



WSSFC 2022

**Quality of Life/Ethics Track –
Session 6**

Lawyer Self-Care: Why it Matters and Putting it into Practice

Julie M. Spoke

About the Presenter...

Julie M. Spoke is the Deputy Director - Intake at the Office of Lawyer Regulation (OLR). She previously was assistant Litigation Counsel at OLR. She has been with OLR for 20 years. She graduated from Marquette University with a B.A., cum laude, in both Psychology and Criminology and Law Studies. She received her law degree from William Mitchell College of Law, cum laude. Before joining OLR she was a litigation associate at Ruder, Ware L.L.S.C. and a law clerk for the Honorable Michael Hoover, Wisconsin Court of Appeals, District III. She is a member of the Wisconsin State Bar Association and serves on the Wisconsin Lawyers Assistance Program Committee and the Professional Ethics Committee. She is a 2019-2020 attendee at the G.Lane Ware Leadership Academy and is a member of the Fellows, Wisconsin Law Foundation. She is also a member of the National Organization of Bar Counsel and is a faculty member for the NOBC Trial Skills Programs.

Attorney Self-Care: Why It Matters and Putting It Into Practice



Supreme Court of Wisconsin
OFFICE OF LAWYER REGULATION

Julie M. Spoke
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Today's Topics

- Ethical Considerations of Wellness
- The National Task Force on Attorney Well-Being
- Health Aspects of Well-Being
- Resilience Strategies – Self-Care

Attorney Wellness and Ethics



Possible Misconduct Allegations

- SCR 20:1.1 - Competence
- SCR 20:1.3 - Diligence
- SCR 20:1.4 - Communication
- SCR 20:8.4(c) - Dishonesty

Grievances by the Numbers

- 16.12% - against **Family Law** attorneys
- 44.89% - against **Criminal** attorneys
- 9.23% - **Diligence** is primary concern
- 12.4% - **Communication** is primary concern
- 8.29% - **Misrepresentation/dishonesty** is primary concern
- 49.44 % - filed by **Clients**
- 21.17% - filed by **Adverse Parties**

A Good Lawyer = A Healthy Lawyer



National Task Force on Lawyer Well-Being

2016 - ABA Commission on Lawyer Assistance Programs (CoLAP) and Hazelden Betty Ford Foundation Study on 13,000 currently practicing attorneys

Findings:

- 21% of licensed, employed attorneys qualified as problem drinkers
- 28% struggle with some level of depression
- 19% demonstrate symptoms of anxiety

Attorneys are suffering

- | | |
|-----------------------|---|
| • Suicide | • Work-Life Conflict |
| • Social Alienation | • Incivility |
| • Work Addiction | • A Narrowing of Values
so Profit Predominates |
| • Sleep Deprivation | • Negative Public
Perception |
| • Job Dissatisfaction | |

Why lawyer well-being?

1. It contributes to the organizational success in law firms, corporate entities, and governmental agencies.
2. It influences ethics and professionalism.
3. It's the Right Thing to Do.

Well-Being Definition

... a continuous process whereby lawyers seek to thrive in each of the following areas: emotional health, occupational pursuits, creative or intellectual endeavors, sense of spirituality or greater purpose in life, physical health, and social connections with others. Lawyer well-being is a part of a lawyer's ethical duty of competence. **It includes a lawyer's ability to make healthy, positive work/life choices to assure not only a quality of life within their families and communities, but also help them to make responsible decisions for their clients.** It includes maintaining their own long term well being.

Key Elements of Well-Being

- Career
- Social Relationships
- Community
- Health
- Finances

STRESS



Good Stress?

Is all stress bad? No

According to the Journal of the National Academy of Sciences (2002), acute stress can actually boost our ability to learn and remember.

