



ICLE

ATTORNEY FIRST AID KIT

PROGRAM MATERIALS | February 15, 2019

Friday, February 15, 2019

ICLE: State Bar Series

ATTORNEY FIRST AID KIT

5.5 CLE Hours including

1 Ethics Hour

Sponsored By: Institute of Continuing Legal Education

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The Institute of Continuing Legal Education of the State Bar of Georgia is dedicated to promoting a well organized, properly planned, and adequately supported program of continuing legal education by which members of the legal profession are afforded a means of enhancing their skills and keeping abreast of developments in the law, and engaging in the study and research of the law, so as to fulfill their responsibilities to the legal profession, the courts and the public.

Printed By:



State Bar
of Georgia

INSTITUTE OF CONTINUING LEGAL EDUCATION



HOW CAN WE HELP YOU?



Who are we?

SOLACE is a program of the State Bar of Georgia designed to assist those in the legal community who have experienced some significant, potentially life-changing event in their lives. SOLACE is voluntary, simple and straightforward. SOLACE does not solicit monetary contributions but accepts assistance or donations in kind.

How does SOLACE work?

If you or someone in the legal community is in need of help, simply email SOLACE@gabar.org. Those emails are then reviewed by the SOLACE Committee. If the need fits within the parameters of the program, an email with the pertinent information is sent to members of the State Bar.

What needs are addressed?

Needs addressed by the SOLACE program can range from unique medical conditions requiring specialized referrals to a fire loss requiring help with clothing, food or housing. Some other examples of assistance include gift cards, food, meals, a rare blood type donation, assistance with transportation in a medical crisis or building a wheelchair ramp at a residence.

Contact SOLACE@gabar.org for help.



The purpose of the SOLACE program is to allow the legal community to provide help in meaningful and compassionate ways to judges, lawyers, court personnel, paralegals, legal secretaries and their families who experience loss of life or other catastrophic illness, sickness or injury.

TESTIMONIALS

In each of the Georgia SOLACE requests made to date, Bar members have graciously stepped up and used their resources to help find solutions for those in need.

A solo practitioner's quadriplegic wife needed rehabilitation, and members of the Bar helped navigate discussions with their insurance company to obtain the rehabilitation she required.

A Louisiana lawyer was in need of a CPAP machine, but didn't have insurance or the means to purchase one. Multiple members offered to help.

A Bar member was dealing with a serious illness and in the midst of brain surgery, her mortgage company scheduled a foreclosure on her home. Several members of the Bar were able to negotiate with the mortgage company and avoided the pending foreclosure.

Working with the South Carolina Bar, a former paralegal's son was flown from Cyprus to Atlanta (and then to South Carolina) for cancer treatment. Members of the Georgia and South Carolina bars worked together to get Gabriel and his family home from their long-term mission work.

Contact SOLACE@gabar.org for help.

FOREWORD

Dear ICLE Seminar Attendee,

Thank you for attending this seminar. We are grateful to the Chairperson(s) for organizing this program. Also, we would like to thank the volunteer speakers. Without the untiring dedication and efforts of the Chairperson(s) and speakers, this seminar would not have been possible. Their names are listed on the **AGENDA** page(s) of this book, and their contributions to the success of this seminar are immeasurable.

We would be remiss if we did not extend a special thanks to each of you who are attending this seminar and for whom the program was planned. All of us at ICLE hope your attendance will be beneficial as well as enjoyable. We think that these program materials will provide a great initial resource and reference for you.

If you discover any substantial errors within this volume, please do not hesitate to inform us. Should you have a different legal interpretation/opinion from the speaker's, the appropriate way to address this is by contacting him/her directly.

Your comments and suggestions are always welcome.

Sincerely,
Your ICLE Staff

Jeffrey R. Davis
Executive Director, State Bar of Georgia

Tangela S. King
Director, ICLE

Rebecca A. Hall
Associate Director, ICLE

AGENDA

PRESIDING: *George W. Martin, Jr.*, Program Chair, President & CEO, CorpCare Associates, Inc., Atlanta

7:30 **REGISTRATION AND CONTINENTAL BREAKFAST** (All attendees must check in upon arrival. A removable jacket or sweater is recommended.)

8:10 **WELCOME AND OVERVIEW**

8:15 **SESSION 1: MYTH OF THE SUPER LAWYER: IDENTIFYING YOUR KRYPTONITE**
Melissa Warner, Medical Director, Black Bear Lodge, Sautee

9:15 **SESSION 2: LAWYERS HELPING LAWYERS**
Lynn S. Garson, Counsel, BakerHostetler LLP, Atlanta

10:15 **BREAK**

10:25 **SESSION 3: ATTORNEY WELL-BEING THROUGH THE ART OF POWER**
Paul E. Knowlton, Principal – Marketplace Initiative, Mercer University, Atlanta

11:25 **LUNCH** (Included in registration fee.)

11:50 **SESSION 4: FINDING BALANCE IN A COMPETITIVE PROFESSION**
Lynn S. Garson
Eric C. Lang, The Lang Legal Group LLC, Atlanta
Mariette Torres, Founder of Mariette Lynn Clardy, LLC; Consultant, Securities Compliance Management, Atlanta
Melissa Warner

1:10 **BREAK**

1:20 **SESSION 5: ETHICS**
Wolanda R. Shelton, Assistant General Counsel, State Bar of Georgia, Atlanta

2:30 **ADJOURN**

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8:10 **WELCOME AND OVERVIEW**

George W. Martin, Jr., M.Div., M.A. *Program Chair*

George W. Martin, Jr., M.Div., M.A., is President/CEO/owner of CorpCare Associates, Inc. which conducts Employee Assistance Programs (EAP) for corporations, manufacturing, professional services, governments and hospitality since 1991. CorpCare Associates serves over 400,000 lives throughout the United States. He entered the EAP field in 1984. Prior to CorpCare Mr. Martin served as a United Methodist Minister in the Florida and Louisiana United Methodist Conferences.

Mr. Martin attended Florida Southern College, Lakeland, Florida earning his BS degree in 1974; Emory University, Atlanta, Georgia, receiving his Master of Divinity degree in 1977; and Louisiana Tech University receiving his Masters in Counseling degree in 1983.

He is past-president on the national board of the Employee Assistance Society of North America (www.EASNA.org). He is President of WorkSite Products, a drug testing and background check company. Mr. Martin has clinically practiced as a Marriage and Family Therapist, instructed at the college level in the areas of Adolescent and Abnormal psychology, provided counseling programs in hospitals and prisons, and conducts training on a variety of subjects.

He is married with four children and two Schnauzers residing in Scaly Mountain, North Carolina.

8:15

**SESSION 1: MYTH OF THE SUPER LAWYER:
IDENTIFYING YOUR KRYPTONITE**

Melissa Warner, Medical Director,
Black Bear Lodge, Sautee

CURRICULUM VITAE
Melissa Lee Warner, M.D.

Black Bear Lodge
310 Black Bear Ridge
Sautee Nacoochee, Georgia 30571
757*871*1266

Email Address: Melissa.warner@frnmail.com

EDUCATION:

Hood College
Frederick, MD
BA Biology
1980

Eastern Virginia Medical School
Norfolk, VA
MD
1983

PGYI - Neuropsychiatry (Rotating Internship)
Naval Regional Medical Center
Portsmouth, VA
1983 – 1984

RESIDENCY:

Family Practice Case Western Reserve University
University Hospitals
Cleveland, OH
1987 – 1990

FELLOWSHIP:

Addiction Medicine
Willingway Hospital
Statesboro, GA
1990 – 1991

Faculty Development
Dept. Family Medicine, UNC
Chapel Hill, NC
1990 – 1991

LICENSURE:

Virginia 0101226863
Florida ME 118435
Georgia 033408

BOARD CERTIFICATION:

Family Practice 1990, 1998, 2005, 2015
Addiction Medicine 1993, 2009

INSTITUTIONAL AFFILIATIONS:

2019- Current Medical Director
Black Bear Lodge
310 Black Bear Ridge
Sautee Nacoochee, GA 30571

2014-2018 Medical Director Black Bear Lodge

2013 –2014 Chief Medical Officer Lakeview Health
1900 Corporate Square Blvd
Jacksonville, FL 32216

2012- 2013 Assistant Professor Department of Psychiatry &
Behavioral Sciences
Eastern Virginia Medical School
Norfolk, VA 23501

2006-2013 Medical Director Williamsburg Place &
The William J. Farley Center
5477 Mooretown Road
Williamsburg, VA 23188

2000-2006 Assoc. Medical Director Williamsburg Place &
The William J. Farley Center

1999 - 2000 Alcove Medical Director Virtua Physician
Associates, P.A.
1995 - 1999 Alcove Staff Physician West Jersey Health System
Suite 4015 Main Street
Voorhees, NJ 08043

1994 - 1995 Medical Director Willingway Hospital
311 Jones Mill Road
Statesboro, GA 30458
1992 - 1993 Acting Medical Director
1990 - 1992 Physician

1994 - 1995 Supervising Physician Options Pediatric Mental Health
3 West Altman St
Statesboro, GA 30458

1984 - 1987 General Medical Officer USNR Branch Medical Clinic

Navy Finance Center
Anthony J. Calebrezzi Federal
Bldg., 26th Floor
Cleveland, OH 44108

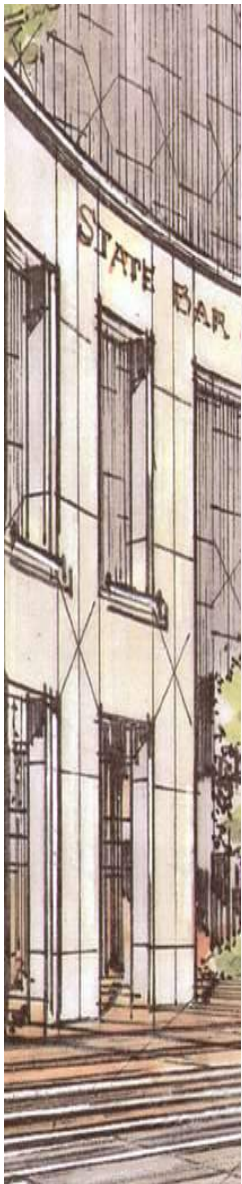
PUBLICATIONS:

The Hospital Treatment of Alcoholism and Drug Addiction. Clinics of North America.
March 1993

9:15

SESSION 2: LAWYERS HELPING LAWYERS

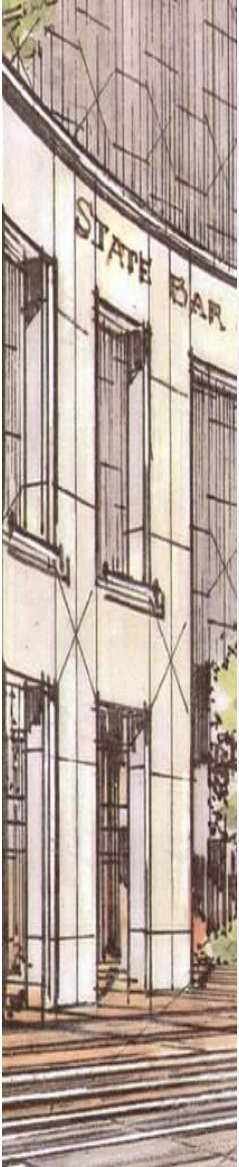
Lynn S. Garson, Counsel, BakerHostetler LLP,
Atlanta



LAWYERS HELPING LAWYERS



State Bar
of Georgia



Introduction

- Practicing attorney for 25 years
- Retail store owner
- 2000-2010: 3 voluntary psych hospitalizations
- *Southern Vapors* and mental health advocacy
- Lawyers Assistance Committee and Peer Program

Stresses Specific to Lawyers

- Time constrictions
- Perfection requirements or is anything ever perfect
- Fear of omission
- Number and intensity of responsibilities





Identifying Stress, Depression, Anxiety and Substance Abuse CHANGES

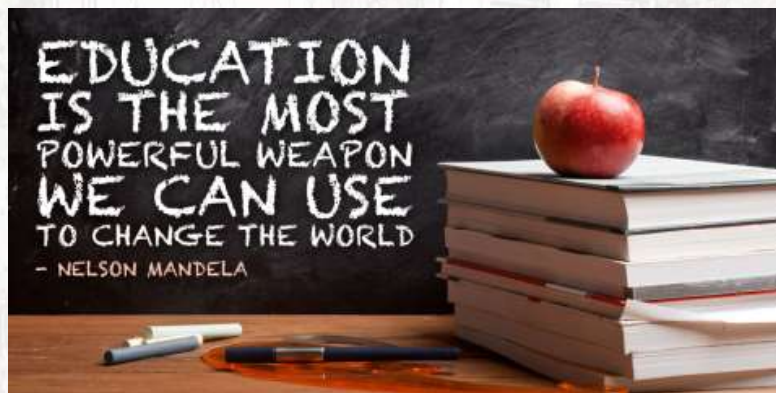
- More withdrawn
- Less talkative
- Not paying attention, distracted, inward focused
- Unexplained changes in schedule, erratic schedule, erratic absences
- Visible agitation in relating personal anecdotes
- Visible (even if minimal) lack of self care
- Hopelessness
- Isolating
- Displaying low self esteem
- Taking risks (because nothing matters)



State Bar
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Suicide Awareness and Prevention

- Robin Williams
- Kate Spade
- Anthony Bourdain





Lawyers Are Not Immune

Baker McKenzie Leader to Temporarily Step Down Due to Exhaustion

Paul Rawlinson, chairman of the global legal giant, will take leave to focus on a personal medical issue.

By **Rose Walker** | October 22, 2018 at 09:42 AM | Originally published on **International**

'Big Law Killed My Husband': An Open Letter From a Sidley Partner's Widow

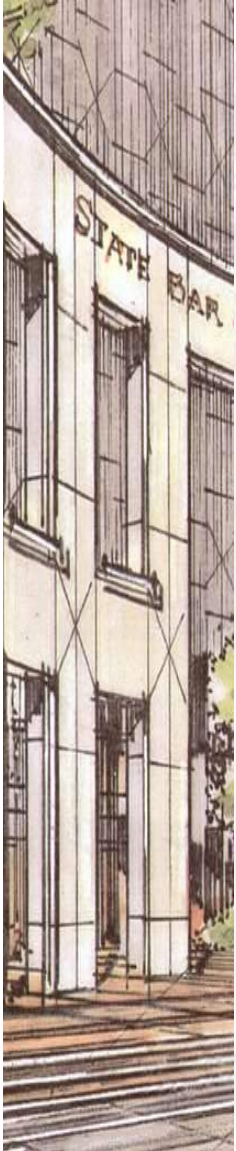
The wife of Sidley Austin partner Gabe MacConaill shares her story.

