The Power of Connection and Wellness: Building a Foundation for a Successful Law Career

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The Power of Connection and Wellness: Building a Foundation for a Successful Law Career

REID D. MURTAUGH*

COMMON OBSTACLES LAWYERS FACE IN THE BEGINNING OF A LAW CAREER

In order to talk about mental health and wellness it is important to differentiate terms that are often used generically and interchangeably. The following excerpts from You Will Get Through This Night, A Practical Mental Health Guide by Daniel Howell1 are intended to show how each term is different from the perspective of one author. Symptoms like “depression” and “anxiety” manifest themselves very differently in different people.2

Depression

Feeling depressed is more than feeling sad: sadness is the opposite of happiness, an emotion we usually easily understand the cause of and that doesn’t hugely impact our ability to function. Sadness is usually a reaction to a loss, or that animated movie supposedly created for children but that deliberately manipulates nostalgia to make anyone over the age of thirteen cry a lake. Depression is less of an emotion you understand, but a physical feeling that may not have a recognizable cause. A pressure weighing down on you, draining your energy.3

Anxiety and Panic Attacks

Anxiety is what we experience when we perceive a threat, and it’s a normal and necessary emotion.4

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1. DANIEL HOWELL, YOU WILL GET THROUGH THIS NIGHT (2021).
3. HOWELL, supra note 1, at 48.
4. Id. at 41.
In moments of overwhelming anxiety, our reaction to our bodies’ natural physical responses can swell into a panic attack. Panic attacks often seemingly come out of nowhere with no apparent explanation, which makes them rather alarming, but can also be triggered by situations such as being faced with a phobia.\(^5\)

**Intrusive Thoughts**

At any moment, your brain is popping random thoughts into your head. . . . Sometimes, the random thoughts in our mind can, seemingly out of nowhere, be violent, sexual, or otherwise completely shocking to ourselves. . . . These are called intrusive thoughts. They are something we all experience. . . . It’s tempting to focus on a thought like this when it appears in your mind, and wonder if it means you are a pervert, or an aspiring murderer—but know that you are not, hopefully. . . . The best thing is to simply accept that our weird minds are just like this: let the intrusive thoughts come, let them pass, don’t judge yourself and don’t give them the attention that makes them stronger.\(^6\)

**Burnout Syndrome**

“The term ‘burnout syndrome’ was coined in the early 1970s by Herbert J. Freudenberger, a New York psychoanalyst. . . . Freudenberger defined burnout syndrome as a state of mental and physical exhaustion caused by one’s professional life.”\(^7\) Ulrich Kraft wrote an article published in Scientific American Mind that discusses the research of Freudenberger and his colleague Gail North, who identified the following twelve (12) phases of the burnout cycle:

- A compulsion to prove oneself
- Working harder
- Neglecting one’s needs
- Displacement of conflicts
- Revision of values
- Denial of emerging problems
- Withdrawal from social contacts
- Obvious behavioral changes
- Depersonalization

\(^5\) *Id.* at 44.
\(^6\) *Id.* at 47-48 (emphasis omitted).
When I graduated from law school, I knew nothing about wellness. At that time, it was just not talked about. I was in the dark for a long time, and I kept my diagnosis private for the first six years of my career.

My mental health struggles started well before law school when I was 17 years old. For the most part, I have been able to manage my bipolar II condition without it affecting my ability to study or work. I am going to share a few stories of when the stress of practicing law became an obstacle and affected me at work.

The first time I remember my mental health symptoms surfacing at work during my law career was in my third year of practice. I was twenty seven (27) years old and working in the prosecutor’s office. I had just been moved from traffic court to the major felony division. I was in court during a petition to revoke probation hearing and all of the sudden I felt panicky. I felt my jaws clench, a gripping sensation in my throat, tightness in my chest, and weakness in my lower body. These feelings did not have any real effect. Nobody in the courtroom knew what I was feeling. But it felt so intense that it felt like people knew. My thoughts turned negative and irrational. After the hearing concluded, it was time for lunch. I walked out of the courthouse. I remember standing on the sidewalk and looking back at the courthouse, and my brain was rapid firing repetitive thoughts such as, “I don’t think I am cut out to be a lawyer.”

A short time later, I had two major felony jury trials within two weeks that I prosecuted solo, without a second chair. The first one I felt like myself. However, I hardly slept during the three days of trial. By the time the trial started the next week, I was feeling the effects of the lack of sleep and the stress of the first trial. My body and my brain were not happy that I was going to put them through that again. I did not feel like myself. I felt like I did during that petition to revoke hearing. The morning of the trial when I got to the office, I had a pit in my stomach and felt very insecure. I knew that going back to bed was not an option and luckily the adrenaline kicked in when I walked into the courtroom, and I made it through just fine.