Healthy Stress (Time Limited)

- Increases attention and focus
- Increases energy and motivation
- Increases creativity and production
- Increases memory retention
- Creates conditions for personal satisfaction
- Can increase levels of work satisfaction

Stress and Emotions

“Your **stress** and the related problems it causes all stem from **emotions** that are being **ignored, denied, misunderstood, suppressed, or just poorly handled**. Your distressing emotions, when they aren’t taken care of in a productive way, are at the root of all of your most common issues, including **overeating, chronic relationship conflict, money mismanagement, substance abuse, and even, in many cases, poor physical health**.

But when you are able to get a handle on your emotions, you can get a handle on your problems—and your stress.”

<https://www.psychologytoday.com/us/blog/wise-mind-living/201410/stress-what-s-emotion-got-do-it>

Why are lawyers so stressed?

- Lawyers are high achievers and competitive
- High levels of emotional involvement in client’s cases
- Practicing Law is High Stakes (Client’s dealing with Personal Emotional Trauma)
- Dealing with complex matters
- Work long hours
- Law school debt

Chronic Stress



When stressors are always present and you constantly feel under attack, the flight or fight reaction stays turned on.

The long-term overexposure to cortisol and other stress hormones that follows disrupts your body's processes, putting you at risk.

Chronic Stress can cause:

- Exhaustion and fatigue
- Detachment/start to become numb
- Unable to stop worrying
- Heightened vigilance, jumpy, easily startled
- Irritability, anger, emotional roller coaster
- Reduced sense of accomplishment
- Difficulty concentrating
- Feeling overwhelmed/hopeless/helpless

Why do we react to stress differently?

- Genetic influence of the mind and body
- Past trauma (emotional, physical, and sexual)
- How we are raised (nurturing/beliefs)
- Our current health (injury/illness/Rx)
- Our current lifestyle (work/family/fun)
- Diet, sleep, and exercise
- Use of alcohol and other intoxicants
- Our own beliefs about coping mechanisms

Stress can lead to addictions

- | | |
|-----------------|--------------------|
| • Gambling | • Eating disorders |
| • Drugs | • Shoplifting |
| • Internet | • Chronic shopping |
| • Sex Addiction | |

Chronic Stress is also linked to other health conditions

- Headaches/Migraines
- Insomnia
- Heart Attacks
- Hypertension

It can affect your productivity, your family life, and your individual health.

Something is going on if...

- You engage in compulsive use of a behavior or substance more than you want
- You have tried unsuccessfully to decrease or stop drinking/engaging in that behavior
- People around you have expressed concern
- You are secretive about your use or behavior

Depression: Signs and Symptoms

Signs: what you may see

- Weight change
- Withdrawn
- Irritable
- Change in self-care
- Personality change
- Tearful
- Indecisiveness
- Disorganization
- Negativity
- Forgetfulness
- Self-criticism

Symptoms: what you may feel

- Sadness
- Anxiety
- Low energy
- Sleep disturbance
- Appetite change
- Headaches
- Hopeless
- Helpless
- Thoughts of death and suicide

Anxiety: Signs and Symptoms

Signs: what you may see

- Physical tension
- Fidgeting/pacing
- Impatience
- Irritability
- Anger
- Missed deadlines
- Avoidant behavior

Symptoms: what you may feel

- Sadness/Anxiety
- Low energy
- Sleep disturbance
- Appetite change
- Somatic complaints/unexplained physical pain
- Helpless
- Thoughts of death and suicide

Danger signs

- Lack of communication with clients
- Lack of economic productivity
- Missing court-imposed deadlines
- Missing work, being late for work, or habitually leaving work early
- Client complaints
- Non-compliance with CLE

Why Lawyers Resist Self-Care



Have you experienced these feelings?



- “Short-term productivity is more important than sustainability.”



- “Productivity is strength and self-care is weakness.”



- “The time spent engaging in self-care is ‘lost’ time.”

Shanafelt, T. D., Schein, E., Minor, L. B., Trockel, M., Schein, P., & Kirch, D. (2019, August). Healing the professional culture of medicine. In Mayo Clinic Proceedings (Vol. 94, No. 8, pp. 1556-1566). Elsevier.