By **Joanna Litt** | November 12, 2018 at 09:00 AM

Suicide Blamed in Death of DLA Piper Partner

Bruce Wickersham, a Pennsylvania native whose body was discovered off a Massachusetts marina, was a longtime partner in DLA Piper's Boston office.

By **Meghan Tribe** | September 21, 2018 at 04:31 PM



Suicide Warning Signs

Hotline: 1-800-273-8255

Warning signs are indicators that a person may be in acute danger and may urgently need help.

- Talking about wanting to die or to kill oneself;
- Looking for a way to kill oneself;
- Talking about feeling hopeless or having no purpose;
- Talking about feeling trapped or being in unbearable pain;
- Talking about being a burden to others;
- Increasing the use of alcohol or drugs;
- Sudden swing from hopeless to carefree

Factors and signs from The National Suicide Prevention Lifeline



Lawyer Assistance Program



Lawyer Assistance Program

Who Provides the LAP?

- State Bar of Georgia
- Confidential
- CorpCare Associates, Inc.
- Throughout the state

CONFIDENTIAL LAP HOTLINE
800-327-9631

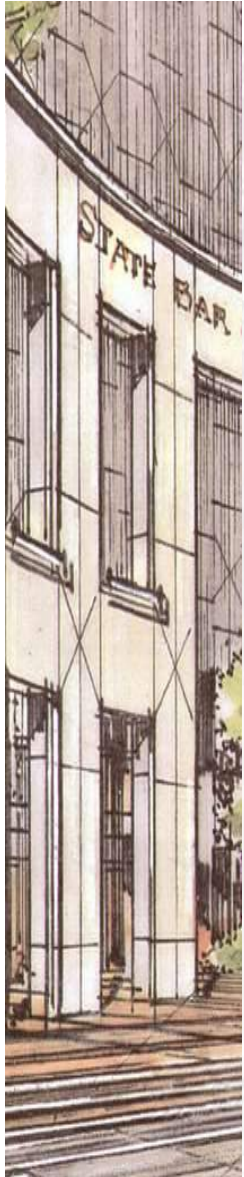


State Bar
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Highlights of the LAP

- Telephone Hotline to CorpCare (800-327-9631)
 - Trained Counselors 24/7/365
 - Anyone Licensed to Practice Law in Georgia
 - Lawyer
 - Judge
- 6 Prepaid In-Person Counseling Sessions with a Licensed Counselor Per Year
- Work/Life Prepaid Resources
- CorpCare will make anonymous outreach calls.





The Peer Program (Lawyers Helping Lawyers)

www.georgialhl.org

The Peer Program

- The Lawyer Assistance Committee (LAC) of the Lawyer Assistance Program (LAP) has developed a program of peer to peer support.
- This program launched in November 2017 and is referred to as the “Peer Program” or “Lawyers Helping Lawyers.”
- Matches between volunteers and participants occur by on-line matching based on criteria selected by the participant.
- Manual matches between volunteers and participants are also available.





What is Peer Support?

- Peer support generally involves people sharing similar experiences with an illness or condition, such as depression, bipolar disorder, other mood disorders, anxiety, stress, addiction to substances or process addictions, grief, physical illness, and work/life balance. The shared experience of practicing law alone provides common experience such that the role of peer volunteer is open to all members of State Bar of Georgia without regard to whether they have experience with any particular condition.
- Peer support is also geared to Bar members who are not facing issues personally, but have a family member who is.
- The volunteer is not a therapist and does not provide therapy or counseling services, but can refer a member to CorpCare.

Volunteering for the Program

- Volunteering is not one size fits all. Peer support can take many forms – phone calls, text messaging, group meetings, individual meetings over a cup of coffee or a meal, going for walks together, or other common activities.
- All volunteers are required to complete a training program for which they receive 1 hour of professionalism CLE credit and 1 hour of ethics CLE credit. Training is available throughout the year through video available on the Bar's website
- Matching criteria include age, years in practice, location and other anecdotal information that the volunteer provides.
- Have patience.

Using the Peer Program

Signing up to use the service is simple. Go to www.georgialhl.org and click the member button which will begin the process of anonymously selecting a peer volunteer.

Confidentiality

Volunteers' and participants' names and contact information will not be available on the website, only identified by a peer number.

One person at CorpCare will have access to the identifying information and it will be kept in an encrypted database by CorpCare

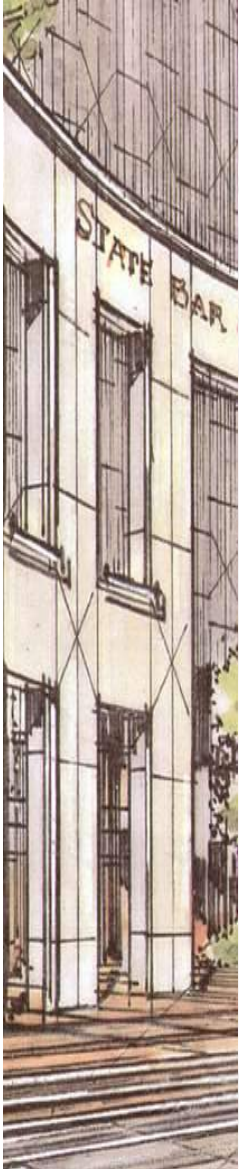


Confidentiality

State Bar Program Rule 7-303. Confidentiality.

Except as provided in this Rule and in Rule 4-104 (b), Rule 4-104 (c), Rule 7-203 and Rule 7-305, all proceedings and records of the Committee, its members, staff, consultants (including without limitation its contractor for clinical services) and other designees, including any information provided to any of them, **shall** be confidential unless the attorney who has provided the information or caused the record to be created otherwise elects, except that any such person may reveal (i) to police or emergency responders, or any person in imminent danger, information needed to avoid or prevent death or substantial bodily harm, and (ii) information

- a. which is mandated by statute to be reported;
- b. to respond in any proceeding to allegations of misfeasance concerning the assistance he or she has provided to an impaired attorney as part of a volunteer network established pursuant to Rule 7-202; and
- c. to secure legal advice about his or her compliance with these Rules.





Confidentiality and the State Bar Rules of Professional Conduct

- Mandatory vs. precatory
- Commentary of the State Bar's Office of the General Counsel:

"It's better for everyone—clients, the Bar and the lawyer himself—when a lawyer seeks help for mental health or substance abuse issues. The Bar encourages lawyers to get treatment or assistance when they need it. A request for help is confidential and the Office of the General Counsel is not informed when a lawyer seeks help through the Program."

Confidentiality and the State Bar Rules of Professional Conduct

Some relevant ethics rules:

- Escrow account/proper accounting of funds held in fiduciary capacity
- Conflicts of interest
- Diligence in representation
- Withdrawal from representation
- Candor to court/clients/other parties/counsel
- Fiduciary responsibilities

Should a volunteer report?

NO, volunteers should not and cannot report. Volunteers must maintain strict confidentiality at all times unless there is an exception (generally harm to self or others).

Bar Association Wellness Initiatives

STATE BAR OF GEORGIA:
“GEORGIA LAWYERS LIVING WELL”
<https://www.gabar.org/wellness/>

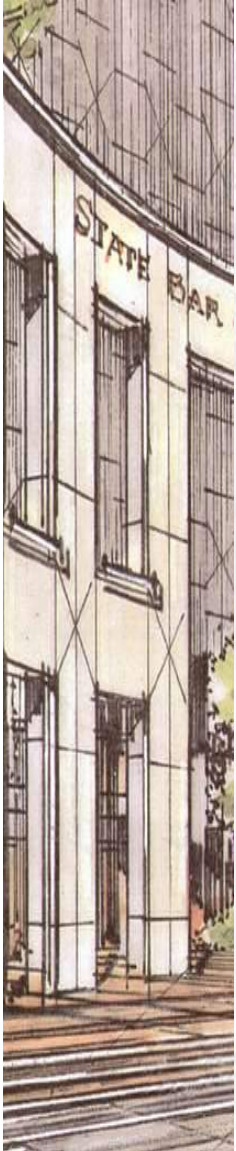
STATE BAR OF GEORGIA Wellness & Practical Skills CLE, Jan. 24-28, 2019, at the Carefree Resort in Carefree, Arizona.

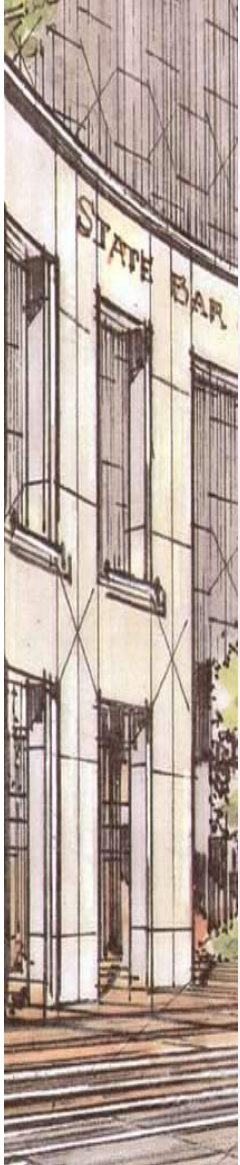
AMERICAN BAR ASSOCIATION:
List of Lawyer Well-Being Podcasts
<https://abacolap.wordpress.com/2018/02/28/a-list-of-lawyer-well-being-podcasts/>

The Path to Lawyer Well-Being: Practical Recommendations for Positive Change is a report by the National Task Force on Lawyer Well-Being (2017)
“Lawyer Well-Being: A continuous process in which lawyers strive for thriving in each dimension of their lives.”
<http://lawyerwellbeing.net/>

Other Resources

- Community Support Groups (12 step)
- National Council for Behavioral Health Training
- Leadership
- Lawyers Depression Project





Look at Leadership

- Creating a safe environment for associates and colleagues to come forward without fear of penalty (making partner/loss of job)?
- Modelling, ie, hosting speakers for lunch programs, initiate wellness programs, model and reinforce the importance of taking a break, taking a moment to interact with colleagues, etc.?
- Displaying emotional intelligence?

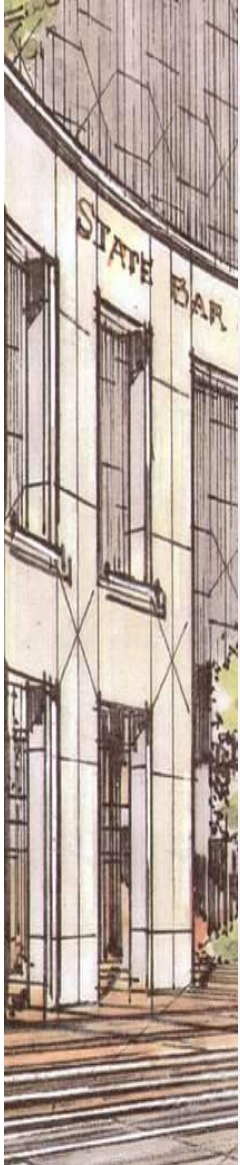
Emotional Intelligence

“EI arguably accounts for as much as 80 percent of an individual’s workplace success, more than raw intelligence and expertise combined. Studies at Harvard and elsewhere have shown that high IQ does not necessarily translate into high productivity, while the ability to “get along with people” has been found to be more critical than intelligence, decisiveness or job expertise in achieving bottom-line results. This indicates that emotionally intelligent partners will be among your strongest performers.”

https://www.americanbar.org/publications/law_practice_home/law_practice_archive/lpm_magazine_articles_v33_is5_an22.html (July/August 2007 issue)



State Bar
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Listening



“Most people do not listen with the intent to understand; they listen with the intent to reply.”

- Stephen R. Covey

*The 7 Habits of Highly Effective People:
Powerful Lessons in Personal Change*



State Bar
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Institutional Best Practices for Wellness in the Practice of Law

The following are a few ideas of what best practices for wellness might look like:

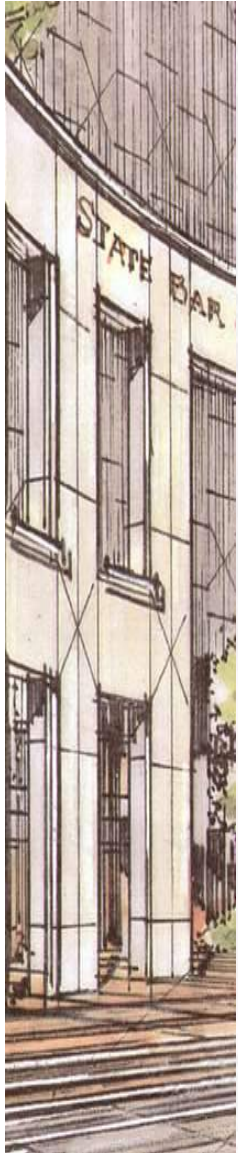
- Where there is an OSHA sign in your workplace, put an LAP poster next to it.
- During orientation for new lawyers, speak about LAP/the Peer Program and include information in their packets.
- Include in your mentorship programs education about LAP/ the Peer Program
- Have a representative of your LAP come speak to your firm; they are well informed and passionate about the services they provide. Require your younger lawyers to attend.
- Promote the CLE programs devoted to these types of issues to your colleagues as preferred material to fulfill ethics and professionalism requirements.
- Many CLE programs and other sources will teach you how to recognize the signs of mental health and substance abuse struggles. Learn them and watch out for them, particularly in your younger colleagues whom we now know from studies are most at risk.
- Volunteer your time for the Peer Program.
- Include the National Suicide Prevention Lifeline (**1-800-273-TALK[8255]**) in your Firm Directory and phone list and inform your colleagues and staff of it.
- Include the Crisis Text Line (**741741**) in your Firm Directory and phone list and inform your colleagues and staff of it.