I eventually left the prosecutor’s office and joined a private law firm. I made partner in 2015. I did experience anxiety and depression while I was
working at the firm, but I was able to manage it and it did not affect my productivity. After I made partner that all changed. It felt like I hit a wall and the depression returned darker than ever. Concentration and focus were replaced with ruminating intrusive thoughts and procrastination.

I started to experience mini panic attacks. The back staircase became my escape. It was usually empty. When I was feeling bad, I would go to the back staircase. I would walk up and down. I would go to the bottom and pace. When I was in high distress, I would go to the back staircase. I remember times when I would shake my hands in the air uncontrollably because I felt so much anxiety and energy in my body. I would clench my teeth. This was the only place that I could do these self-soothing behaviors. I felt shame that I had to do this. It made me feel weak and unstable. It felt like behavior unbecoming of a law partner. Eventually, I got to the point where I felt like I could no longer deal with this on my own.

I contacted the Indiana Judges and Lawyers Assistance Program (JLAP) in May 2015. I remember how hard it was to ask for help. I typed out the e-mail but could not convince myself to push send. I remember looking up the phone number but not calling. I think it took me 2-3 weeks to work up the courage to finally send this e-mail:

"I have been struggling with my depression lately. I would like to talk someone at JLAP. Please let me know how to do this. Thanks."

I drove an hour from Lafayette to Indianapolis to meet with a JLAP staff member. We talked for about an hour and I felt a huge sense of relief. I no longer felt that I had to deal with this obstacle on my own. I was paired with a JLAP volunteer who I met in person in Lafayette. I also attended one group support meeting in Indianapolis. At the support meeting, I talked to an attorney in the group who was much further along in his career. He gave me his phone number and told me that I could call him anytime. That act of kindness made a huge impact on me.

Unfortunately, this was not a quick fix for my problems at work. I still experienced periods of intense depression that affected my ability to work at my normal level. I still had times that I would be in the office but not doing work. I was able to push through but I was not able to experience feelings of joy and satisfaction. Instead, I was feeling drained, overwhelmed, and frustrated. I was not aware at the time but realize now that I was experiencing burnout. I tried to push through but eventually decided it was best to leave the law firm. I then decided to open my own solo practice and transition away from litigation and courtroom work.

The change proved to be very beneficial. I felt excited about starting a business and I felt satisfaction from doing the legal work and helping clients again. By this point, I felt like I had overcome the obstacle. This is what led
to my journey of disclosing my diagnosis and becoming a mental health advocate.

In January of 2017, I publicly shared my bipolar II diagnosis in an article published in the Indiana Lawyer newspaper. I wrote several articles, which allowed me to connect with attorneys across the United States and beyond who reached out to me. Several attorneys who reached out disclosed their mental health condition to me in confidence. That human connection had a very profound effect on me. I found it beneficial for my own mental health to connect with other lawyers who can relate to me.

My depression did not magically go away. It is something that will always be a part of me. The investment I made to manage the condition has allowed me to practice law as a healthy and engaged lawyer. I have the awareness and the tools to cope. I view it the same as my physical health when the symptoms appear. Some days my brain is not at full strength and working is a struggle and that is okay. I know that the symptoms will pass just like sometimes it takes a few days to get over a cold.

PROBLEMS CAUSED BY THE HUMAN BRAIN ARE COMMON AMONG LAWYERS

Several other lawyers have publicly disclosed their story of dealing with a mental health struggle. In 2018, Joe Milowic III, a partner at Quinn Emanuel shared the fact that he suffers from depression in an article published in the New York Law Journal. Joe’s article ended with this line, “Please contact me in confidence . . . if you have any questions or would be interested in joining an online support group for attorneys who suffer from depression.” This eventually led to the creation of the Lawyers Depression Project, a non-profit organization that provides free online peer-to-peer support calls for legal professionals. I reached out to Joe after I read his

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12. Id.

article and became involved in the project from the beginning. Joe, Julia Clayton, David Evan Markus, Darin Wizenburg, and I became the co-founders of the organization and all served as facilitators for the peer support calls.

I like that you can connect with lawyers across the United States and even in other countries on the LDP calls. My experience over the past five years talking with lawyers who have reached out to me, participating in the LDP calls, and reading articles and books and listening to podcasts of lawyers tell their stories has shown that there are common fears and obstacles. Many lawyers experience some form of burnout, feel their work lacks meaning, have thoughts of quitting their current job or leaving the profession at some point in their career. It is common to struggle to cope with a high pressure office environment. The demands of the job are especially hard to manage in the beginning of a legal career.