Resistance to changing the culture of the law

DEFEND TRADITION

This is how we’ve always done it and this is what it means to be a lawyer.

WHAT PROBLEMS?

Minimize the problem and deny the evidence

BLAME THE INDIVIDUAL

You chose this profession.



LACK OF UNDERSTANDING
How to recognize symptoms that can lead to impairment

FEAR
Of adverse reactions by others whose opinions are important

LEGAL CULTURE
Mixed messages about the need for well-being; fear of negative repercussions

DENIAL
Avoidance of mental, physical, and emotional problems leads to more trouble eventually

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**How to Beat Stress
& Boost Happiness**

Components of Lawyer Well-Being

- Maintaining supportive relationships
- Feeling that life and work activities are significant and meaningful
- Practicing self-care for optimal mental and physical health

Even the best, hardest-working lawyers cannot sustain a high level of performance indefinitely without attending to the other parts of their life.

Promoting Self-Care

We all have reduced bandwidth and resources, but most work expectations have not been reduced.

Self-care is “**the process of taking action to preserve or improve one’s own health.**” It means setting aside time to take care of your self despite having a hectic schedule. It is unrealistic to put your own needs first all the time, but they also should not be last all the time.

What would happen if
you worked less?

What drives you to work
so much?

What are you giving up in
order to work so much?

What do you do for fun?

Can you keep your
hobbies fun vs. a
competitive event?

The CBT workbook for perfectionism:
evidence-based skills to help you let go of
self-criticism, build self-esteem, & find
balance. Sharon Martin - New Harbinger
Publications - 2019