Lawyers Depression Project

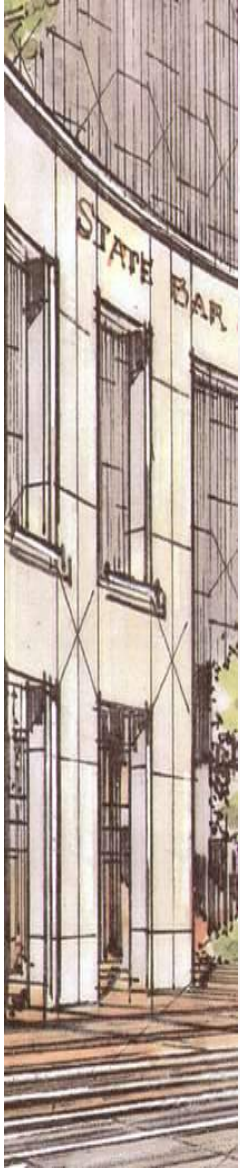
- A group of attorneys who themselves suffer from depression have launched this grassroots project aimed at addressing depression and other mental health issues in the legal profession.
- The group hosts a confidential forum and weekly online peer-to-peer support group meetings and offers members the option of anonymity.
- Meetings involve candid explorations of health and mental health experiences; impacts on legal practice in various contexts and seniority levels; tools for effective management and work-life balance; personal dynamics of self-care, life design, family, roles and more.
- To participate, members need only share emergency contact information with the group's founders to receive an anonymous email address for use with group meetings and to participate in the group's web forum at <https://www.knowtime.com/about>



State Bar
of Georgia



Q & A



Thank you!

Lawyers Helping Lawyers “Peer Program” of the State Bar of Georgia
Lynn S. Garson, Esq., 2019

When we are paired with the right person, there is no telling what can happen. Remember, Mr. Miyagi and Daniel LaRusso in *Karate Kid* and Professor Dumbledore for Harry Potter?” That’s what the “Peer Program,” described below, is all about.

As of November 2017, a peer support program has been launched by the Lawyers Assistance Committee of the State Bar of Georgia. The program establishes a statewide service system of volunteer attorneys who want to help others by supporting them through difficulties. Such programs exist in almost every other state, some boasting as many as 600 volunteers. Our Georgia program is an excellent resource for Georgia attorneys, judges and law students who struggle with a wide spectrum of issues, including depression, anxiety, stress due to work or family issues, addictions such as alcohol, drugs, food addiction, gambling, sex or other compulsive behaviors, and disabilities.

One concern that is often voiced about such programs is confidentiality – how can a lawyer who uses the program, or a volunteer who divulges his or her own history in order to properly be matched with a participant, be assured that the information will not become public and potentially threaten his or her career? The Bar Rules require confidentiality for LAP programs, and amendments proposed by the Lawyers Assistance Committee to clarify and strengthen that protection in the context of the new peer program are in the final stages of passage, and the Lawyers Assistance Committee has agreed to be bound by the new Rules in the interim until they are formally adopted. Except for threats of death or substantial bodily harm, statutory requirements of disclosure (*e.g.*, terrorist plots) and defending oneself against allegations concerning the assistance he or she has provided, volunteers are and will be *required* to keep information they learn confidential. This is true as well for ethics rule violations, since those rules are precatory while LAP rules are mandatory. On the flip side, disclosures by volunteers as part of the sign up process are held in an encrypted, database maintained by the Bar’s clinical contractor for the LAP and are presented anonymously on the Peer Program website, with identities made known to the parties only when a “match” has been made.

On a personal note, Paula Frederick, General Counsel for the State Bar of Georgia, has commented publicly that the pipeline, if such existed, between LAP and the disciplinary arm of the Bar has been shut down:

“It’s better for everyone—clients, the Bar and the lawyer him[her]self—when a lawyer seeks help for mental health or substance abuse issues. The Bar encourages lawyers to get treatment or assistance when they need it. A request for help is confidential and the Office of the General Counsel is not informed when a lawyer seeks help through the Program.”

The volunteers who will serve as peers are not therapists or professional counselors. Volunteers are not intended to support participants who are need of clinical assistance, and are instructed to transfer such cases by calling CorpCare, the Bar’s clinical contractor (770-396-5253; 800-728-9444) or the Confidential LAP Hotline at 800-327-9631. Peers are Georgia attorneys and judges who are willing to share their personal recovery experience from addiction, mental health treatment or other difficulties and provide support for their colleagues. Peers are also attorneys and judges who

simply want to help their colleagues in whatever way they can in order to make a positive contribution to the community and their profession.

The volunteer's commitment is to the following:

- one session of training (qualifying for one professionalism and one ethics CLE credit) with periodic follow ups. Training will be available throughout the year through video available on the Bar's website.
- regularly scheduled meetings with participant in public places or by phone
- consistent follow through with participant until support not needed or parties agree to disengage
- self-recuse in case of relapse

The commitment requested of a participant is simply to ask for help. Help can take many forms – phone calls, text messaging, group meetings, individual meetings over a cup of coffee or a meal, going for walks together, or other common activities. There is no “one size fits all” approach or uniform strategy for peer support.

Seeking Support: Signing up to use the service is simple. Go to www.georgialhl.org and click the member button which will begin the process of selecting a peer volunteer.

Providing Support: The success of the **Lawyers Helping Lawyers Program** depends on building a robust base of volunteers, Bar members, to provide a friendly ear and words of support to those who are struggling with a variety of issues. To sign up as a volunteer, go to www.georgialhl.org and click the volunteer button which will begin the process of signing up as a peer volunteer.

LAP Services: The LAP, which offers confidential help and treatment, is a critical piece of what is available to help. The LAP offers a confidential telephone hotline (800-327-9631) and up to six prepaid in-person counseling sessions per year with a licensed counselor. The licensed counselors who are provided through CorpCare have on average 17 years of experience, which speaks volumes about the quality of this program.. Anonymous outreach can be made, so that if you are worried about a colleague, you can call the hotline and a staffer will reach out to the struggling attorney with an offer for help, without identifying you as the source. Details are available at <http://www.gabar.org/committeesprogramssections/programs/lap/>

Additional Best Practices for Wellness in the Practice of Law

Before you can even talk about best practices for mental health in law practice, you have to look at the possibilities for organizational change and cultural change. When the culture doesn't support compassion, no positive changes will happen. You have to devote the time to grow strength and resilience within the organization. A therapist who researches institutional compassion in law practice comments that the *sine qua non* is to get the organization to operate from a place of healing rather than expect people to go outside for healing and come back in.ⁱ

According to Ms. Virgil, here's what it looks like to have the organization operate from a place of healing:

- 1) noticing another person's suffering
- 2) paying attention and having empathy for it
- 3) taking some action to alleviate their suffering (promote the Peer Program!)

The following are a few ideas of what best practices coming from a place of institutional compassion might look like:

- Where there is an OSHA sign in your workplace, put an LAP poster next to it.
- During orientation for new lawyers, speak about LAP/the Peer Program and include information in their packets.
- Include in your mentorship programs education about LAP/ the Peer. Program
- Have a representative of your LAP come speak to your firm; they are well informed and passionate about the services they provide. Require your younger lawyers to attend.
- Promote the CLE programs devoted to these types of issuesⁱⁱ to your colleagues as preferred material to fulfill ethics and professionalism requirements.
- Many of these CLE programs and other sourcesⁱⁱⁱ will teach you how to recognize the signs of mental health and substance abuse struggles. Learn them and watch out for them, particularly in your younger colleagues whom we now know from studies are most at risk.
- Volunteer your time for the Peer Program.
- Include the National Suicide Prevention Lifeline (1-800-273-TALK[8255]) in your Firm Directory and phone list and inform your colleagues and staff of it.
- Include the Crisis Text Line (741741) in your Firm Directory and phone list and inform your colleagues and staff of it.

ⁱ Alice Virgil, <http://www.virgiltherapy.com/>

ⁱⁱ The State Bar of Georgia just sponsored a wonderful wellness retreat in Arizona with presentations focusing exclusively on wellness and has a webpage devoted to wellnees at <https://www.gabar.org/wellness/>. Georgia also sponsors the “Attorney First Aid Kit” annually. The ABA and the American Health Lawyers Association (“AHLA”) sponsor many such programs. The AHLA, for example, sponsored “**Stress, Depression, Addiction, and Mental Health Issues in the Legal Profession**” in 2014 (<http://healthlawyers.confedge.com/ap/eSite/?i=sda14>) and the ABA sponsored two free CLE webinars in the spring of 2016: “**I’ve Got Your Back; You’ve Got My Ear: Suicide Prevention in the Legal Profession**” in March and “**Mental Health Awareness 101: Battling Burnout and Depression**” in May (see http://www.americanbar.org/groups/young_lawyers/initiatives/fit_to_practice/mental_health.html). See also http://www.abajournal.com/mobile/article/state_bars_battle_lawyer_depression_legal_profession_ranks_fourth_in_suicide

ⁱⁱⁱ One of the most informative websites on signs and symptoms of mental health, substance abuse and other issues is Mental Health America; see, <http://www.mentalhealthamerica.net/mental-health-information>
See also,
<http://www.nimh.nih.gov/health/topics/depression/index.shtml>
<http://www.adaa.org/understanding-anxiety/panic-disorder-agoraphobia/symptoms>
http://www.americanbar.org/content/dam/aba/administrative/law_students/mhw-handbk.authcheckdam.pdf

Summary of Lynn Garson Attorney First Aid Kit Presentation

The mental health and emotional well-being of Georgia Bar members is vital to our profession and the State Bar of Georgia has made a commitment to ensure that attention and resources are devoted to this issue. Recent studies show that lawyers are deeply affected by mental health issues: substance abuse, depression, anxiety and stress and that these problems plague lawyers at all stages of their careers. In response, the Lawyers Assistance Program of the State Bar of Georgia has launched **Lawyers Helping Lawyers Program**, a peer-to-peer support initiative for Bar members who are struggling with any number mental health issues, substance abuse issues, work/life balance, or general stress and anxiety. This presentation explains the volunteer and member utilization aspects of the “Peer Program” in detail.

**LYNN GARSON, ESQ., OF COUNSEL
BAKERHOSTETLER**



Lynn Garson practices healthcare law at Baker & Hostetler in the firm's Atlanta office. Ms. Garson's areas of expertise include physician practice acquisitions, employment and related agreements, and regulatory research.

Lynn is also a mental health advocate and author. In July 2012, she published *Southern Vapors*, a memoir describing her journey from major clinical depression to recovery, and has since spoken widely, including a TEDx Emory talk: "Reforming the Approach to Mental Health in the U.S." and made numerous presentations to private and public organizations including the American Bar Association, American Health Lawyers Association and Devereux Georgia. On December 8, 2013, *The Atlanta Journal-Constitution* published an article on her experience and mental health advocacy in a "Personal Journeys" segment, described by the paper as a feature that "spotlights the lives of extraordinary individuals and the stories that define our region and connect our community."

As a member of the Lawyers Assistance Committee of the Georgia Bar Association, Lynn has been instrumental in developing the "Lawyers Helping Lawyers" Program. The first of its kind in the country to utilize an on line matching system, the goal of the Program is to create a robust volunteer base so that those members of the Bar in need of assistance have the opportunity to find the best "match" possible. In addition, she has spoken openly and frankly about her recovery in two American Bar Association-sponsored podcasts: <https://soundcloud.com/aba-colap/aba-colap-voices-of-recovery-podcast-series-episode-10-featuring-lynn-garson> and <https://www.law.com/2018/10/12/one-big-law-attorneys-journey-with-depression-one-firms-response-to-the-professions-problem/>

Lynn graduated from Tulane University with a degree in art history and holds her law degree from Emory University School of Law (class of 1981). She has lived in Atlanta, New York, Paris, Hong Kong and Virginia, and still travels widely.

You can contact Lynn at www.southernvapors.com or engage with her at <https://www.facebook.com/SouthernVapors> or <https://twitter.com/southernvapors>.

10:25 **SESSION 3: ATTORNEY WELL-BEING
THROUGH THE ART OF POWER**
Paul E. Knowlton, Principal – Marketplace
Initiative, Mercer University, Atlanta

ATTORNEY WELL-BEING THROUGH THE ART OF POWER

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ATTORNEY WELL-BEING THROUGH THE ART OF POWERⁱ

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I. Introduction

“The practice of law is one of three great professions: theology for preservation of the spirit, medicine for preservation of the body, and law for preservation of civilization.” While most if not all attorneys are aware of this ancient axiom, we are prone to lose sight of it in the heat of daily practice. For that very reason, the State of Georgia Supreme Court Chief Justice Carol W. Hunstein reminds the legal profession of its honorable calling. In an interview following her reelection to serve as Chief Justice, she stated and then followed that axiom with, “We [attorneys] have to protect our clients, but we must do what is right – not just win at any cost. Law is a profession, not a competition.”¹

If we consider what anchors and sits at the core of each of these three professions, we see they are linked and properly called ‘great’ because these are the original caring professions. Traditionally clergy, physicians, and lawyers are honored by being referred to as ‘counselors’ because we care for others by providing advice and assistance in accordance with our respective training. As counselors we are expected to act with honesty and integrity. Indeed, a familiar definition of honor is, “honesty or integrity in one’s beliefs and action.”²

By acting with honesty and integrity, which is what I believe Justice Hunstein means when she said, “we must do what is right,” we honor ourselves as professionals and the law as a profession. But how do we handle the mandate to zealously represent our clients? This mandate, which for many if not most of us translates into taking on the roles of pencil-skirted gladiators or buttoned-down street fighters, leaves us feeling nothing but that our days are spent in cage match competition. I propose we cannot honor our profession unless we first honor ourselves, and we cannot care for others unless we first care for ourselves.

¹ Submitted in conjunction with a program presented at the State Bar of Georgia, February 15, 2019, Atlanta, GA.
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This session explores themes that impede or interfere with attorney wellness and law firm well-being. After first reviewing studies demonstrating high rates of depression, anxiety and substance abuse among lawyers and law students, this paper introduces aspects of physical wellness, mental wellness, organizational well-being, and the hidden dimension of spirituality in the professional life.

II. What's.the.Problem?ⁱⁱ

Anecdotal evidence and the personal experiences of practicing lawyers attest to the high amounts of stress in their daily lives. By nature, lawyers tend to be both perfectionists and pessimists, concerned with zealously protecting their clients' welfare to the best of their abilities and constantly looking out for downsides, risks, and practical and legal problems with alternate courses of action. Coupled with often overwhelming workloads to be handled under tight time pressures, this continual state of high alertness unrelieved by breaks and down time can lead to stress, frustration, and burnout.

