

Mental Health & Mental Wellness: Insights and Considerations for the Legal Profession

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Mental Health - Care & Research
Santé mentale - Soins et recherche

Disclosures

- No financial interest
- No stockholdings in legal firms
- Know a few lawyers – hired one
- Faculty training member, National Judicial Institute
- Trainer for Ontario Justices of the Peace and Social Justice Tribunal
- Psychologist with a practical (yet passionate) interest in the brain and brain health

A CERTAIN
STREET
CREDIBILITY.

Gerald Lefcourt

QUOTEID.COM

Overview

- Your brain and key cognitive functions
- Support for optimal brain functioning
- Effects on Interacting with others
 - Executive and emotional functioning, emotional intelligence
 - Mental health
- Recognizing mental health issues and raising awareness
- Stress and stress management
- Evidence-based options for care and treatment
- Opportunity for questions and discussion

Quick Primer on Brain Health and Function

WHAT MAKES THE BRAIN TICK

Overview of the Brain

<https://www.youtube.com/watch?v=pRFXSjKpKWA>

(National Geographic, 2017)



Or \$566,158.87 in 2019!

The REAL Question Everyone wants answered

ARE LAWYERS' BRAINS DIFFERENT?

What Could Be Different?

- Intelligence is the **smallest** part of the difference!
- Frontal Lobe and Executive Functioning
 - Working Memory, Cognitive Flexibility & Inhibitory Control
- Emotional Intelligence
- Stress
- Mental Health



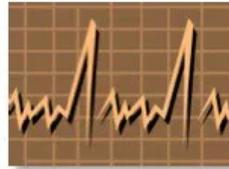
Quick Overview

FRONTAL LOBE & EXECUTIVE FUNCTIONS

Executive Functions

EMOTIONAL CONTROL:

**THE ABILITY TO REGULATE
EMOTIONAL RESPONSES TO
STRESS.**



If this was a low area for you, you may have trouble getting over a poor grade on an assignment or find that you get frustrated often, which can get in the way of your school work.

INITIATING WORK:

**THE ABILITY TO GET STARTED
ON TASKS WITHOUT MANY
PROMPTS AND CUES.**



If you have trouble initiating work, this means you might have trouble finding the motivation to get started. Even if you know what you need to do, you keep wanting to put it off a little longer, until you realize that the deadline is coming up and you haven't gotten started yet.

Executive Functions

Here is a description of each area – see if you agree with your strengths and weaknesses...

WORKING MEMORY:

**THE ABILITY TO REMEMBER
INFORMATION FOR IMMEDIATE
USE.**



If you had a low score in this area, you may find it difficult to remember a series of directions or have a hard time with math problems that involve more than one step.

ORGANIZING MATERIALS:

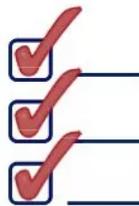
**THE ABILITY TO ORGANIZE
OBJECTS IN WORK, PLAY, AND
STORAGE AREAS.**



Scoring low in this area may mean that you have a hard time keeping your binder organized or have difficulty keeping your books and backpack in order.

PLANNING TASKS:

**THE ABILITY TO MANAGE
TASKS BY SETTING GOALS
AND DEVELOPING STEPS TO
ACHIEVE THE GOALS.**



If you scored low in this area, it may mean that you have a hard time figuring out what you need to do in order to finish a large project. You may read the assignment for your research paper over and over but not know what steps you need to complete in order to finish it on time.

Executive Functions

INHIBITING BEHAVIOR:

THE ABILITY TO STOP ONE'S OWN BEHAVIOR AT AN APPROPRIATE TIME.



If you scored low in this area, you may find that it's hard for you to stop doing something, even if you know that you shouldn't be doing it. For example, you may know that you are not supposed to blurt out in class, but when your teacher isn't calling on you, you decide to say the answer anyway.

MONITORING:

THE ABILITY TO JUDGE THE QUANTITY AND QUALITY OF ONE'S WORK BASED ON EXPECTED STANDARDS.



If you have difficulty monitoring yourself, you might not have any idea how you got a low grade on an assignment that you thought you did well on. You may forget to go back and check your work when you're finished or not realize that you didn't follow the directions correctly.

SHIFTING TO NEW TASKS:

THE ABILITY TO TRANSITION FROM ONE ACTIVITY TO ANOTHER.