WAYS TO PRACTICE SELF-CARE

TAKE CARE



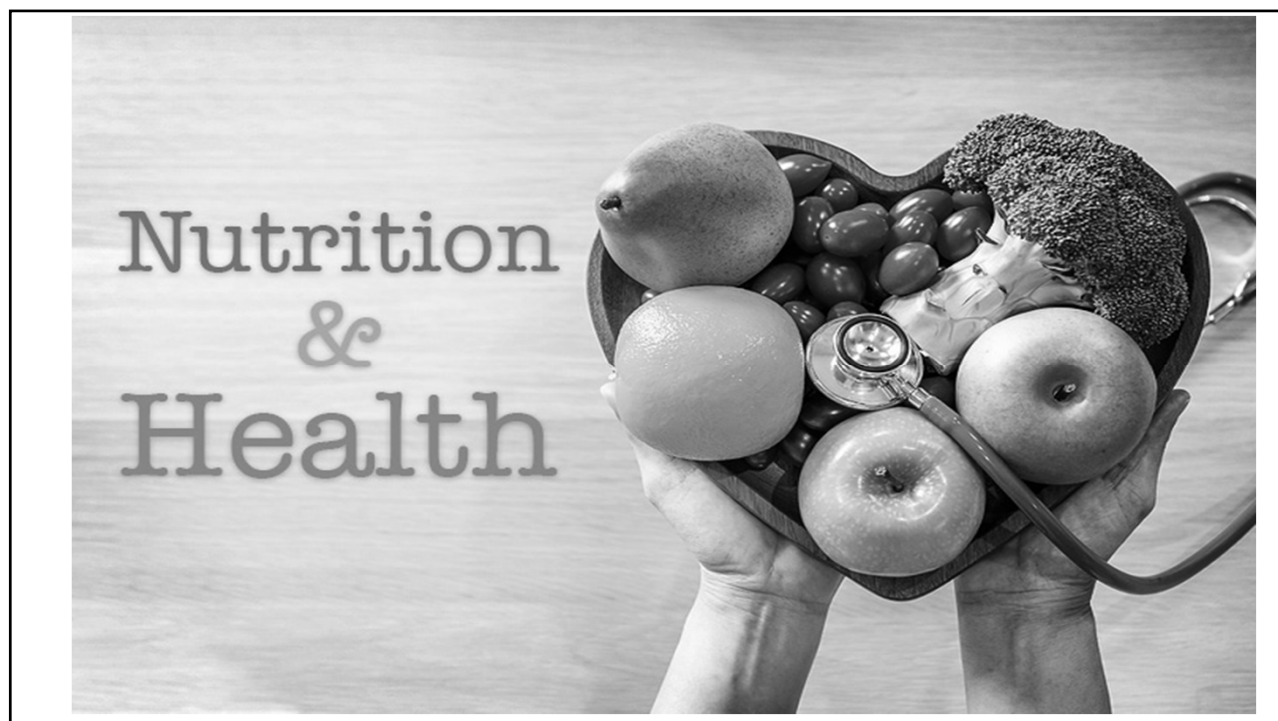
OF YOURSELF

MYTHS ABOUT SELF CARE

- Self-Care is Selfish
- Self-Care Takes Up too Much Time
- Self-Care is Indulgent and Too Expensive
- Self-Care Should be Earned

According to the National Institute on Mental Health:

- Self-care means **taking the time to do things that help you live well and improve both your physical health and mental health.** When it comes to your mental health, self-care can help you manage stress, lower your risk of illness, and increase your energy. Even small acts of self-care in your daily life can have a big impact.
- Here are some tips to help you get started with self-care:
- **Get regular exercise.** Just 30 minutes of walking every day can help boost your mood and improve your health. Small amounts of exercise add up, so don't be discouraged if you can't do 30 minutes at one time.
- **Eat healthy, regular meals and stay hydrated.** A balanced diet and plenty of water can improve your energy and focus throughout the day. Also, limit caffeinated beverages such as soft drinks or coffee.
- **Make sleep a priority.** Stick to a schedule, and make sure you're getting enough sleep. Blue light from devices and screens can make it harder to fall asleep, so reduce blue light exposure from your phone or computer before bedtime.
- **Try a relaxing activity.** Explore relaxation or wellness programs or apps, which may incorporate meditation, muscle relaxation, or breathing exercises. Schedule regular times for these and other healthy activities you enjoy such as journaling.
- **Set goals and priorities.** Decide what must get done now and what can wait. Learn to say "no" to new tasks if you start to feel like you're taking on too much. Try to be mindful of what you have accomplished at the end of the day, not what you have been unable to do.
- **Practice gratitude.** Remind yourself daily of things you are grateful for. Be specific. Write them down at night, or replay them in your mind.
- **Focus on positivity.** Identify and challenge your negative and unhelpful thoughts.
- **Stay connected.** Reach out to your friends or family members who can provide emotional support and practical help.



Nutrition

Why nutrition?

Look at food as your fuel to make it through your day.

Do not focus on the latest fad diets but more on better, health-supportive foods and incorporate them into your diet.

Eat good, nutritious, whole foods.

What are whole foods?

A food in which **nothing has been added**

- No use of chemical additives, preservatives, texturizers, stabilizers, or other substances → anything that is not beneficial (and some may be harmful)

and **nothing has been taken away**.

Basically, whole foods are foods that are as close to their natural or original states as possible.



Prebiotic Foods

When we are stressed, it causes a disruption in our digestive system, which can result in nausea, stomach cramping, and a change in appetite.

Boost your gut health by eating a more plant-based diet filled with prebiotic rich foods.

What are some prebiotic foods?

