

The devastation of depression: Lawyers are at greater risk--It's an impairment to take seriously

By Michael J. Sweeney

In 1995, a Portland lawyer wrote a suicide note to his family and then drove to his favorite fishing spot in central Oregon. While sitting in his vehicle, he shot himself. A year later, another lawyer practicing in the Willamette Valley of Oregon left a suicide note to the members of his law firm, and then walked to a park near his office and shot himself. Both lawyers were experiencing depression. With it came the distorted thinking that a permanent solution to a temporary problem was the answer.

I am shocked and saddened to lose a fellow lawyer due to suicide caused by depression. Lawyers suffer a high rate of depression. That is why it is important for lawyers and other bar leaders to understand the scope, nature and extent of this disorder. How extensive is the problem?

In 1991, Johns Hopkins University in Baltimore interviewed 12,000 workers about depression. Lawyers ranked No. 1 on the list of occupations that were most depressed.

While 3 percent to 9 percent of the population at any given time may experience depression, a quality-of-life survey conducted by the North Carolina Bar Association in 1991 reported that almost 26 percent of the bar's members exhibited symptoms of clinical depression. Almost 12 percent of them said they contemplated suicide at least once each month.

It is difficult to measure the economic and social consequences of lawyer depression (such as malpractice or neglect of cases), but it is estimated that depression in the United States population totals about \$44 billion in both direct cost (i.e., patient care and medication) and indirect cost (e.g., absenteeism and lost productivity), according to the National Institute on Mental Health.

Symptoms of depression

If a lawyer has a "blue" mood that lasts for more than two weeks and experiences any of the following symptoms, it is likely that person is having an episode of depression. The symptoms include:

- A change in appetite (eating too much or too little).
- Problems with sleep (either insomnia or sleeping longer than usual).
- A loss of interest or pleasures. (It may take a form of withdrawing from family or neglecting formerly enjoyed hobbies.)
- The inability to sit still, pacing or hand-wringing ("agitation"). Or slowed speech, increased pauses before answering a question, monotonous speech, slow body movements or an overall decrease in energy level ("retardation").
- A sense of worthlessness or feelings of inadequacy, and other forms of negative thinking, including inappropriate guilt.
- Recurring thoughts of death and/or suicide.
- Difficulty concentrating, slow thinking, indecisiveness (the smallest task may seem difficult or impossible to accomplish).
- Memory difficulty and easy distraction.

- Fatigue.

Episodes of clinical depression may last from six months to two years if left untreated. Most health care professionals believe that stress and genetics play an important role in the onset of depression even though they have been unable to pinpoint the cause of it.

Professional influences

Let's look at the law-related stressors. A few years ago, Standish McCleary, a lawyer-turned psychologist (with a Ph.D.), and I presented a program on stress management and burnout, and identified some of the reasons why lawyers are above the norm for depression. The stressors identified are:

- Time constraints and deadlines..
- The high stakes involved, including a loss of property, freedom and even life.
- The high expectations of expertise.
- The constant scrutiny and critical judgment of our work from opposing counsel or the courts.
- The legal process in general, which is inherently conflict-driven. An opposing counsel is always determined to prove us wrong.
- The threat of malpractice, Murphy's Law, and CYB (cover your backside) from other lawyers and even our own clients.
- A tendency to assume the clients' burdens.
- The demise of professional cordiality and camaraderie.
- The contrast between effective advocacy and personal relationships. While lawyers are trained to be aggressive, judgmental, intellectual, emotionally defended or withdrawn, and while that style may have practical value, it may not be popular outside the arena of the legal case.
- The professional training that requires us to notice and anticipate the negative and the downside in all situations.
- The group norms or culture in the law firm, which carries certain expectations, including high billable hours. On top of work obligations come CLE requirements, bar activities and community service work--all expected from the "good" lawyers.
- The depletion of energy that comes from high demands, strong focus and the need to stay on task.
- Frequent use of defense mechanisms--such as rigidity, compulsiveness, and perfectionism. (See "The depressing nature of the law: Is law hazardous to your health?", page 14.)

Burnout

Continued high levels of stress over a long period of time, without adequate coping strategies, can lead to burnout. Burnout is nothing more than a form of depression. It has been defined as a type of depression characterized by apathy, negative feelings about the job, declining productivity, increased illness, and difficulty in personal relationships. Sometimes it includes an increase in substance abuse.

Everyone occasionally feels frustrated, depressed and dissatisfied. But when someone experiences depression or burnout, these negative emotions become chronic and last for weeks or months. There is only so much psychological energy to get us through the day, and our work may completely deplete us of this energy. When this happens, our work performance is further reduced in terms of

quality and quantity. The lack of emotional energy makes it harder to deal with our personal relationships and we may become frustrated and easily angered with family and friends. Lawyers experiencing burnout may find themselves wondering "why bother?" about work that previously invigorated them. Even the word, burnout, implies that at one time they were on fire, but the flame has now flickered.

Burnout has been called a "romantic disorder" because it is characteristic of a work ethic admired in our culture. Long hours and a selfless dedication to work--to the exclusion of self-care--can lead to burnout. In the North Carolina bar survey, it is noteworthy that 36 percent of lawyers surveyed in North Carolina had not taken even a one-week vacation in the year prior to the survey. Learning how to manage stress and take care of ourselves is critical to preventing burnout. This, in turn, can help minimize the effects of depression.

Alcohol abuse

There is a definite relationship between alcohol and depression. Alcohol is a drug that operates as a central nervous system depressant, and approximately 30 percent of all depression cases are alcohol induced. When the lawyer stops drinking and remains sober for an extended period, depression disappears. When depression is the presenting problem, it is important that a trained professional evaluate the lawyer for alcohol or chemical