It is important to focus on what can be controlled. Attorneys can learn healthy coping skills, communicate their need for healthy boundaries, ask for help from colleagues, and seek professional help. Law schools can do a better job training and preparing future lawyers for the stress of the profession by making wellness part of the student experience from day one of law school. Wellness education could be included in law school orientation. There are resources such as Mental Health First Aid training and QPR (Question, Persuade, Refer) Training for Suicide Prevention that could be used to teach law professors and law students how to respond to someone in crisis. Learning these skills are important not just in case of a crisis. Having a solid foundation about mental health will give people in the legal profession more confidence to talk openly about mental health and assist others who are struggling.

14. See id.
15. See id.
18. Christian, supra note 16.
19. Id.
22. Christian, supra note 16.
In my opinion, uniform training materials could be developed to cover wellness education specifically tailored for law schools. In addition, law schools could invest in speakers and outside consultants to engage with law students.

I think that success for lawyer mental health and well-being is that it becomes enmeshed in legal education, continuing legal education, and the culture of the legal profession.23 Wellness is about optimizing lawyer performance.24 Lawyers should be as comfortable talking about how to cope with the emotional demands of the job as they are talking about the law and serving clients.

BENEFITS OF CONNECTION/PEER SUPPORT

Peer support has helped me in the following areas:

- Coping Skills
- Self-Awareness
- Listening and Empathy
- Self-Compassion
- Coping with Depression, Anxiety, and Suicidal Thoughts
- Civility
- Building sustaining and nurturing relationships
- Feelings of isolation, loneliness
- Sense of Belonging
- Better Treatment Engagement and Self-Care

Lawyers who do not require professional mental health services can benefit from connection and peer support in a less formal setting.25 A peer reviewed article written by Matthew Chinman, Ph.D., Preethy George, Ph.D., Richard H. Dougherty, Ph.D., Allen S. Daniels, Ed.D., Sushmita Shoma Ghose, Ph.D., Anita Swift, M.S.W., and Miriam E. Delphin-Rittmon, Ph.D., Peer Support Services for Individuals with Serious Mental Illnesses: Assessing the Evidence, discusses research regarding the effectiveness of peer support.26

24. Id.
26. Id.
MENTAL FITNESS EXERCISES

I wrote a column for the Indiana Lawyer newspaper from 2017 through 2019.27 I created “mental fitness exercises” for the articles.28 These exercises are based on what I have learned from mental health professionals and my own lived experience dealing with a mental health condition while practicing law. They are meant to be suggestions to give you some ideas for creating your own routine.

Mental Fitness Exercise #1: Three Minute Body Scan Meditation

When I am feeling anxious or depressed, I have found that trying to “relax my mind” can be incredibly frustrating and unproductive. My therapist shared a technique called the body scan that I have found much more effective. Instead of trying to make the thoughts or feelings go away, you focus your mind on the different regions of your body and allow yourself to experience the nervous energy without trying to change anything.29

Here is what you will need:
• a smart phone or computer,
• headphones[,] and
• a quiet space.

Here is how to do it:
• Search for “3-minute body scan meditation” on the internet.
• Find a place without distractions for three minutes.
• Shut your eyes.
• Click the video.
• Listen.30

Mental Fitness Exercise #2: Paper Toss

When practicing law, it is good practice to keep records of our work product. We make notes to the file when we talk to clients and adverse counsel. We capture our time in detailed billing entries. We write letters and emails to make a permanent record to protect ourselves. It is important, but it can be a pain. The paper toss exercise

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27. Reid Murtaugh, Articles, IND. LAW., https://www.theindianalawyer.com/authors/reid-murtaugh.
28. Id.
29. Murtaugh, supra note 9, I’m Not Scared.
30. Id.
allows you to take a break from your attorney routine. You will need a pen, paper, and a quiet space (e.g., coffee shop).  

Here is how to do it:  
“Take some time to think (three to five minutes) and write down whatever you want (for five to [ten] minutes). . . . [T]hrow the paper away.”

Mental Fitness Exercise #3: Beyond the Office Walls

Busy schedules, long-term deadlines, and not enough hours in the day – the 21st century lifestyle brings with it immense stress. How often do you step outside during the work day, separating yourself from the “inside” – florescent lights, dull carpeting, hum of the air conditioner – [and stepping] out to what is real, refreshing and relieving? Find a moment each day to step out of the office doors and really feel what is real and what is now.

Once you are in fresh air, close your eyes.  
Sound: What do you hear? Birds chirping? The wind blowing?  
Smell: What do you smell? Fresh cut grass? Lavender in bloom?  
Open your eyes; continue to be quiet and still.  
Sight: What do you see? A cricket jumping? A child playing?  
Reach down and touch something.  
Touch: What do you feel? The Earth under your fingertips? A piece of gravel?