Garlic

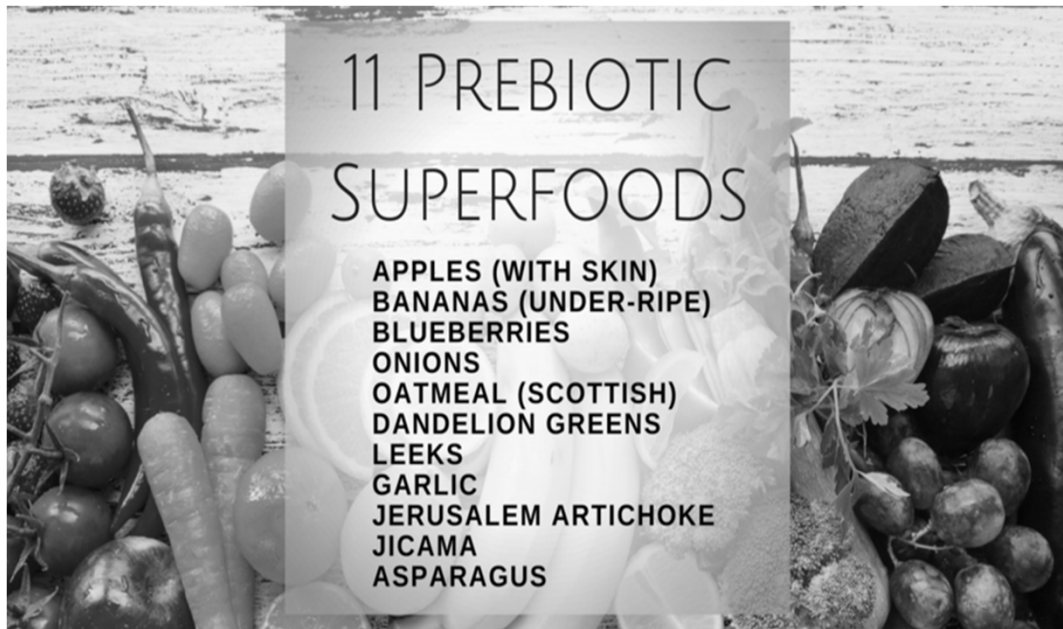
Bananas

Onions

Berries

Asparagus





The Morning Reset



What is the Morning Reset?

- The beginning your day an opportunity to prime your day for success, to feel energized and happy.
- Starting a morning routine is the fastest and strongest tool to help set your brain to a motivated and productive day.
- A morning ritual builds the perfect mindset to fuel your next 12 hours.

Wendy Suzuki Phd., **Good Anxiety: Harnessing the Power of the Most Misunderstood Emotion**

According to Dr. Suzuki, people who perform repeated behaviors that have meaning attached to them have a feeling of more control and were better able to cope with anxiety and stress.

Why Should I Have a Morning Routine?

“Win the morning win the day” - Tim Ferris

- High performers establish habits to help them do their best throughout their day
- You are setting up your day before it even starts
- The importance of small wins right away in the morning
- You put yourself in a peak physical, mental and emotional state every morning

“Your first ritual that you do during the day is the highest leveraged ritual, by far, because it has the effect of setting your mind and setting the context, for the rest of your day.”

-- Eben Pagan

The Miracle Morning, Hal Elrod, Ch. 4, pg. 41

Which do you want to be in the a.m.?



Let in Daylight

Daylight provides our bodies with energizing cortisol and testosterone which naturally peaks in the morning. Exposing yourself to daylight right away in the morning “switches on” your brain and helps keep you alert during the day.



Get Outside

Getting out into nature first thing can pump your breaks on stress.

Being in nature affects our parasympathetic nervous system which helps us feel chill.



“Not only are people missing out on the abundance of clarity, energy, motivation, and personal power that comes from waking up each day on purpose, but their resistance to this inevitable daily act is a defiant statement to the universe that they would rather lie in bed, unconscious, than to create and live as they desire.”

-- Hal Elrod

The Miracle Morning, Hal Elrod, Ch. 4, pg. 43

S

Silence

Be quiet in your mind and block out the chatter through meditation, prayer or focused breathing.

A

Affirmations

Tell yourself encouraging words to achieve goals, overcome fears and feel happy.

V

Visualisation

Imagine yourself doing each thing you need to do for the day and imagine what it feels like to succeed.

E

Exercise

Go for a walk or a jog. Getting moving allows blood and oxygen to flow to the brain.

R

Reading

Fill your brain with positive thoughts and ideas to improve yourself.

S

Scribing

Write a journal to process your thoughts and reflect on what you've achieved.



"If you want to immediately reduce your stress levels, to begin each day with the kind of calm, clarity, and peace of mind that will allow you to stay focused on what's most important in your life, and even dance on the edge of enlightenment."