Attorney Survey: It can also lead to depression, anxiety, and problematic drinking. A 2016 survey of 12,825 licensed, employed attorneys assessed their alcohol use, drug use, and symptoms of depression, anxiety, and stress (hereafter the "Krill study").³ The study found substantial rates of behavioral health problems, which were experienced at the following levels among this population:

- 28% - depression
- 19% - anxiety
- 23% - stress
- 20.6% - problematic drinking.⁴

Younger lawyers and men were more at risk for the harmful use of alcohol. Men had higher levels of depression, while women had higher levels of anxiety and stress. These levels were assessed at the time the survey was taken. In terms of career prevalence, 61% reported concerns with anxiety at some point in their career, and 46% reported concerns with depression.⁵ While fewer than 1% of the attorneys reported suicide attempts, 2.9% reported self-injurious behaviors, and 11.5 % reported suicidal thoughts at some point in their careers.⁶

The Krill study data that were collected on drug use (both licit and illicit drugs) by attorneys did not allow for inferring statistically valid conclusions.⁷ Only a quarter of those attorneys in the survey answered questions about their drug use, leading the study's lead author Patrick Krill to observe: "It's left to speculation what motivated 75% of attorneys to skip over the section on drug use as if it wasn't there," possibly fear of consequences for bar licensing.⁸ While alcohol is still the number-one substance abuse problem for attorneys, the second most commonly abused substance is prescription drugs.⁹ A substance-abuse recovery expert said that "we're seeing a significant rate of increase specifically among attorneys using prescription medications that become a gateway to street drugs. [It used to be mostly alcohol] but now almost every attorney that comes in for treatment, even if they drink, they are using drugs too – Xanax, Adderall, opiates, cocaine, and crack."¹⁰

Just as problematic drinking can be associated with stress, depression, and anxiety, it can also be associated with opioids and stimulants. "In fact, drugs [including cocaine] are sometimes used to combat the symptoms of alcohol withdrawal."¹¹ With respect to the Krill study participants who acknowledged

ⁱⁱ Section II "What's the Problem?" was previously written by Georgia State University College of Law Professor Charity Scott, who graciously permitted its use in this CLE program. © 2017 Charity Scott, All Rights Reserved.

using a specific substance class in the previous 12 months, the report showed that the rates of highest weekly usage were for:

- Stimulants (74.1%)
- Sedatives (51.3%)
- Tobacco (46.8%)
- Marijuana (31.0%)
- Opioids (21.6%).¹²

Only 6.8% of the surveyed attorneys reported past treatment for alcohol or drug use. Attorneys reported that the two largest barriers to seeking treatment were: (1) not wanting others to find out that they needed help; and (2) concerns regarding privacy or confidentiality.¹³

Law Student Survey: Similar findings were reported in 2016 based on a Survey of Law Student Well-Being in which 3,300 law students at 15 law schools across the country participated (hereafter “SLSWB study”).¹⁴ The study primarily sought to determine (1) the extent of alcohol use, drug use, and mental health issues among law students, and (2) whether law students were reluctant to seek help for these issues and the reasons for such reluctance. The study found these percentages of law student respondents engaged in the following activities:

- Alcohol use
 - 53% - drank enough to get drunk in prior 30 days
 - 43% - binge drank at least once in prior 2 weeks (median number of drinks were 7 for men, 5 for women)
 - 22% - binge drank 2 or more times in prior 2 weeks¹⁵
- Street drugs
 - 25% - marijuana in last 12 months
 - 14% - marijuana in last 30 days
 - 6% - cocaine in last 12 months
 - 2% - cocaine in last 30 days¹⁶
- Prescription drug use without a prescription in last 12 months – 14%
 - 9% - stimulants (of these 79% used Adderall)¹⁷
 - 4% - sedatives/anxiety medication

The SLSWB study found the following percentages of law student respondents screening positive for the following mental health issues:

- 17% - depression¹⁸
- 37% - anxiety
 - 23% - mild to moderate anxiety
 - 14% - severe anxiety¹⁹
- 6% - serious suicidal thoughts in past 12 months

With respect to law students’ attitudes toward seeking help for substance use or mental health issues, the SLSWB study gave the following statistics for the self-reported likelihood of law students seeking or receiving treatment:

- Likely or very likely to seek help for an alcohol or drug problem:
 - 81% - from a health professional
 - 30% - from a lawyer assistance program

- 14% - from a law school dean of students
- Likely or very likely to seek health for a mental health concern:
 - 79% - from a health professional
 - 15% - from a law school dean of students
- Actually used a health professional for alcohol or drug issues – 4%
- Mental health issues
 - 42% - perceived need for help with emotional or mental health problems
 - Approximately half of these actually received counseling from a health professional.²⁰

The most common factors that discouraged the law-student respondents from seeking help from a health professional with respect to substance use and mental health concerns were:

Factor	Percentage regarding Substance Use	Percentage regarding Mental Health
Potential threat to bar admission	63%	45%
Potential threat to job or academic status ²¹	62%	48%
Social stigma ²²	43%	47%
Concerns about privacy	43%	30%
Financial reasons	41%	47%
Belief that they could handle the problem themselves ²³	39%	36%
Not having time	36%	34%

III. Framing a Response to the Problem

There are no shortage of recommendations and programs designed to decrease stress and increase wellness. From magazines and books, to podcasts and smartphone applications, to word of mouth and personal trainers, we are drowning in advice about how to address our daily human needs. And human needs run the broad spectrum from proper diet and regular exercise, to a supportive social network and completely restorative full night's sleep.

The proverbial elephant in the room of course, familiar to every attorney in the trenches, is that our typical day-to-day work lives have us wound so tight that we can barely think of self-care let alone do anything about it. Still, none of us can afford to push back or ignore our needs until we become a statistic, either in the next iteration of the Krill report or the local hospital emergency room. So how do we, as overwhelmed attorneys, frame the need for self-care in a way that engages us and entices us to honor ourselves by incorporating it into our practices?

Whether you have found healthy ways to navigate the pressures of your practice and want to go further, or you need help to pivot off a dead stop toward finding healthy ways to have your needs meet, in my view there are three threshold topics to consider: attorney physical wellness, attorney mental wellness, and firm or organizational well-being. The following sub-sections introduce these three threshold topics. Further in my view, to progress from merely surviving to flourishing in the legal practice the threshold topic to consider is the hidden dimension of spirituality, which is introduced in the final section.

A. Physical Wellness

You are an attorney. You have invested years and dollars in your quest to become an attorney, and you have some number of years in the practice. Let us assume that you like being an attorney – at least most days most of the time – so you are not looking to bail on this career, but you want or need a better level of physical wellness. Let us assume also, at least as a starting point, you have no bandwidth to add one more task to your schedule or workload but you are willing to use what you have on hand to improve your physical wellness. Right? Got it.

Let us begin with briefly considering stress, the body's physical reaction to stress, and a surprisingly easy and effective method to control our physical reaction to stress devised by pioneer mind/body physician Herbert Benson, M.D.²⁴ Dr. Benson's method teaches how to use your awareness and your mind to control your physical reaction to stress. At the time of this writing, Dr. Benson is Director Emeritus of the Benson-Henry Institute at Massachusetts General Hospital, and Mind Body Medicine Professor of Medicine at Harvard Medical School.²⁵

The fight-or-flight response, also called the stress response, is a profound set of involuntary physiological changes that occur whenever we are faced with a stressful or threatening situation. This response, critical to the survival of our primitive ancestors, prepared the body for a physical reaction to a real fight-or-flight danger. As lawyers, we do not typically face those kinds of life-threatening dangers. By itself, however, the fight-or-flight response cannot distinguish between a life-threatening physical threat and the everyday stresses of our practice, such as an untamed court calendar, the inexplicable behaviors of opposing counsel, or a lost file, and so our bodies react to these everyday stresses as though they were life-threatening dangers. The result is that our bodies are frequently if not continually under stress, which manifests as increased metabolism, heart rate, blood pressure, breathing rate, and muscle tension.

Researchers have concluded that the long-term effects of the frequent fight-or-flight response may lead to permanent, harmful physiological changes. Unless we find and implement ways to control the harmful aspects of this primitive physiological response, so as to neutralize the negative effects of modern stress on our health and well-being, we fall victim to the hardwiring of our natural instincts. Dr. Benson makes the case that the rebuttal to the fight-or-flight response is what he has termed the "relaxation response."

"We all found that several major physiological systems responded to the simple act of sitting quietly and giving the mind a focus: the metabolism decreased, the heart rate slowed, respiratory rate decreased, and there were distinctive brain waves. ... The evidence we gathered had compelling implications about the control you can exert over physiological functions. It suggested strongly that you can use your mind to change your physiology in a beneficial way, improve health, and perhaps reduce your need for medications. I subsequently coined the term *relaxation response* to describe this natural restorative phenomenon that is common to all of us."²⁶

Dr. Benson's research and experience reveals that as the stresses of modern life cause the involuntary fight-or-flight response, the voluntary relaxation response can be used to counteract

the harmful effects of repeated stress. Just as the physiological functions involuntarily increase under stress, the trained mind can purposeful decrease those functions and the restful effects can last throughout the day, if practiced regularly.

When Dr. Benson speaks of relaxation, he invites us to invoke the image of “letting go” and begin the process of letting go with intentional breathing that is slower and deeper than our usual breathing. Physically that means with each exhale releasing our muscles from their habitual, unconscious tension. Emotionally that means cultivating an attitude of calm composure. Mentally that means observing and letting go of worrisome thoughts, which are often unfounded.

The relaxation response begins as an exercise in mental focusing. In Dr. Benson’s studies and clinic, techniques commonly used to mentally focus include: diaphragmatic breathing, meditation, mindfulness, repetitive exercise, repetitive prayer, progressive muscle relaxation, yoga stretching, imagery, and the like. These techniques comprise two basic components: the first is the clearing and focusing of the mind through repetition of a word, sound, phrase, prayer, image, or physical activity; the second is the removal of the random thoughts that intrude the effort to clear and focus the mind.

As a busy and stressed attorney I did not give any thought to how I breathed. So during a firm sponsored lunch and learn when I was a new associate, I was quickly annoyed when the speaker spoke about the stress reducing need to breathe purposefully and deeply. After all, I and the rest of my snarky law firm class reasoned, we have been breathing all our lives and we did not need any instruction on that topic. We mentally tuned out, and I spent the rest of that time worrying about the brief due the next day to my supervising partner. Years later I discovered how wrong I was to tune out, and mourn that lost opportunity to improve my practice early on by learning and implementing that speaker’s wisdom.

Dr. Benson teaches that focusing on how one breathes can help relieve stress and elicit the relaxation response. Indeed, awareness of and conscious control over our breathing pattern is a first step in altering the physical, emotional, and mental effects of stress on your body. It is helpful to understand there are two basic ways of breathing. One is diaphragmatic, or abdominal breathing; the other is chest, or thoracic breathing. Our western culture, with its emphasis on chest out and stomach in postures – no matter your gender – subliminally reinforces thoracic breathing. Normally, however, breathing is a combination of the two and we may all benefit by moving toward more diaphragmatic breathing. The following explains the two patterns.

Chest breathing is relatively shallow and limiting. The chest expands and the shoulders rise as the lungs take in air. Under stress, we all have a tendency to breathe shallowly. Breathing can become irregular, involving both holding your breath and exhaling incompletely. With this pattern, your breathing may feel constricted, creating uncomfortable or even anxious sensations of not getting enough air. Thoracic breathing can cause symptoms such as shortness of breath and tightness in your chest, for which one might think they need to seek medical attention.

Diaphragmatic breathing has its focus on the diaphragm, that domelike sheet of muscle that stretches over the bottom portion of your lungs and separates the lungs from your abdominal organs. As you inhale, the diaphragm contracts and moves down, drawing air into your lungs. As

you exhale, the diaphragm relaxes and moves upward to move air out your lungs. By moving toward diaphragmatic breathing, you can pull away from the restricted breathing patterns of chest breathing and offer some control over the stress-related physical symptom of the fight-or-flight response. In addition, when you are aware of and bring conscious control to your breathing you can refocus your attention and come more fully into the present moment. Your breathing, then, becomes a centering device that allows both your body and your mind to become calm.

B. Mental Wellness

There are a plethora of aspects to attorney mental wellness. In my view, two indispensable aspects are resilience and happiness. Perhaps, more importantly, is the individual attorney's perspective on resilience and happiness. This section introduces resilience and happiness, and invites you to thoughtfully explore whether your personal perspectives of resilience and happiness benefit or limit you.

Resilience: Although some consider the source of resilience a puzzle, like creativity or religiosity, research since the 1970s has put some structure and traits to resilience. One writer suggests the majority of research share and point to three characteristics of resilience. Resilient people have a firm grasp on and acceptance of reality, a deep belief typically tied to a strongly held set of values that life is meaningful, and an exceptional ability to improvise.²⁷ Resilience does not have an ethical bearing and is neither good nor bad. Rather, it is the developed capacity to remain present and determined under conditions of significant stress and change.

United States Admiral Jim Stockdale was the senior Vietnam War POW, who was held captive and tortured for over eight years. From his experience, resilient people possess very clear-eyed views of those aspects of reality necessary for survival. Optimism may have its place, such as in turning around a struggling co-worker or team, but for the tougher and sustained journey (like the practice of law) a cool, almost pessimistic, sense of reality is more important. The process of moving toward facing reality, really facing it, often begins as an unpleasant and emotionally trying internal struggle that requires fortitude, grit, and when possible a vision for a favorable reality on the other side of the present reality. Only after a clear assessment and acceptance of the present reality are we in a position to survive and even prevail.

Resilient people develop constructs about their suffering to create some sort of meaning for themselves and others. This method of meaning making, most researchers agree, is the way resilient people build bridges from present-day hardships to better futures. Those bridges make the present manageable by reducing or removing the sense that the present is overwhelming.

This principle of meaning making was demonstrated and described by Viktor E. Frankl, an Austrian psychiatrist and Auschwitz survivor, in his worldwide best-seller *Man's Search for Meaning*.²⁸ In the midst of true, staggering suffering, Frankl held a vision of a future reality where he lectured in the university. Further, based on his experience, he taught that while a person may have no control over any aspect of his or her reality, we each have total control of the way to interpret the events. As a lawyer I usually bristle when I have to work late into the evening, the entire weekend, or on holidays when the rest of my family is on vacation. It is up to me and me alone, however, to understand and make meaning of why I put in those hours.