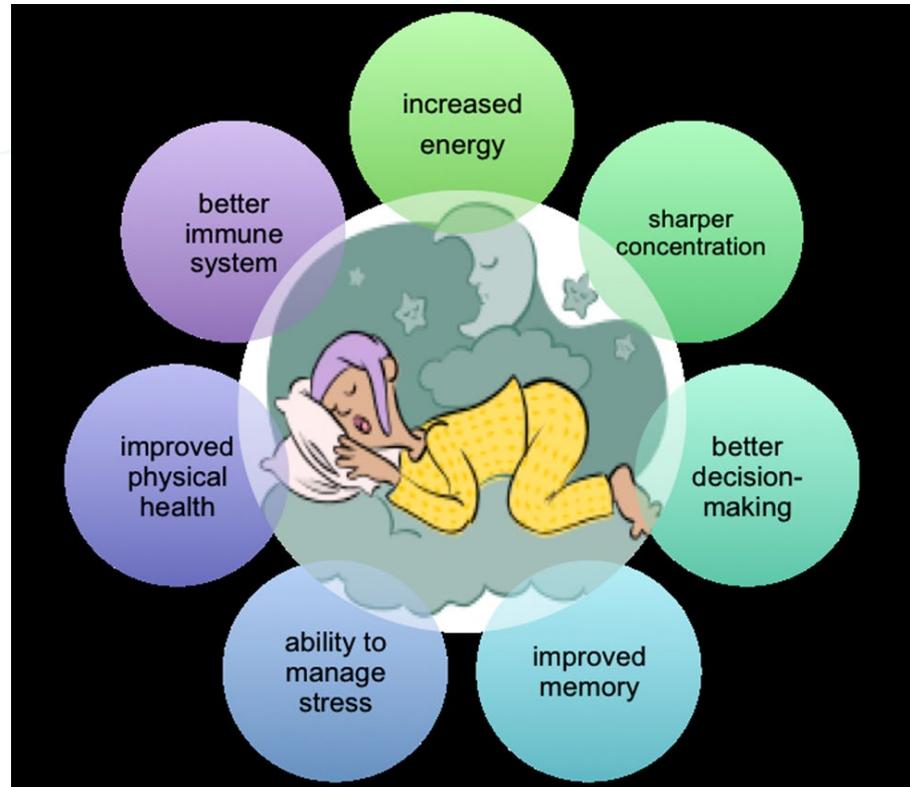


If you have trouble shifting to new tasks, it may be hard for you when the teacher asks you to put away an assignment that you are in the middle of. You want to finish it and have a difficult time starting the next assignment.

What Does the Brain Need to Support Optimal Executive Functioning?

- Health & nutrition
- Healthy active lifestyle
- Sleep
- Mindfulness/mental resilience
- Mental health
- Awareness & willingness to make change

The Benefits of a Good Night's Sleep



It is called **SLEEP HYGIENE** for a reason – how are your sleep behaviors?

(Hint: it is not just the number of hours of sleep that matter!)

How Does My Brain Affect My Relationships?

THE EFFECTS ON OUR INTERACTIONS WITH OTHERS

What Affects Interactions with Others?

- Executive Functioning
- Emotional Functioning/Intelligence
- Relationship Behaviour
- Mental Health and Response Styles

Effects of Emotion

<https://www.youtube.com/watch?v=Mx41SPMLBMg>



(Disney Pixar, Inside Out, 2016)

Intelligence vs Emotional Intelligence

IQ

- Quotient comprised of 4 distinct constructs
 - Verbal Comprehension
 - Perceptual Memory
 - Working Memory
 - Processing Speed(Executive functioning impacts each of the constructs)
- *Formally assessed by Psychologists*

EQ

- Construct of 5 categories related to abilities to recognize and respond to emotions to guide thinking and behavior
- *Often informally assessed by range of others*

What % of success depends on IQ vs EQ?

Five Components of Emotional Intelligence

- Self-Awareness
 - Emotional awareness, Self-confidence
- Self-Regulation
 - Self-control, Trustworthiness, Conscientiousness, Adaptability, Innovation
- Motivation
 - Achievement drive, Commitment, Initiative, Optimism

Components of Emotional Intelligence

- Empathy
 - Service orientation, Developing others, Leveraging diversity, Political awareness, Understanding others
- Social Skills
 - Influence, Communication, Leadership, Change catalyst, Conflict management, Building bonds, Collaboration and cooperation, Team capabilities

EQ interventions are often taught as emotion regulation skills

Emotion Regulation – What it IS & ISN'T

It IS:

- Ability to respond to situations with a range of emotions that are socially tolerable and sufficiently flexible
- Complex process that involves identifying, initiating and moderating interaction of thoughts, feelings and behaviour

It ISN'T:

- Being consistently passive – or dominant
- Having consistent emotions
- Being able to suppress your emotions
- The ability to talk others into feeling the way you do

EQ in Action

<https://www.youtube.com/watch?v=kjF4rKCR81o>

Emotion Regulation Skills (Boyes, 2013)

- Feeling identification (yours & others)
- Ability to start and pursue goals ... even if feeling anxious
- Ability to tolerate awkwardness
- Ability to have critical (critically important) conversations – openly
- Resilience during times of pressure
- Ability to self-soothe (and comfort others)
- Ability to wait – delayed gratification
- Ability to manage positive emotions

LAWYERS AND MENTAL HEALTH

WHAT ARE THE ISSUES?