-- Hal Elrod

The Miracle Morning, Hal Elrod, Ch. 6, pg. 60

Silent Activities

- Meditation
- Prayer
- Reflection
- Deep Breathing
- Gratitude

The Miracle Morning, Hal Elrod, Ch. 6 , pg. 61

Meditate

Meditating regularly has been proven to relieve stress, improve learning, and increases the volume of brain associated with attention and memory.

Even 5 minutes of deep breathing will give you healthy brain benefits.



Best Apps for Meditation

- Best Overall: **Calm**
- Best Budget: **Insight Timer**
- Best for Sleep: **Headspace: Meditation & Sleep**
- Best for Beginners: **Ten Percent Happier Meditation**
- Best Guided: **Buddhify**
- Best For Focus: **Unplug**
- Best Selection: **Simple Habit**

Or, use the **Apple Phone/Watch Health App**

Mindfulness

“Mindfulness is a way of approaching life with a present centered awareness of purpose paying attention to the present moment instead of being lost in what happened in the past and what’s going to happen in the future, as we so often are.”

-Dr. Denninger, Center of Disease and Prevention

Mindfulness unites the body and the mind in a method of relaxation, quelling the physical response the body feels in the moment of stress.

How can I incorporate mindfulness?

Start small (2-3 minutes per day)

Integrate mindful moments into your day:

- Take mindful breaths while smelling your morning coffee
- Eat mindfully, savoring every taste of food
- Take a mindful walk, focusing on your breath, your surroundings, and each step you take
- Listen carefully when people speak to you
- Meditate/do breathing exercises
- Journal

AFFIRMATIONS





“It is the repetition of affirmations that leads to belief. Once that belief becomes a deep conviction, things begin to happen.”

-- Muhammad Ali

The Miracle Morning, Hal Elrod, Ch. 6, pg. 66

Hal Elrod's 5 Simple Steps to Affirmations

- 1- What You Really Want – you must clearly articulate what you want your life to be like. What do you want to improve in your life?
- 2- Why You Want It – What is your why? What drives you?
- 3- Whom Are You Committed To Being To Create It
- 4- What You're Committed To Doing to Attain It
- 5- Add Inspirational Quotes and Philosophies

The Miracle Morning, Hal Elrod, Ch. 6, pp. 71-73

VISUALIZE



Ordinary people believe only in the possible. Extraordinary people visualize not what is possible or probable, but rather what is impossible. And by visualizing the impossible, they begin to see the possible.

-- Cherie Carter-Scott

Visualize

Picture a day of success – Visualization techniques have been proven to help you in reaching your personal goals; it builds your confidence and performance throughout your day.



What is visualization?

The practice of seeking to generate positive result in your outer world by using your imagination to create mental pictures of specific behaviors and outcomes occurring in your life.

The process of imagining exactly what you want to achieve or attain, and then mentally rehearsing what you'll need to do to achieve or attain it.

The Miracle Morning, Hal Elrod, Ch. 6, pg. 75

STEPS TO VISUALIZATION

- 1- Get Ready – Close your eyes, clear your mind, and get ready
- 2- Visualize What You Really Want
- 3 – Visualize Who You Need to Be

The Miracle Morning, Hal Elrod, Ch. 6, pg. 77-78

EXERCISE



Exercise

Why Exercise?

Exercise can produce the same physiological responses that ignite the stress response such as breathlessness, rapid heart rate and increased perspiration.

Exposing yourself to these responses in a more positive controlled context can help you better be able to handle your stressors.