The third characteristic of resilience is the ability to make do and improvise with whatever is at hand. Psychologists follow the lead of French anthropologist Claude Levi-Strauss in calling this skill ‘bricolage’. Bricolage, in the modern sense, can be defined as an inventiveness or ability to improvise a solution without proper or obvious tools or materials. We sometimes think of a person with this trait as ‘being scrappy’ in that he or she is willing to work with whatever is at hand to move out of the present reality and toward the envisioned future.

Happiness: Through the lenses of my research and experience, I suggest there are more misconceptions about happiness than accuracies. This sub-section introduces some the misconceptions and then offers a framework for contextualizing happiness.

Generally speaking, happiness is misunderstood as a cheerful countenance and continual smile. Happiness is also usually misunderstood as a goal, such as thinking you will be happy when you acquire that prized job, car, house, spouse or whatever other vision you hold in your head. Both of these sets of misconceptions – appearance and goal – can impede true happiness.

Instead, consider happiness as having learned how to take the good with the bad and reframe the bad in a way that makes sense, to the extent one can make sense of the bad. Taking the good with the bad may or may not lead you to appearing cheerful or smiling, but that is not the intent. The intent is to move you to a place of contentment. Similarly, consider that you will find happiness when you are engaged and fully present in activities that you enjoy. These activities may or may not be leading you toward your greater desires or goals, but that is not the intent. The intent is to regularly engage in those activities, no matter how small or seemingly mundane, that you enjoy because they contribute to your fulfillment. The story is told of Microsoft co-founder Bill Gates, who typically washes the dishes in his house because he finds fulfillment in cleaning and seeing the immediate and tangible results of his actions.

Being happy in our work – at least most days most of the time – matters. Happy people are typically more engaged in their work and with their colleagues, they work harder, and they work smarter. While the company culture or other factors may interfere with our happiness, happiness is primarily the individual’s responsibility.

In her recent book *How to be Happy at Work: The Power of Purpose, Hope and Friendship*,²⁹ Annie McKee explains that to be fully engaged and happy we need three things: a meaningful vision of the future, a sense of purpose, and great relationships.

With regard to vision, people want to be able to see the firm’s future and know how they fit in. Leaders often do not communicate a compelling vision and they do not connect personal visions to the firm’s vision. Sometimes individuals can bridge the vision gap, but not always, and that begins both the break with and loss of otherwise good people. Sense of purpose is a growing topic of constant discussion in today’s workplace that I expect to only increase. A harsh reality is that except for shareholders and the executives who answer directly to shareholders, the myopic focus to increase shareholder value above all other goals is no longer a sufficient sense of purpose for much or most of the American workforce. We know people join an organization and leave a boss.³⁰ Research supports the experience that a difficult relationship with one’s boss can

be downright painful. The same can be said about difficult relationships with colleagues. While the myth prevails that there is no room for emotions in the workplace, the science increasingly supports neurological links between our relationships, feelings, thoughts, and actions, including performance goals. More so, this is true when the practice involves emotionally charged clients.

Jennifer Moss, the cofounder and CCO of Plasticity Labs, tells the story of her husband's difficult but ultimately full recovery from a traumatic brain injury. Explaining lessons learned, she summarizes the following perspective on contentment based on Martin Seligman's work:³¹

A psychologist and former president of the American Psychology Association, Seligman was responsible for defining the term "PERMA," the root of many positive psychology research projects around the world. The acronym stands for the five elements essential to lasting contentment:

- Positive emotion: Peace, gratitude, satisfaction, pleasure, inspiration, hope, curiosity, and love fall into this category.
- Engagement: Losing ourselves in a task or project provides us with a sense of 'disappeared time' because we are so highly engaged.
- Relationships: People who have meaningful, positive relationship with others are happier than those who do not.
- Meaning: Meaning comes from serving a cause bigger than ourselves. Whether it's a religion or a cause that helps humanity in some way, we all need meaning in our lives.
- Accomplishment/achievement: To feel significant life satisfaction, we must strive to better ourselves.

C. Organizational Well-Being

Our workplace experience is that we know something is wrong and something is missing. Would it not be great to get the right answer to the questions that gnaw at us? You know: "Surely there's more to work than this?"; "What's the point?"; and, "Isn't there a better way to operate?"

Gallup offers an intelligent starting place. In Gallup's 2017 *State of the American Workplace*, Chairman and CEO Jim Clifton opens his introduction with, "The very practice of management no longer works."³² After presenting the findings that merely one-third of American employees are engaged at work, 16% are actively disengaged, and the majority 51% are not engaged, he observes: "American needs to historically transform the practice of management...."³³ I appreciate Mr. Clifton's urging to historically transform the practice of management, but in my experience we manage systems and things while we lead people. Instead, we need to historically transform the practice of leadership and management follows.

Data such as Gallup's 2017 SOAW report begs more questions, such as, "What kind of leader am I?", "What does my firm's leadership look like?", and "What's missing from my firm's leadership?" Jim Collins, in his book *Good to Great*,³⁴ offers a centering perspective and lens through which to begin that kind of introspection.

With *Good to Great*, Collins addresses a criticism raised in response to his previous book, *Built to Last*. Namely, Collins was challenged to show whether "a good company [can] become a great company and, if so, how? Or is the disease of 'just begin good' incurable?"³⁵

Responding to that challenge, Collins postulates that “good to great *does* happen” and uses this book to teach the underlying “variables that make it happen.”³⁶

Arguably the thesis sentences for this book are: “Greatness is not a function of circumstances. Greatness, it turns out, is largely a matter of conscious choice.”³⁷ This conscious choice to take the transformative journey from good-to-great – wrought correctly and successfully – represents the cumulative effect of successfully executing specific component choices. These component choices, which define the transformative journey movements of buildup and breakthrough, can be explained as “three broad stages: disciplined people, disciplined thought, and disciplined action.”³⁸ Each of these stages includes two key concepts, which are, respectively: Level 5 leadership and the right people, confronting the brutal facts and the Hedgehog Concept, and a culture of discipline and technology accelerators. The remainder of this sub-section will focus on disciplined people, which are Level 5 leadership and right people.

The first stage, termed ‘disciplined people’ is the first and most important component to making the transformation from good-to-great. This stage of identifying and putting into place disciplined people includes the two concepts of ‘Level 5 leadership’ and ‘the right people.’ Collins states, “every good-to-great company had Level 5 leadership during the pivotal transition years.”³⁹ Further, “people are not your most important asset. The right people are.”⁴⁰

A good-to-great organization requires a disciplined leader. Collins describes leadership as a pyramidal hierarchy comprising five levels. From the least developed to most developed leader, those levels of the pyramidal hierarchy are: highly capable individual (level 1); contributing team member (level 2); competent manager (level 3); effective leader (level 4); and, Level 5 leader. A Level 5 leader “builds enduring greatness through a paradoxical blend of personal humility and professional will,”⁴¹ and “fully developed Level 5 leaders embody all five layers of the pyramid.”⁴² Most notably, the two sides of the Level 5 leader coin are professional will and personal humility.⁴³

With regard to the organization’s people, Level 5 leaders understand three simple truths. First, if you have the right people the organization can more easily adapt to external changes. Second, with the right people the demands of motivating and managing its people largely disappear. Third, with the wrong people one can never create a great organization.⁴⁴ To illustrate his point, Collins uses the metaphor of the organization as a bus. “The main point is to *first* get the right people on the bus (and the wrong people off the bus) before you figure out where to drive it.”⁴⁵ This concept of having the right people on the bus “might be the closest link between a great company and a great life”⁴⁶ because if we really enjoy the people on the bus, “ then we will almost certainly have a great life, no matter where the bus goes.”⁴⁷

Good-to-great leaders consistently practiced ‘*first* who *then* what’ as a rigorous – not ruthless – discipline. Rigorously selecting the right people creates a rigorous culture. “To be rigorous, not ruthless, means that the best people need not worry about their positions and can concentrate fully on their work.”⁴⁸ With disciplined leaders and disciplined people in place, good-to-great management teams can be formed. “Good-to-great management teams consist of people who debate vigorously in search of the best answers, yet who unify behind decisions, regardless of parochial interests.”⁴⁹ The necessity for a Level 5 leader and the right people, show

that leadership requires continual personal development and personnel development.

While Collins' teaching is arguably about discipline as a means toward sustained results, the order is important. Disciplined action starts with disciplined people exercising disciplined thought.⁵⁰ "The purpose of bureaucracy is to compensate for incompetence and lack of discipline,"⁵¹ which is largely eliminated with disciplined people exercising disciplined thought and actions. The benefit, then, is that the need is to manage just a minimal framework or system, rather than the already disciplined people.

After presenting his findings and advocating for the cause of good-to-great and great-to-enduring-great, Collins anticipates and addresses the person who might be inclined to merely seek success and forgo greatness. To this person, Collins argues two points. First, he says the research suggests that it is just as easy to build something great as it is to build something good. There is a second and significant more important reason: We pursue greatness in the course of our search for meaningful work and a meaningful life. Collins observes that "it is impossible to have a great life unless it is a meaningful life. And it is very difficult to have a meaningful life without meaningful work."⁵²

Beyond the critically important stages and concepts taught about making the transformation from a good-to-great organization, or person, the gift hidden in *Good to Great* is the realization and hope of meaningful work as the path to satisfaction in a meaningful life. To the extent attorneys and law firm leaders might embrace and implement Collins' principles, it appears they will be able to incite vision and engagement to those they employ, serve, and lead.

IV. Spirituality as the Hidden Dimension in the Professional Life

An insight Gallup's Mr. Clifton shared is, "One also wonders if the country's declining productivity numbers point to a need for major workplace disruption."⁵³ Indeed. They do. Let us begin to explore Mr. Clifton's observation beginning with the familiar footing of leadership.

"Leaders are made, not born" is the lived experience of every human to accept the mantle of leadership; more so with leaders who are considerate, congruent, and consistent. Even if he or she is less than perfect at all times, can you put a face to this kind of advanced leader? Mahatma Gandhi and Nelson Mandela are historical examples, Jimmy Carter and Oprah Winfrey are current examples, and Yoda from *Star Wars* is an exemplary fictional example. You know more from all walks of life, perhaps some even personally. These kinds of leaders may emerge from any context or culture, they function on an advanced realm, and they can be developed so they need not be so rare.

What kind of environment is needed to create and support more of these kinds of leaders? The tendency is to look outwardly or externally, to what we traditionally think are critical factors such as class, education, and wealth. But the majority of the clues that emerged from exploration and research (e.g., wellness, well-being, engagement, empathy, intelligence, wisdom, and confidence) all suggest looking inwardly or internally. Looking inwardly with enough curiosity and courage to see what is wrong and what is missing in our workplaces, either inadvertently or prejudicially, we find the kind of leaders described here possess a mature spirituality.

Consider my definition of spirituality: **The nature of every person to possess an inner trust and strength, which in turn gives meaning to work and life.** Notice the universal nature of this

definition of spirituality, as well as its faith-neutral and religious-absent posture. One could add to this definition or otherwise burden it with layers of (mis)interpretation. I encourage us not to do so but to use it as it is written. Consider the shoelace. Universal in nature this simplest of forms was cutting edge technology when invented, and is substantially unchanged many millennia later. Buttons, snaps, zippers, and Velcro® have since been invented and serve their purposes, without altering the eminently elegant form and function of the shoelace.

A. The Spiritually Informed Attorney

Spirituality recognizes that everyone in the firm is fully human. To be fully human means to be on a spiritual journey, howbeit, some more than others by their choice. In conjunction with the definition of spirituality, I define spiritual journey as: **The process of developing inner trust and strength, which manifests in being increasingly empowered and fulfilled.**

The spiritually informed attorney has awakened to the realization that for most if not everyone, our careers and workplaces are the primary context in which our spiritual journey plays out. Whether it is intended or not and we like it or not, after leaving our formal schooling it is the workplace – surrounded by our co-workers – that becomes the primary place where each of us is tested and prodded to further mature. To separate ones' spirituality from ones' career and workplace is a primary source of internal dissonance, which leads to frustration if not failure. For this reason alone we need our practices and the right firms as much as our practices and the right firms need us.

What might it look like to bluntly acknowledge and correct, that what is missing in our firms is our collective courage to acknowledge, recognize, and honor each others' spirituality – the spark and core of humanity indelibly residing in each of us? What might it look like to finally recognize that we spend the majority of our days trying to build while simultaneously suppressing our spirituality within systems that foster mistrust and learned helplessness? What might it look like if this acknowledgment and correction began with practice group leaders and partners; we gatekeepers primarily imbued with the power and resources to make and sustain meaningful change in our firms? It would look like authentic and fearless leadership. If that prospect is too overwhelming out of the gate, with a nod to Mr. Clifton, let's just call it 'a major workplace disruption.'

By acknowledging, recognizing, and honoring each others' spirituality within our firms we would find it easier to see and speak with empathy, and thereby improve our interactions. From this newfound posture of insight we would see the futility of accentuating and fighting over our immutable differences, and thereby reduce racial discrimination and sexual harassment. From this newfound posture of mutuality we would find it easier to create systems that foster cooperation and collaboration, and thereby improve organizational performance. At the individual level, developing our spirituality would improve our physical and mental wellness. At the employer level, developing spirituality would improve firm well-being and value. This is just one thread of enviable results that is easily within our grasp.

Mark Nepo's *The Book of Awakening: Having the Life You Want by Being Present to the Life You Have*, is a series of daily reflections that helps connect the reader to his or her spirituality (source of inner trust and strength, as I define above). Mark writes about the human experience with insight and pith that can only be purchased by arriving at the other side of suffering. I recommend you acquire a copy and begin the daily practice of reading and trying the reflective exercises. By way of example, the following is the entry for January 15th.

How Does it Taste?⁵⁴

The more spacious and larger our fundamental
nature, the more bearable the pains in living.
--Wayne Muller

An aging Hindu master grew tired of his apprentice complaining, and so, one morning, sent him for some salt. When the apprentice returned, the master instructed the unhappy young man to put a handful of salt in a glass of water and then to drink it.

“How does it taste?” the master asked.

“Bitter,” spit the apprentice.