CBA Wellness (Ipsos Reid 2012)



Ipsos Reid



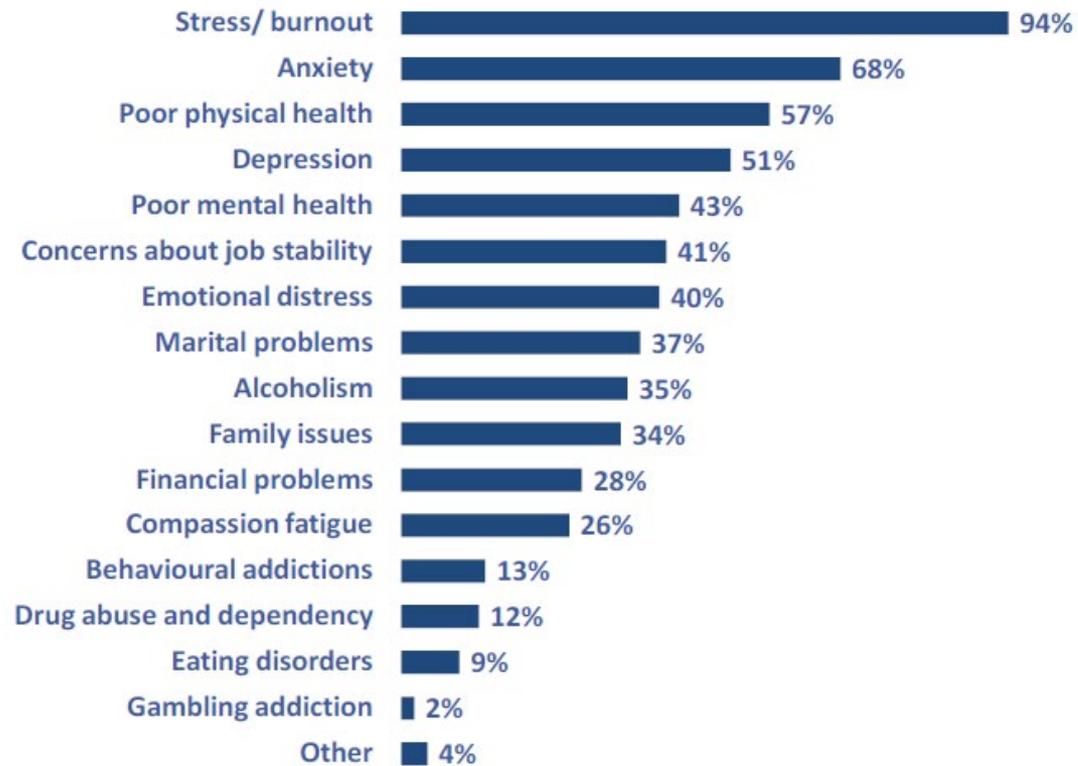
THE CANADIAN
BAR ASSOCIATION
L'ASSOCIATION DU
BARREAU CANADIEN

Survey of Lawyers on Wellness Issues
Legal Profession Assistance Conference,
Canadian Bar Association 2012

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Perceived prevalence of health and wellness issues facing lawyers