Get Moving

Exercising first thing delivers all day long mind and body benefits; it “bathes your brain in a chemical bubble of serotonin and dopamine which helps with focus and mood.” - Dr. Wendy Suzuki

1. It sets you on active for the whole day.
2. You move more during the day.
3. It promotes better brain function.

30 minute workout in the morning = better focusing, decision making, organizing, and planning

Ways to keep you motivated

- Go for a walk with your dog (or someone else's dog)
- Sign up for a yoga class
- Join a gym and sign up for classes
- Join a run/walk club
- Get your friends involved

Stretching



Walking



Biking



Running



Yoga



Gym Exercise Class



Soccer



Basketball League



READING

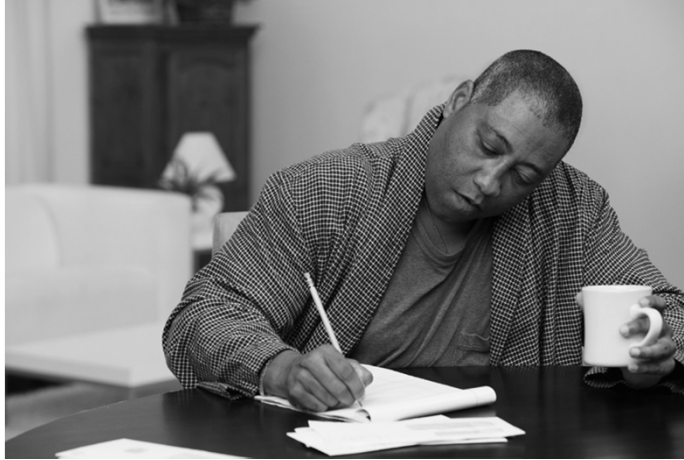


Reading is to the Mind what Exercise is to the Body and Prayer is to the Soul. We Become the Books We Read. Matthew Kelly

- Read around 10 pages per day
- It is one of the most immediate methods for acquiring knowledge, ideas, and strategies
- Pick a book that will provide you with knowledge, boundless growth, and life changing ideas
- Ask Yourself: What area do you want to improve in your life?

The Miracle Morning, Hal Elrod, Ch. 6, pg. 85-87

SCRIBING



Whatever It is that You Write, Putting Words
on the Page is a Form of Therapy that
Doesn't Cost a Dime.

– Diana Raab

Benefits of A Daily Journal

- Gain Clarity – Allows you to brainstorm and work out problems
- Capture Ideas – Prevents you from losing important ideas
- Review Lessons – Enables you to review all the lessons you've learned
- Acknowledge your Progress – Re-read prior journal entries to see how much progress you've made



Benefits of A Gratitude Journal

1. Lower stress levels.
2. Feel calm at night.
3. Gain a new perspective of what is important to you and what you truly appreciate in your life.
4. By noting what you are grateful for, you will gain clarity on what you want to have more of in your life, and what you can cut from you life.
5. Helps you focus on what really matters.
6. Keeping a gratitude journal helps you learn more about yourself and become more self-aware.
7. Your gratitude journal is a safe zone for your eyes only, so you can write anything you feel without judgment.





Sleep



Why do we need sleep?

- Sleep = Superpower
- Sleep is linked to physical and mental health and enhances our performance.
- If you do not get enough sleep, it impairs your cognitive functions.
- Sleep impacts your competence, diligence, ability to communicate, and decision making abilities.

Poor Decision Making

- Without sleep you look through your fearful or primal lens; you may make poor decisions, ones you wouldn't ordinarily make on a full nights sleep.
- You will perceive others you deal with in a fear based mindset.
- You are more likely to make problematic ethical decisions and act in a selfish manner.

Tips for a Good Night's Sleep

- Stick to a regular sleep schedule
- Avoid caffeine and nicotine before you sleep
- Avoid alcohol
- Avoid electronics
- Develop a healthy routine before you go to sleep

Don't be afraid to ask for help!



Services are free and confidential.

WisLAP Services

wisbar.org/wislap

- Initial evaluation
- Consultation
- Outreach
- Referrals
- Peer assistance
- Intervention

Whether it's for your needs or someone else's, mental health professionals are available 24/7, 365 days a year to answer your call.

They can recommend appropriate resources and programs — including support groups, treatment programs, or their network of 150+ trained attorney peer volunteers.

Questions?



Supreme Court of Wisconsin
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