The master chuckled and then asked the young man to take the same handful of salt and put it in the lake. The two walked in silence to the nearby lake, and once the apprentice swirled his handful of salt in the water, the old man said, “Now drink from the lake.”

As the water dripped down the young man’s chin, the master asked, “How does it taste?”

“Fresh,” remarked the apprentice.

“Do you taste the salt?” asked the master.

“No,” said the young man.

At this, the master sat beside this serious young man who so reminded him of himself and took his hands, offering, “The pain of life is pure salt: no more, no less. The amount of pain in life remains the same, exactly the same. But the amount of bitterness we taste depends on the container we put the pain in. So when you are in pain, the only thing you can do is to enlarge your sense of things.... Stop being a glass. Become a lake.”

Here is a meditation exercise Nepo offers related to this reading:

- Center yourself and focus on a pain that is with you.
- Rather than trying to eliminate the pain, try to breathe through it.
- With each in-breath, notice your efforts to wrap around the pain.
- With each out-breath, try to enlarge your sense of Self, and let the pain float within the depth of all we’ll never know.

I selected this reading because I find our collective experience is that the practice of law is difficult and stressful, often including periods of pain. I know many attorneys who agree this characterization describes their own practice and career. Indeed, short of abandoning the practice, they want to pivot away from feeling powerless to meaningfully improve their situation in the office and at home.

I like Nepo’s mediation exercise, but I needed something that more tangibly empowered me to “become a lake.” Perhaps you do too. I picked up a skillset for my stress management toolbox and meaningfully moved the needle on my well-being, after turning a spiritual lens to the question of individual power. “What is in my power to do to effect the change I want?” I share

what I learned about power and moving from “a glass” to “a lake,” in the hopes that journey is of benefit to you.

B. The Art of Power

Interpersonal relationships often include a power dynamic, which we typically think of as a contest for control and command. This contest, with its winner and loser mentality burdens everyone involved, especially those on the losing side of that contest. Particularly for those whose focus is financial or political power, there never seems to be enough to satisfy their cravings. Present but subtle in the playground, the contests for power become more seen and felt as we mature, becoming even palatable in professional life. A similar perspective and struggle for power may be intrapersonal (existing or occurring within the individual self or mind).

I recently discovered an easy reading explanation that offers a different perspective of inter/intrapersonal power. Written by the Buddhist monk Thich Nhat Hanh, his 2007 New York Times Bestseller is titled *The Art of Power*.⁵⁵ I introduce it here and strongly recommend you read it, because I found it a way to effectively pick up practical skills to address stress. I am also comfortable making this recommendation, because the book’s explanations resonate with my own journey of successfully facing and addressing the stresses of a legal career. I experienced the lessons and began acquiring the wisdom Hanh shares incrementally and without a concise guide – the hard way, as we say. Having read his book through the lenses of my experiences, however, I am hopeful that the sooner you read and start implementing it the faster you will improve your stress management skills and experience the work/life balance you seek.

Beginning with an early word of encouragement, Hanh says, “It is possible to be successful in your profession, to have worldly power, and be content at the same time.”⁵⁶ In support of that statement, Hanh gives the illustration of a successful businessman named Anathapindika. Through each of his trials and setbacks – and we all have trials and setbacks – this businessman successfully emerged because, “[h]e had a spiritual direction in his business life.”⁵⁷ What does the spiritual direction that leads to lasting success look like? Hanh says it begins with your view and use of true power.

“In Buddhism, we see power differently from the way most of the world views it. Buddhists are as concerned with power as anyone else, but we are interested in the kind of power that brings happiness and not suffering.”⁵⁸ This kind of power Hanh terms ‘true power’. My experience with people who identify with the major faith traditions, as well as those who do not identify but absolutely seek loving kindness and a better humanity, is that Buddhists are not the only ones who are interested in the kind of power that brings happiness and not suffering. Buddhists do, however, in my view tend to do a better job than most of explaining simply the tangible steps to developing true power.

Hanh explains true power as comprising five spiritual powers, five kinds of energy. I have found these aspects of spirituality in all the major faith traditions (*i.e.*, Judaism, Christianity, Islam, Hinduism). I suspect they are found in all faith traditions and resonate with those who do not identify with a faith tradition. These five powers are:

- Faith – defined as confidence or trust in yourself or something inside you, and not something external. Because of lack of confidence or trust one’s faith might begin with a focus on something external, but eventually your faith needs to be internalized.

- Diligence – this is the practice of dismissing reflexively negative and unsupported thinking, and replacing those thoughts with positive and objectively based thinking.
- Mindfulness – the energy of being aware of what is happening in the present moment, and the capacity to accurately recognize things as they are. Much is said and written about mindfulness these days, too often in the abstract and a bit hyped. It is helpful to understand mindfulness as a spiritual power in the context of these other powers.
- Concentration – just what you think it means but more so by looking deeply, even deeper, into your reality. Perhaps begin by concentrating on your own dimensions of impermanence and interbeing.
- Insight – the telos (goal/aim) of the first four powers and the superpower that provides the breakthrough ability to move toward transformation and healing.

“The five powers are the foundation of real happiness, they are based on concrete practices we will learn in this book.”⁵⁹ Another good reason to read and learn from this resource.

Hanh offers another word of encouragement, with which I will close this section. “The great awakening occurs when we recognize that what we are looking for is within us. Then [eventually] our suffering will end and we will be happy.”⁶⁰ Yes, I propose, even in our law firms and our practice of the law.

V. CONCLUSION

The practice of law is one of the three great professions, in part because it is one of the original caring professions. Nevertheless, and in very tangible terms, how do we attorneys and law firm leaders successfully navigate the demanding if not overwhelming nature of the legal practice? This paper invites attorneys to consider the practice of law as a framework comprising the core elements of attorney physical health, attorney mental health, organizational well-being, and spirituality. It further encourages attorneys to properly attend to those four core elements, as a means to move from a posture of merely surviving to a posture of successfully flourishing.

Endnotes:

¹ Beverly Molander, “Beyond All Odds, Chief Justice Carol W. Hunstein,” *Attorney at Law Magazine*, Vol 1, No.5, 10.

² Webster’s *Encyclopedic Unabridged Dictionary of the English Language*. (Portland House, NY) 1989, p. 681.

³ Patrick Krill, Ryan Johnson, and Linda Albert, “The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys,” *J. Addict. Med.* vol. 10, no. 1, pp. 46-52 (Jan. Feb. 2016) (hereafter “Krill study”), available at http://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental_Health_Concerns_Among_American_Attorneys.aspx. The study was supported by the Hazelden Betty Ford Foundation and the ABA Commission on Lawyer Assistance Programs.

⁴ For comparison, while 20.6% of attorneys in the Krill study screened positive for “hazardous, harmful, and potentially alcohol-dependent drinking” in this study, other studies using the same measurement scale found that 15% of physicians screened positive for problematic drinking, as did 11.8% of a broad, highly educated workforce. Attorneys in their first 10 years of practice experienced the highest rate of problematic drinking (28.9%), and those under age 30 had the highest rates of all (32.3%). Mental health concerns often co-occur with alcohol use disorders, and the Krill study showed significantly higher levels of depression, anxiety, and stress among those who screened positive for problematic alcohol use. *Id.* at 51. Attorneys working in private law firms had some of the highest levels of problematic alcohol use compared with other work environments (e.g., government, non-profit, in-house

counsel). In the Krill study, 84.1% of surveyed attorneys reported using alcohol in the last year. *Id.* at 47. For comparison, about 65% of the general population drinks alcohol. Eilene Zimmerman, “The Lawyer, The Addict: A high-powered Silicon Valley attorney dies. His ex-wife investigates, and finds a web of drug abuse in his profession,” *New York Times* (July 15, 2017) at <https://www.nytimes.com/2017/07/15/business/lawyers-addiction-mental-health.html>. Whether attorneys are drinking to cope with their psychological or emotional problems or their drinking is leading to these problems, the Krill report noted that “the ubiquity of alcohol in the legal professional culture certainly demonstrates both its ready availability and social acceptability.” Krill study at 51.

⁵ Krill study, *supra* note 1, at 51.

⁶ *Id.* at 50.

⁷ *Id.* at 49.

⁸ Zimmerman, *supra* note 2.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Krill study, *supra* note 1, at 49. Overall, the percentages of attorneys who acknowledged using the following substances in the previous 12 months were: alcohol (84.1%); tobacco (16.9%); sedatives (15.7%); marijuana (10.2%); opioids (5.6%); stimulants (4.8%); cocaine (0.8%).

¹³ *Id.* at 50.

¹⁴ Jerome M. Organ, David B. Jaffe & Katherine M. Bender, Ph.D., “Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns,” 66 *J. Legal Educ.* 116–56 (2016), available at <http://jle.aals.org/home/vol66/iss1/13/> (hereafter “SLSWB study”). Study results focusing on law students’ help-seeking behaviors were previously published by the same authors in “Helping Law Students Get the Help They Need: An Analysis of Data Regarding Law Students’ Reluctance to Seek Help and Policy Recommendations for a Variety of Stakeholders,” *The Bar Examiner*, vol. 84, no. 4, pp. 8-17 (Dec. 2015), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2815513. The SLSWB study was sponsored by the ABA Commission on Lawyer Assistance Programs, Law Student Division, Solo, Small Firm and General Practice Division, Young Lawyers Division, and Commission on Disability Rights, as well as with support from the Dave Nee Foundation.

¹⁵ For comparison, other studies that screened other graduate students and undergraduate students for alcohol use reported the percentages as 39%, 36%, and 21% (graduate) and 61%, 45%, and 30% (undergraduate). SLSWB study respondents ages 21-30 were approximately twice as likely to report binge-drinking behavior as those over age 30. SLSWB study, *supra* note 12, at 129. Twenty-five percent of respondents (27% men, 23% women) were screened positive for needing more careful evaluation for alcoholism. *Id.* at 131.

¹⁶ For comparison, the percentages for graduate students were 14% and 7% (marijuana) and 2% and 1% (cocaine), and for undergraduate students were 33% and 18% (marijuana) and 4% and 1% (cocaine). *Id.* at 133.

¹⁷ The most common reported reasons for using prescription stimulants without a prescription were to concentrate better while studying (67%) and to increase alertness to study longer (64%). Nearly 20% said they used prescription stimulants without a prescription in order to “prevent other students who [use a prescription stimulant] from having an academic edge over me.” *Id.* at 134-35.

¹⁸ This percentage of law student respondents screening positive for depression compares with 14% of other graduate student respondents and 20% of undergraduate respondents. *Id.* at 136.

¹⁹ For comparison, the percentage of graduate students screening positive for anxiety was 15% and for undergraduate students was 21%, of which 5% (graduate) and 8% (undergraduate) was for severe anxiety. *Id.* at 137.

²⁰ Female respondents were more likely than male respondents to report a perceived need for help with mental health concerns (50% (female) and 31% (male)) and of those, female respondents (28%) reported getting help with more frequency than male respondents (19%). *Id.* at 140. The subgroup of respondents with the 3 or more of 5 issues of concern (2 or more incidents of binge-drinking, use of street drugs, use of prescription drugs without a prescription, positive screening for depression and/or positive screening for severe anxiety), the percentages believing that they were better off keeping their problems to themselves were high for alcohol/drug use (72%) and mental health (62%), leading the study authors to suggest that “those who might benefit the most from getting help appear to be among those least inclined to seek help.” *Id.* at 142.

²¹ Third-year law students were more likely to express this concern than first-year law students, leading the study authors to suggest that, “while in law school, students are getting messages indicating that seeking help for mental health concerns or alcohol/drug concerns may be problematic for their academic or professional careers.” *Id.* at 141.

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- ²² Male respondents (54%) had a higher concern than female respondents (41%) about the social stigma associated with mental health issues. *Id.*
- ²³ Male respondents were more likely than female respondents to think they could handle things themselves with respect to substance use (51% for males; 30% for females) and mental health concerns (45% for males; 29% for females). *Id.*
- ²⁴ Herbert Benson, M.D. *The Relaxation Response* (New York: Quill, 2001).
- ²⁵ <https://www.bensonhenryinstitute.org/about-us-dr-herbert-benson/> (visited Jan 31, 2018).
- ²⁶ Herbert Benson, M.D., and Eileen M. Stuart, R.N.; *The Wellness Book: Comprehensive Guide to Maintaining Health and Treating Stress-Related Illness* (New York: Carol Publishing Group, 1992), p. 35.
- ²⁷ Diane Coutu, “How Resilience Works,” in *Resilience*, HBR Emotional Intelligence Series, (Boston: Harvard Business Review Press, 2017).
- ²⁸ Viktor E. Frankl, *Man’s Search for Meaning*, (Beacon Press: Boston) 2006.
- ²⁹ Annie McKee, “How To Be Happy At Work,” in *Happiness*, HBR Emotional Intelligence Series, (Boston: Harvard Business Review Press, 2017).
- ³⁰ “How Managers Trump Companies,” Gallup Business Journal, August 12, 1999, <http://businessjournal.gallup.com/content/523/how-managers-trump-companies.aspx>.
- ³¹ Jennifer Moss, “Happiness Isn’t the Absence of Negative Feelings,” in *Happiness*, HBR Emotional Intelligence Series, (Boston: Harvard Business Review Press, 2017), p.7-8.
- ³² Jim Clifton, “2017 State of the American Workplace,” Gallup, Inc., p. 2.
- ³³ *Id.*
- ³⁴ James C. Collins, *Good to Great: Why Some Companies Make the Leap...and Others Don’t* (New York: Harper Collins, 2001).
- ³⁵ *Id.* at 3.
- ³⁶ *Id.*
- ³⁷ *Id.* at 11.
- ³⁸ *Id.* at 12.
- ³⁹ *Id.* at 39.
- ⁴⁰ *Id.* at 51.
- ⁴¹ *Id.* at 20.
- ⁴² *Id.* at 21.
- ⁴³ *Id.* at 36.
- ⁴⁴ *Id.* at 42.
- ⁴⁵ *Id.* at 44.
- ⁴⁶ *Id.* at 62.
- ⁴⁷ *Id.*
- ⁴⁸ *Id.* at 52.
- ⁴⁹ *Id.* at 63.
- ⁵⁰ *Id.* at 126.
- ⁵¹ *Id.* at 121.
- ⁵² *Id.* at 210.
- ⁵³ Clifton, “Workplace,” p. 2.
- ⁵⁴ Mark Nepo, *The Book of Awakening: Having the Life You Want by Being Present to the Life You Have* (Conari Press, San Francisco, 2000) p. 17-18.
- ⁵⁵ Hanh, Thich Nhat, *The Art of Power* (HarperOne, New York City, 2007).
- ⁵⁶ *Id.* at 10.
- ⁵⁷ *Id.*
- ⁵⁸ *Id.* at 12.
- ⁵⁹ *Id.* at 15.
- ⁶⁰ *Id.* at 114.