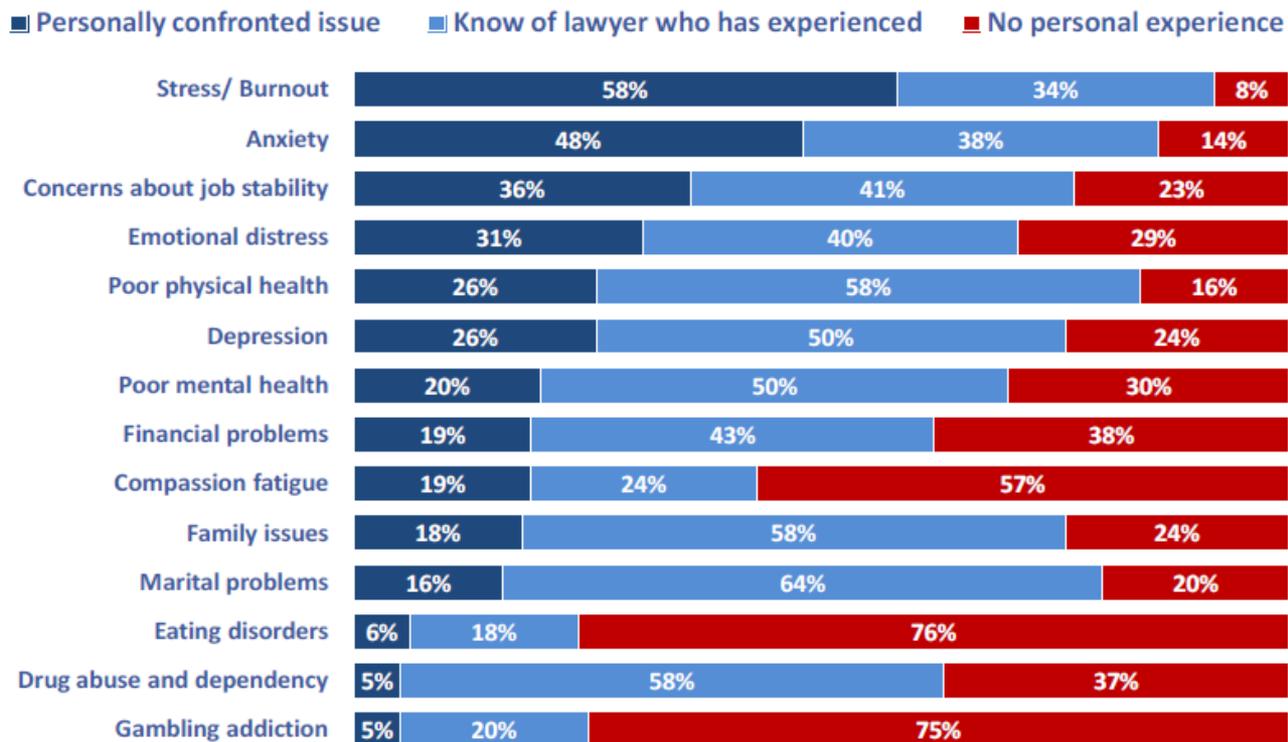


Q9. What do you feel are the most prevalent health and wellness issues facing lawyers today?

Base: All respondents n=1180



Exposure to health and wellness issues



Q10. Please indicate whether you have personally confronted any of these issues, whether you personally know of lawyers in your practice who have or whether you personally know of lawyers outside of your practice who have.

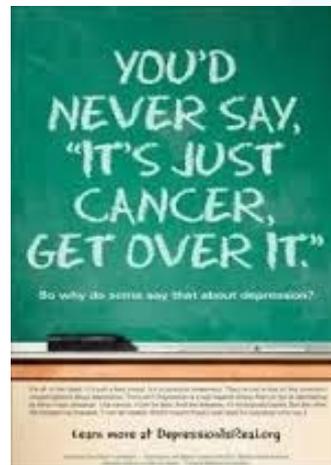
Base: All respondents n=1180

“Most people would rather suffer in silence and not get treatment because of the stigma that surrounds it. This is particularly poignant for lawyers because they are valued for what they bring from the “neck up”. It’s the very asset they’re using that is being threatened”

-Jeff Moat, President of Partners for Mental Health
OBA December 2014 Mental Health Awareness Launch

Mental Health and Stigma

- Why is depression not like a broken bone?
- Do we place the same attribution on mental health symptoms as physical health symptoms?
- Would we judge someone for getting cancer treatment?



