sit

around the table and talk. I don’t believe that those lawyers talked about meditation or their feelings, but their talk could have subtly reinforced the value of a balanced and enjoyable life and provided opportunities for them to listen respectfully to the beliefs and feelings of others.

Lawyers can work by themselves on these matters. Much recent empirical evidence shows that written self-reflection in a journal or notebook is effective. Meditation has also been proven to help people become better able to live according to their individual values and commitments.

WHAT MIGHT THE LAW SCHOOL and profession do collectively to improve the health and meaning in lawyers’ lives? That’s the subject of later columns.

No doubt the pressures on most people, not just lawyers, these days lead to higher rates of suicide, mental illness, chemical addictions and careers that are unsatisfying. But according to many studies, lawyers have greater rates of suicide, mental illness and chemical addictions than in society generally or in most other professions, including medicine.

The suicide of a lawyer is a tragedy. Mental illness and chemical addiction are tragedies. Lawyers in Montana (as well as other places) seem to have witnessed many, many tragedies recently. We can’t continue to lead our lives as we normally and ordinarily do, and ignore the signs and consequences of what the training of lawyers and law practice can mean in lawyers’ lives. We must dedicate ourselves first to our own health and then to the health of all members of our profession.

The Lawyer Assistance Program grows rapidly in its first 6 months

By **Mike Larson**, director
Montana Lawyer Assistance
Program

This is an exciting time to be a lawyer, not just in our practices, but in the way we live. Attorneys are learning that to better serve their clients, they must take care of themselves. This important need was recognized by the State Bar when the Montana Lawyer Assistance Program was created last fall. I was honored to be the first director and began working full-time in that capacity last December.

After my first six months in this position, I am pleased to see the program growing rapidly. To date, the program has provided individual assistance to nearly 20 attorneys across the state and provided crisis counseling 24 hours a

day via the (888) 385-9119 hotline. I have also given presentations at CLEs to approximately 350 attorneys.

When most people hear Lawyer Assistance Program, the first impression is assistance with alcohol-related problems. Granted, that is an important aspect of what the program does, but it is far more reaching. Not only are we dealing with alcohol-related issues, but other forms of chemical dependency, mental health issues, compulsive gambling, overeating problems, general stress, burnout, and many other issues.

Basically, any type of impairment that is negatively affecting an attorney’s ability to represent clients is encompassed by the Lawyer Assistance Program. I am currently working with attorneys in Billings, Missoula, Great Falls, Helena and other smaller communities across

the state to address these issues.

Hundreds of Montana attorneys suffer from some form of impairment. If you are one of them, you can call me 24 hours a day to discuss your problem. Working together we can decide what form of help is most appropriate, whether it is individual counseling with me, referral to a residential treatment program, or something in between.

Maybe instead of you, another attorney you know is suffering from a type of impairment. If you are concerned about a colleague, help is also available. The person suffering is often the last person to realize the severity of his problem. I am available 24 hours a day to discuss how to help other attorneys. At a minimum, I can help the person calling deal better with their friend or colleague’s situation. I can also visit with the other attorney, or if needed, help facilitate a formal intervention.

I need the help of each of you to make this program work. Whether it is making referrals, serving on the Lawyers Helping Lawyers Network, offering