PAUL E. KNOWLTON, J.D., M.DIV.

Principal—Marketplace Initiative Mercer University—Center for Theology and Public Life

Paul is an accomplished attorney, law firm manager and executive leader. As an attorney his primary practice area is intellectual property, where he excels in both litigation and prosecution. While an associate at Kilpatrick Stockton and later as the co-founder of an IP boutique, he originated and second-chaired multi-state IP litigation that resolved in his client's favor, including Rule 11 sanctions against opposing patent counsel in their jurisdiction; originated and first-chaired IP litigation that resolved in his client's favor; initiated, grew, and managed IP corporate dockets of 100-400 matters; and maintained an active pro bono docket. These successes came with no small amount of stress that had to be addressed.

While the co-founder/managing partner of one IP boutique and then the director of another, he originated and executed business plans; led talent acquisition and staff development; coached and mentored attorneys and staff; engaged and on-boarded marquee clients with yearly billings of seven figures; supervised three office expansions; and had P/L responsibilities that realized year-over-year gains. These successes came with additional, unique stresses that demand to be navigated.

As an executive leader he recently and very successfully completed an assignment as the CEO of a complex and diverse human services agency with a 320-acre campus and 115 employees that provides trauma informed residential care and education to an average census of 50 foster children, and mental health counseling to hundreds of families. The role of executive leader comes with additional burdens and stresses that must be faced, reshaped and turned to advantages.

In addition to being authorized to practice in Georgia and the Northern District of Georgia, Knowlton is a registered patent attorney, Henning trained mediator and arbitrator, Martindale Hubbell Distinguished attorney, Georgia Trend Legal Elite and active member of the State Bar of Georgia's Attorney Wellness and Lawyer Assistance Program committees. Leveraging his personal and professional successes, he is pleased to share his experiences of addressing the stresses of our honorable profession for the benefit of as many State Bar members as possible. B.S., Temple University; J.D., Georgia State University College of Law; M.Div., Mercer University.

11:50 **SESSION 4: FINDING BALANCE IN A
COMPETITIVE PROFESSION**

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**Pro Bono
March Madness**

**Mental Health &
the Practice of Law**

**The Evolution of a
Law School Graduate**

LIFESTYLE/WELLNESS



Mental Health and the Practice of Law

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Mental illness is a significant problem in our profession.¹ We have higher rates of mental disorders than the population as a whole. Suicide is the third leading cause of death among lawyers. Our suicide

rate far outpaces that of the population. Dean Prosser explained the root of this phenomena best:

Your lawyer in practice spends a considerable part of his life in doing distasteful things for disagreeable people who must be satisfied against an impossible time limit in which there are hourly interruptions from other disagreeable people who want to derail the train; and for his blood, sweat, and tears, he receives in the end a few unkind words to the effect that it might have been done better, and a protest at the size of the fee.²

The client—not the lawyer—bears the burden of the lawyer’s mental illness. Discipline opinions dem-

onstrate that clients suffer botched representation or trust fund violations when we are mentally unstable.³ It may seem that the recent uptick⁴ of concern about lawyers, mental health, and suicide arises

out of a desire to “take care of our own,” but attorney mental health is an ethical issue relating to competent representation and integrity of the profession.

We try to address these issues. When we apply for Bar admission, we are asked whether we currently have a mental condition that would affect our ability to practice; whether we have had treatment for that condition; and whether we have

³ See *In re Lang*, 292 Ga. 894, 741 S.E.2d 152 (2013) (one year suspension of attorney with bipolar disorder for misuse of trust funds); *In re Lang*, 295 Ga. 220, 759 S.E.2d 47 (2014) (one-year suspension of same attorney for failing to communicate with client). See also *In re Lang*, 297 Ga. 156, 773 S.E.2d 253 (2015) (reinstating same attorney). The mental health issues involved in those opinions form part of the backdrop to this article.

⁴ https://www.gabar.org/committees/programssections/programs/lap/suicide_awareness.cfm (accessed on February 17, 2017).

ever raised a mental condition as a defense.⁵ After admission, we are obligated to provide “competent representation,”⁶ and if “want of a sound mind ... impair[s] ... competency,” we lose the privilege to practice.⁷ If we know a mentally incompetent attorney, we “should inform the appropriate professional authority.”⁸

Applying these principles is challenging because mental health issues do not necessarily manifest themselves physically. There is no litmus test confirming that a lawyer has a mental disorder. We rarely, if ever, break down in public (*e.g.* Al Pacino’s character in “... *And Justice For All*” screaming “You’re out of order! The whole trial is out of order!”). We more often encounter My Cousin Vinny, leaving us to wonder whether the unprepared attorney in the strange clothing who keeps lying to the judge but wins in the end is brilliant, unstable, or both.

A plethora of checklists describe symptoms of mental illness in generic clinical terms.⁹ Such lists—

⁵ Character and Fitness Questionnaire, Office of Bar Admissions, Supreme Court of Georgia, Questions 25, 26, and 27.

⁶ Georgia Rules of Professional Conduct (“Rules”) 1.1.

⁷ Rule 4-104(a).

⁸ Rule 8.3(a).

⁹ *E.g.*, “[f]eelings of hopelessness

¹ See, *e.g.*, *Out of the Darkness: Overcoming Depression Among Lawyers*, 32 GPSOLO No. 2, March/April 2015.

² Prosser, *Lighthouse No Good*, 1 J.L. Leg. Educ. 260 (1948).

though useful and accurate—depend on either good communication by the one suffering, or astute observational skills on the part of the concerned onlooker. There are, however, lawyer-specific signals:

- Unreturned phone calls to clients or opposing counsel;
- Unavailable when clients or opposing counsel attempt contact;
- Voicemail full;
- Not following through in delivering work product requested and promised;
- Disappearing or vanishing for periods of time;
- Missed deadline and/or court appearances;
- High absenteeism;
- Phones disconnected;
- Office vacated/closed.¹⁰

A frequent combination of these signs should cause concern.

If you believe or know that another attorney has a mental health issue, you may have to react. Your colleagues' mental health presents an ethical hazard to you. If you supervise others, you "shall make reasonable efforts to ensure that the other lawyer conforms to the Georgia Rules of Professional Conduct."¹¹ You are responsible for

or worthlessness, depressed mood, poor self-esteem or guilt." [https://](https://www.gabar.org/committees/programssections/programs/lap/suicide_awareness.cfm)

www.gabar.org/committees/programssections/programs/lap/suicide_awareness.cfm
visited on February 17, 2017.
¹⁰ Recognizing, Helping and Reporting Lawyers with Mental Health Impairments, Montana Lawyer Assistance Program; <http://publicdefender.mt.gov/training%5C09%5C%5Cimpairment%5Cmikela%5Csamsi.pdf>
Last visited on February 15, 2017.

¹¹ Rule 5.1(b).

an attorney's actions if you "know[] of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action."¹²

If you do not work with the attorney, but have a concern, you can address the issue directly. If you do not believe you can do that, you can call the Lawyer Assistance Program ("LAP") which assures that qualified people will reach out to the attorney. Your contact with the LAP is confidential.¹³

Opposing counsel's impairment is also a challenge. When evaluating opposing counsel's mental health problems,¹⁴ you should distinguish between suspicion and knowledge of a problem. If you suspect an opponent's mental health issue, there is no duty to report that attorney to the bar, but, reporting to the LAP is encouraged. If the opposing attorney appears "clearly incompetent in violation of Rule 1.1," then reporting is likely mandatory.

Your mental health is most important of all. If you see the signs discussed above in yourself; have those feelings of despair, hopelessness, etc.; or act in a way that does not meet professional and ethical standards, you must react. Because that sort of self-awareness is rarely present, these issues will be brought to your attention by family members, friends, colleagues, judges or others in your life. If those conversations become a pattern, it is time to act. At minimum, you should

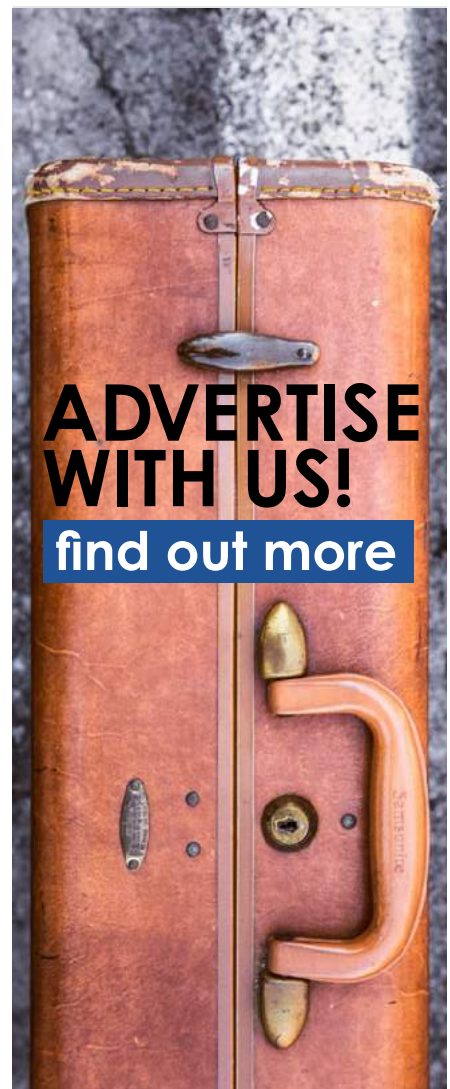
¹² Rule 5.1(b).

¹³ Rule 7-303.

¹⁴ State Bar of North Carolina, 2003 Formal Ethics Opinion 2.

reach out to the LAP or a mental health professional. You will receive counselling; medication may be prescribed. Either way, you have taken steps to get and stay healthy.

Lawyers with mental health issues present dangers both to themselves and their clients. The rules provide guidance as to when we should or must act. The LAP provides a safe place to report, but sometimes a report to the bar is required. Protect your own mental health by listening to others and being self-aware; and seeking help if the signs call for it. ■



Eric Lang

Following his law school graduation from the University of Florida in 1990, Eric practiced with Long Aldridge & Norman (n/k/a Dentons), leaving partnership there to join Paul Hastings and then ultimately forming his own firm, with which he has practiced since 2003. Eric's primary focusses are business litigation and counseling. In his practice, he has won seven-figure awards for his clients; and defended his clients against such potential exposures. He developed expertise in the subject of mental health and the practice of law through involvement in the Bar's disciplinary process. After making his presentation at a CLE in 2013, Eric has been invited to speak and has spoken to statewide groups of state, probate, and magistrate judges, as well as judicial clerks, and has spoken to local bar associations all over Georgia and has also published on the subject.

Mariette Clardy Torres
Founder of M.L. Clardy Law, LLC and
Compliance Consultant with Securities Compliance Management

"I struggled for decades hiding in the shadows of my bi-polar II until I found my voice, and through my voice, found my true calling to help others" - Mariette

Mariette's passion is to provide practical legal and self advocacy solutions to professional women who are challenged with mental illness and companies who want to serve this community more effectively. As a compliance consultant for over a decade, Mariette provides regulatory compliance and principal services (including CCO and CEO) to broker dealer and investment advisory clients nationwide.

She attended the University of Puget Sound in Tacoma WA and obtained a BA in Music (Classical Voice). Mariette graduated at the top of her class at the University of New Orleans with a Masters in Arts Administration. Finally, she attended John Marshall Law School while working full time with Securities Compliance Management.

As a legal advocate for mental health, her experience comes from a battle with bi-polar II since she was 16 years old. Mariette has firsthand experience with the struggle, sacrifice and silence that many female professionals endure daily as they go through the loops of their mental illness. From multiple experiences in treatment centers, taking a semester off law school for her bi-polar, breakdowns at work, countless years of therapy and more bi-polar medications her purpose in life to serve was born from the battles she had to endure to finally walk in the path of stability. She brings her skills of discernment, communication and connection to share her story and counsel women and others who struggle with employment issues arising out of their mental health journey's.

During her free time, she serves as a volunteer attorney for the Atlanta Volunteer Lawyers Foundation as well as the Norcross Cooperative Ministry and Furkids cat shelter. Mariette previously served multiple years as a mock trial coach for South Atlanta High School. She loves singing, salsa dancing, yoga, going to the gun range and gardening. She recently completed a Mindfulness Based Stress Reduction Certification program to integrate the same tools of stability that she has gained to benefit others. She is a proud parent to 3 cats from the Furkids shelter and has a new-found obsession with slow cooker recipes, much to the dismay of her Fiancé.

1:20

SESSION 5: ETHICS

Wolanda R. Shelton, Assistant General Counsel,
State Bar of Georgia, Atlanta



State Bar of Georgia

ETHICS UPDATE 2019

Office of the General Counsel
State Bar of Georgia
104 Marietta St. NW Suite 100
Atlanta, Georgia 30303
www.gabar.org
404/527-8720 or 1/800-334-6865

The rules governing lawyer conduct are subject to constant revision. This paper describes recent changes to the Georgia Rules of Professional Conduct and other Bar Rules, trends in lawyer disciplinary investigations and prosecutions, and new advisory opinions interpreting the Rules.

Disciplinary Statistics

The Bar received 3142 requests for Grievance forms between May 1, 2017, and April 30, 2018. The number of Grievances actually received was 1991, a slight increase from the 1842 received in the previous year. The number of cases sent to the Investigative Panel increased from 188 to 193. At the end of the process, the Supreme Court of Georgia and the Investigative Panel imposed discipline in 124 cases.

Rules Changes

On January 12, 2018 the Supreme Court of Georgia entered an order approving substantial revisions to the process for investigating and prosecuting disciplinary cases. The rules went into effect on July 1, 2018. The revised process:

- Gives the Office of the General Counsel (“OGC”) authority to begin an investigation upon receipt of credible information that a lawyer’s conduct has violated the Rules of Professional Conduct. The current process requires the Office to receive a written grievance before beginning an investigation.