**Consult the Law Society of Ontario Practice Management Guidelines - Chapter 8, Personal Management*

LAWYERS AND MENTAL HEALTH

RAISING AWARENESS — SIGNS & CONDITIONS

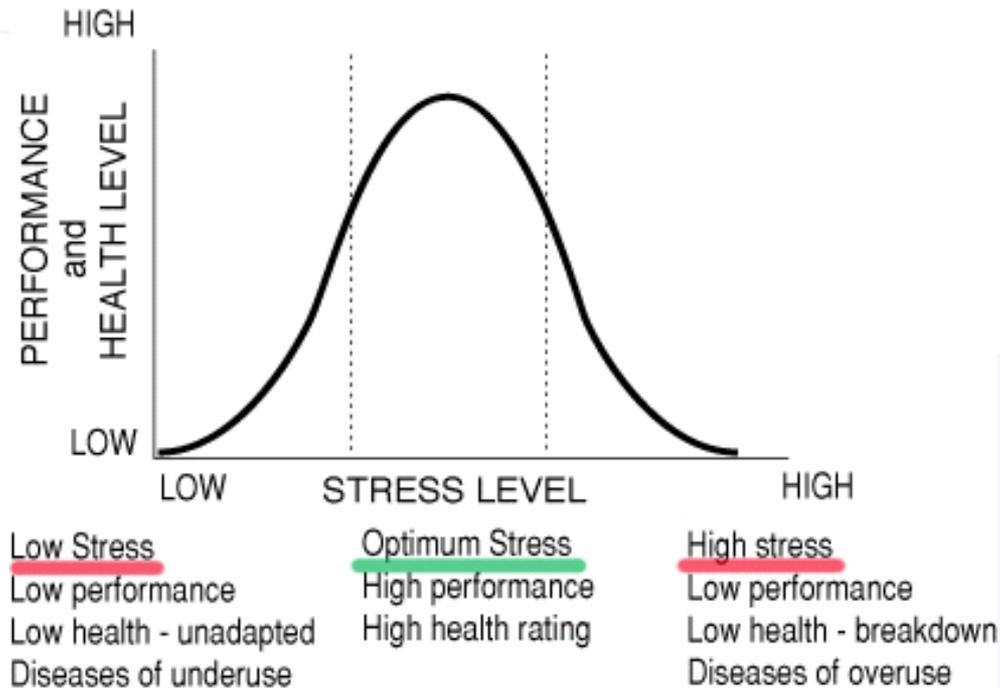
Common Signs and Symptoms

- Experiencing chronic stress/burnout
- Changes in coping strategies
- Change in our reactions towards others
- Increase in social isolation/inwardness
- Experiencing compassion fatigue

Stress – the double edged sword

STRESS

General Adaptation Syndrome



Changes in Coping Strategies

- The individual nature of coping
- Group expectations for coping or “unwinding”
- When coping strategies change
- When coping strategies lose effectiveness

Working Conditions – Be Aware

- Spoken and unspoken workplace cultural norms
- Work-life balance?
- Exposure to case/client content
- Confidentiality
- Others?



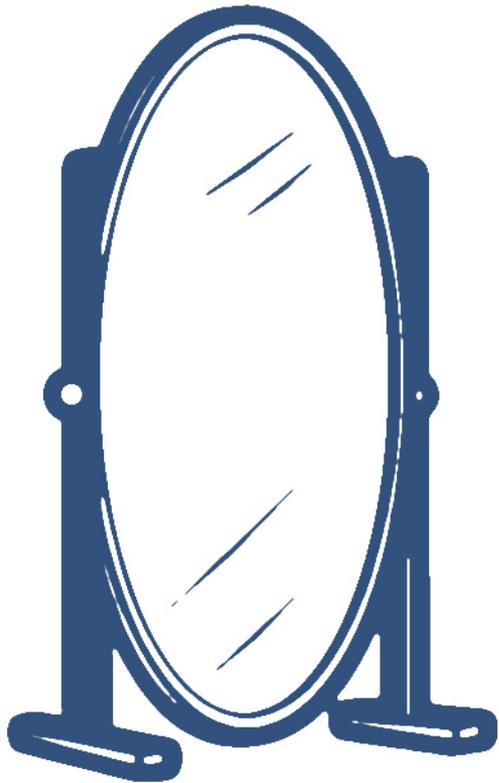
Understanding Our Responsibilities

Stress (and its secondary effects) is impacted by our understanding of our responsibility in responding to or resolving a situation



dreamstime.com

The MOST effective methods for stress management



Consider individual differences in pleasurable activities

Consider time with self and others

Consider how we express our stress

Supporting Others

There are no magic words, but consider the following:

- Lean In, Not Away
- Remember the range of reactions you may receive (and why)
- Offer non-judgemental observations
- Be the person who reduces the sense of isolation
- Encourage care and requests for accommodation

LAWYERS AND MENTAL HEALTH

WHAT ARE THE OPTIONS?

GOD GRANT ME THE
SERENITY
TO ACCEPT THE THINGS
I CANNOT CHANGE;
COURAGE
TO CHANGE THE
THINGS I CAN; AND
WISDOM
TO KNOW THE
DIFFERENCE.

Evidence-Based Options

- Lifestyle Considerations
 - *Diet, exercise, sleep, well-being and balance*
- Treatment
 - *What to expect, where to look, approaches with evidence*
- Self-Strategies (with education)
 - *Mindfulness, Meditation, Coping Strategies, Building Resilience*
- Medication
- Change
 - *Executive Coaching, Values Reflection*

Considerations in Self-Care