- The OGC may use investigative subpoenas during the informal screening process, with permission from the Chair of the State Disciplinary Board.
- The State Disciplinary Board may refer a lawyer for evaluation if there are signs of mental illness, cognitive impairment or addiction. A lawyer who does not cooperate with the referral may be considered for expedited action under the procedures for emergency suspension cases.
- Members of the disciplinary panels will be reimbursed for their reasonable expenses in volunteering to serve on the Panels.
- The Supreme Court will appoint a new pool of special masters to hear disciplinary cases, and they will be paid an hourly rate set by the Court.
- The entire process will operate under strict time deadlines.

These proposals should improve and streamline the process so that cases move more smoothly, and so that respondent lawyers who are impaired may be directed to treatment faster.

By order dated November 2, 2016, the Supreme Court approved revisions to Georgia Rules of Professional Conduct 1.7, 4.4 and 5.3.

- Rule 1.7 now provides an exception to the conflicts rules so that a part-time prosecutor may represent criminal defendants in courts other than those in which he or she has prosecutorial authority.
- Rule 4.4 now requires a lawyer who receives a document or electronically stored information that was inadvertently sent to notify the sender he has received the document. The rule does not require the recipient of the information to return the document, to stop reading the document or to destroy it.
- Rule 5.3 as it relates to suspended and disbarred lawyers working in a law office was clarified.

The Supreme Court entered an order on July 9, 2015 approving several changes to the Rules of Professional Conduct. Most of the changes are simple housekeeping amendments. The substantive amendments include:


- A change to Rule 4-403 which allows the publishing of proposed formal advisory opinions on the Bar's website as an alternative to the *Georgia Bar Journal*.
- A change to Rule 3.5 adding subpart (c) and comment 7, which prohibit communication with a juror or prospective juror after discharge of the jury under certain circumstances.
- An amendment to Rule 5.4 that allows a Georgia lawyer to provide legal services to a client while working with other lawyers or law firms practicing in and organized under the rules of jurisdictions which allow Alternative Business Structures (ABS). An ABS has lawyer and non-lawyer owners and is typically located in a foreign country. Under this rule change, a Georgia lawyer working with an ABS would not be participating in unethical fee-sharing.
- An amendment to Rule 7.3 that does away with the requirement that the Bar "certify" lawyer referral services and instead requires lawyers to use only services that meet certain requirements.
- Changes to Rule 4-213 providing that a special master may require the Bar to pay for a copy of the hearing transcript for a respondent who has demonstrated an inability to pay.

Please remember that the current version of the Georgia Rules of Professional Conduct and archived issues of the *Georgia Bar Journal* are always available on the State Bar website, www.gabar.org.

Professional Liability Insurance Committee

At the Fall Meeting the Board of Governors discussed the idea of mandatory malpractice insurance disclosure for Georgia lawyers. Following the discussion Bar President Ken Hodges created a Professional Liability Insurance Committee to study the issue and make a recommendation to the Board. The Committee has not yet made a recommendation but will do so in time for discussion and a vote at either the Spring Board meeting (March 30, 2019 at the Ritz Oconee) or the Annual Meeting (June 8, 2019 at the Ritz-Carlton Orlando). The Committee will circulate its recommendation in advance of the discussion and vote. Any Bar member who is interested in commenting will receive instructions on how to do so.

Twenty-three jurisdictions require lawyers to disclose whether they have malpractice insurance. Most gather the information through the annual dues or registration statement with a checkoff similar to the one that appears on the following page (used in Nevada). The PLI Committee is considering whether to recommend a rule requiring lawyers to carry malpractice insurance, whether disclosure is enough without any required coverage, how to gather the information, whether the information should be shared with the public, and what consequences should befall a lawyer who does not comply with the rule. If the Board approves either disclosure or a coverage requirement, it will also make a recommendation whether failure to report should result in an administrative suspension of license (similar to failure to pay dues, to complete CLE requirements, or to pay court-ordered child support).

SCR 79 PROFESSIONAL LIABILITY INSURANCE DISCLOSURE		
All members, active or inactive, MUST complete this section. Please select ONE option.		
<input type="checkbox"/>	I am not currently representing clients; or I am engaged as a full-time government lawyer or judge; or I am employed by an organizational client and do not represent clients outside that capacity. <i>If you check this box, you are done, please sign and date at the bottom of this page.</i>	
<input type="checkbox"/>	I am engaged in the private practice of law and do not maintain professional liability insurance. <i>If you check this box, you are done, please sign and date at the bottom of this page.</i>	
<input type="checkbox"/>	I am engaged in the private practice of law and, I or my firm, maintain professional liability insurance with the carrier listed below. This includes insurance from ANY state. If you check this box, you MUST disclose the following:	
Firm Name (if you are reporting insurance):		
Names of Insurance Carrier (not broker):		
Insurance Carrier Address:		
City:	State:	Zip:
I certify all of the above disclosures required by NRS 7.034, NRS 425.520 and SCR 79 are true and complete.		
<hr/>		
Signature	Date	
Please return to: State Bar of Nevada 3100 W. Charleston Blvd., Suite 100 Las Vegas, NV 89102		
		

In other jurisdictions with a disclosure rule the information is most often provided to the public for the benefit of potential clients; in fact, seven jurisdictions require the lawyer to disclose the information directly to the potential client because many clients are not aware that lawyers are not required to have insurance.

Trust Account Overdraft Notification Program

The Office of the General Counsel has operated a Trust Account Overdraft Notification Program since January 1996. The program requires banks to notify the State Bar of Georgia when a lawyer's escrow account check is presented against insufficient funds. The purpose of the program is to stop the theft of client funds by providing a mechanism for early detection of problems in the escrow account.

During the 2017-2018 reporting year, the Overdraft Notification Program received 274 overdraft notices from financial institutions approved as depositories for Georgia attorney trust

accounts. A total of 196 files were dismissed based on the receipt of satisfactory responses following the initial State Bar inquiry, 16 files were forwarded to the Investigative Panel of the State Disciplinary Board for possible disciplinary action, and 6 files were referred to the Law Practice Management Program to provide the lawyer with information about proper management of an IOLTA account.

Pro Hac Vice Admission

On September 4, 2014 the Supreme Court amended the rules regarding *pro hac vice* admission to revise the fee structure for admission. The applicant must pay a \$75 fee to the Bar each time he applies for admission. In addition, the applicant must pay an annual fee of \$200, and must pay that amount every year by January 15th if he is still admitted *pro hac vice* before any court in Georgia. The annual fee is also paid to the Bar, and a portion is transferred to the Georgia Bar Foundation to support the delivery of legal services to the poor.

The Office of the General Counsel may object to the application or request that the court impose conditions to its being granted. Among other reasons, the Bar may object to an application if the lawyer has a history of discipline in his home jurisdiction, or if the lawyer has appeared in Georgia courts so frequently that he should become a member of the bar in this state. Lawyers admitted *pro hac* agree to submit to the authority of the State Bar of Georgia and the Georgia courts. During the period May 1, 2017 through April 30, 2018, the Office of the General Counsel reviewed 788 *pro hac vice* applications. Of the \$335,060 collected, the Georgia Bar Foundation received \$270,000.

Formal Advisory Opinions

In the Fall of 2016, the Formal Advisory Opinion Board issued an opinion on the following question: *May a sole practitioner use a firm name that includes “group,” “firm,” or “&*

Associates”? The question is whether use of those terms in the firm name of a sole practitioner is misleading, and thus in violation of Georgia Rules of Professional Conduct 7.1 and 7.5. The Board found it misleading for a sole practitioner to use the terms “group” or “& Associates,” but did not find a violation with a sole practitioner’s use of the word “firm” in the firm name. Formal Advisory Opinion No. 16-3 is an opinion of the Formal Advisory Opinion Board and is binding on the requestor and the State Bar of Georgia. It is not binding on the Supreme Court of Georgia, which shall treat the opinion as persuasive authority only.

The Formal Advisory Opinion Board revisited two earlier opinions following amendments to the Georgia Rules of Professional Conduct. Formal Advisory Opinion No. 03-2 addressed whether the obligation of confidentiality described in Rule 1.6, Confidentiality of Information, applies as between jointly represented clients. The Board issued a redrafted opinion as 16-1 and withdrew FAO No. 03-2.

The Board also redrafted FAO 10-2 in light of amendments to the rules. The question posed in that opinion is whether an attorney who has been appointed to serve both as legal counsel and as *guardian ad litem* for a child in a termination of parental rights case may advocate termination over the child’s objection. On April 16, 2018, the Supreme Court of Georgia approved Formal Advisory Opinion 16-2, concluding when it becomes clear that there is an irreconcilable conflict between the child's wishes and the attorney's considered opinion of the child's best interests, the attorney must withdraw from the role as the child's *guardian ad litem*. The Court simultaneously withdrew FAO 10-2.

ABA Opinions of Interest

Although Formal Advisory Opinions issued by the American Bar Association are not binding in Georgia, they provide useful advice about application of the Model Rules of Professional Conduct to a particular set of facts. The Office of the General Counsel will look to the

ABA opinions for guidance where our rule is similar to the ABA Model and where there is no Georgia-specific advice. The American Bar Association has recently issued the following opinions of interest:

- Formal Opinion 484: “A Lawyer’s Obligations When Clients Use Companies or Brokers to Finance the Lawyer’s Fee” (November 27, 2018)
- Formal Opinion 483: “Lawyers’ Obligations After an Electronic Data Breach or Cyberattack” (October 17, 2018)
- Formal Opinion 482: “Ethical Obligations Related to Disasters” (September 19, 2018)
- Formal Opinion 481: “A Lawyer’s Duty to Inform a Current or Former Client of the Lawyer’s Material Error” (April 17, 2018)
- Formal Opinion 480: “Confidentiality Obligations for Lawyer Blogging and Other Public Commentary” (March 6, 2018)
- Formal Opinion 479: The “Generally Known” Exception to Former-Client Confidentiality (December 15, 2017)
- Formal Opinion 478: Independent Factual Research by Judges via the Internet (December 8, 2017)
- Formal Opinion 477R: Confidentiality Obligations when Communicating with Clients Electronically (May 11, 2017; revised May 22, 2017)
- Formal Opinion 476: Confidentiality Issues when Moving to Withdraw for Nonpayment of Fees in Civil Litigation (December 19, 2016)
- Formal Opinion 475: Safeguarding Fees That Are Subject to Division With Other Counsel (December 7, 2016)
- Formal Opinion 474: Whether it is Appropriate to Accept a Referral Fee for Work Referred Because of a Conflict of Interest (April 21, 2016)

- Formal Opinion 473: Obligations Upon Receiving a Subpoena for Client Documents or Information (February 17, 2016)
- Formal Opinion 472: Communication with Person Receiving Limited-Scope Legal Services (November 30, 2015)
- Formal Opinion 471: Ethical Obligations of Lawyer to Surrender Papers and Property to Which Former Client is Entitled (July 1, 2015)

The ABA's practice is to leave new opinions posted on the public portion of their site for about a year. After that, there is a charge if you wish to access an opinion.

Last Updated January 2019

Biography of Wolanda Shelton

Wolanda Shelton is an Assistant General Counsel in the Office of the General Counsel at the State Bar of Georgia. As Assistant General Counsel, prosecuting disciplinary matters involving attorney misconduct is her main responsibility. Prior to working for the State Bar of Georgia, Ms. Shelton practiced criminal defense law and specialized in cases involving forensic DNA. In addition to the state of Georgia, Ms. Shelton is also admitted to practice law in Minnesota. Ms. Shelton received her law degree from Seattle University School of Law.



Appendix

ICLE BOARD

<i>Name</i>	<i>Position</i>	<i>Term Expires</i>
<i>Ms. Carol V. Clark</i>	Member	2019
<i>Mr. Harold T. Daniel, Jr.</i>	Member	2019
<i>Ms. Laverne Lewis Gaskins</i>	Member	2021
<i>Ms. Allegra J. Lawrence</i>	Member	2019
<i>Mr. C. James McCallar, Jr.</i>	Member	2021
<i>Mrs. Jennifer Campbell Mock</i>	Member	2020
<i>Mr. Brian DeVoe Rogers</i>	Member	2019
<i>Mr. Kenneth L. Shigley</i>	Member	2020
<i>Mr. A. James Elliott</i>	Emory University	2019
<i>Mr. Buddy M. Mears</i>	John Marshall	2019
<i>Daisy Hurst Floyd</i>	Mercer University	2019
<i>Mr. Cassady Vaughn Brewer</i>	Georgia State University	2019
<i>Ms. Carol Ellis Morgan</i>	University of Georgia	2019
<i>Hon. John J. Ellington</i>	Liaison	2019
<i>Mr. Jeffrey Reese Davis</i>	Staff Liaison	2019
<i>Ms. Tangela Sarita King</i>	Staff Liaison	2019

GEORGIA MANDATORY CLE FACT SHEET

Every “active” attorney in Georgia must attend 12 “approved” CLE hours of instruction annually, with one of the CLE hours being in the area of legal ethics and one of the CLE hours being in the area of professionalism. Furthermore, any attorney who appears as sole or lead counsel in the Superior or State Courts of Georgia in any contested civil case or in the trial of a criminal case in 1990 or in any subsequent calendar year, must complete for such year a minimum of three hours of continuing legal education activity in the area of trial practice. These trial practice hours are included in, and not in addition to, the 12 hour requirement. ICLE is an “accredited” provider of “approved” CLE instruction.

Excess creditable CLE hours (i.e., over 12) earned in one CY may be carried over into the next succeeding CY. Excess ethics and professionalism credits may be carried over for two years. Excess trial practice hours may be carried over for one year.

A portion of your ICLE name tag is your **ATTENDANCE CONFIRMATION** which indicates the program name, date, amount paid, CLE hours (including ethics, professionalism and trial practice, if any) and should be retained for your personal CLE and tax records. **DO NOT SEND THIS CARD TO THE COMMISSION!**

ICLE will electronically transmit computerized CLE attendance records directly into the Official State Bar Membership computer records for recording on the attendee’s Bar record. **Attendees at ICLE programs need do nothing more as their attendance will be recorded in their Bar record.**

Should you need CLE credit in a state other than Georgia, please inquire as to the procedure at the registration desk. ICLE does not guarantee credit in any state other than Georgia.

If you have any questions concerning attendance credit at ICLE seminars, please call:
678-529-6688

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