Grounding exercises like this, if even for a minute or two, can bring you back to what is important today, in this moment. Reminding ourselves to be right here, right now, is important for every profession.

Mental Fitness Exercise #4: Scheduled Down Time

Pull up your work calendar and add one 15-minute appointment [Mon. – Fri.; 8 AM – 5 PM] to take time for you. Be your own client for this time period. Take care of you.

Here are some examples:
• After a mediation or a deposition, take a detour on the return trip.

31. Murtaugh, supra note 10, Sharing My Diagnosis.
32. Id.
33. Murtaugh, supra note 10, Connecting Outside the Office (emphasis omitted).
After a court appearance, schedule a place to get a cup of coffee or read a magazine.  
After a lunch meeting, drive a scenic route and listen to music or enjoy silence.  

**Mental Fitness Exercise #5: Reward Resolution**

Reflect . . . and identify one goal you accomplished but did not reward yourself for. Make a resolution to reward yourself for the accomplishment through an act of self-care.

**Mental Fitness Exercise #6: Reach Out**

“One phone call can have a great impact. Who can you reach out to? Put in on your calendar and make the call. You will thank yourself for doing it.”

**Mental Fitness Exercise #7: Gratitude Challenge**

At the end of a work day, take a few minutes to reflect on the work you accomplished that day. Try to be kind to yourself. Write down something about the day that you are grateful that you did. Write down something that you are grateful that someone else did for you.

**Mental Fitness Exercise #8: Kindness Challenge**

Take time for a random act of kindness. “For example, give someone your full attention and listen to their full story, write a kind comment on social media, send a kind text, or acknowledge [someone’s] contributions.”

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MENTAL HEALTH ARTICLES, BOOKS, AND PODCASTS

The global mental health movement and the mental health movement in the legal profession was partly inspired by individual acts of disclosure.39

Articles

Below are some of the disclosure articles where people have publicly shared their lived experience with the world. I followed the movement closely and was personally touched by each article.

- I publicly disclosed my mental health story: *I’m Not Scared of the Bipolar Stigma*40
- Doctor Adam Hill, pediatric palliative care specialist, publicly disclosed his mental health story: *After Almost Taking His Own Life, Riley Doctor Focuses on Saving Other Physicians*41
- Prison Break star helping others with depression: *Wentworth Miller’s Escape from Stigma*42
- *Emma Stone on Anxiety & Panic Attacks*43
- Mariah Carey publicly disclosed her battle with bipolar disorder: *Mariah Carey: My Battle with Bipolar Disorder*44
- Hattie Gladwell: *Compulsions, Intrusive Thoughts and Obsessive Rituals: A Day in the Life of Someone with OCD*45
- Demi Lovato released a documentary about her battle with bipolar disorder that was nominated for Best Music Documentary for the 2018 MTV Movie & TV Awards: *Simply Complicated*46

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39. See infra notes 40-66.
40. Murtaugh, supra note 9, *I’m Not Scared*.
• Attorney Joseph Milowic III publicly disclosed his mental health story: Quinn Emanuel Partner Suffers from Depression and He Wants Everyone to Know47

• Professional basketball player Kevin Love: Kevin Love Launches Kevin Love Fund to Inspire Physical, Mental Well-Being; Everyone Is Going Through Something48

• Actor Jon Hamm opens up about going to therapy and taking medicine for depression: Jon Hamm Nails Why It’s So Hypocritical to Shame Therapy; Jon Hamm Just Said the Most Swoon-Worthy Thing About Therapy 49

• ‘I Hope it is a Waterfall’, Mets Announcer Josh Lewin Wants to Open the Floodgates on Mental Health Awareness50

• Nation Football League: Browns Player Chris Hubbard Opens Up About Mental Health51

• College Football: How a Former CU Athlete Is Leading a New Path for Mental Health52

• Lady Gaga and WHO director-general Tedros Adhanom: 800,000 People Kill Themselves Every Year. What Can We Do?53

• Meet Your Law Firm’s New Director of Lawyer Well-Being: Taking the Issue of Lawyer Wellness to a New Level54

47. Milowic, supra note 11.


49. Lindsay Holmes, Jon Hamm Nails Why It’s So Hypocritical to Shame Therapy, HUFFPOST (Sept. 12, 2018, 3:53 PM), https://www.huffpost.com/entry/jon-hamm-therapy-stigma_n_5b9958c9e4b0c7f00460c88/amp?e=&__twitter_impression=true; Lindsay Holmes, Jon Hamm Just Said the Most Swoon-Worthy Thing About Therapy, HUFFPOST (June 2, 2017, 05:33 PM), https://www.huffpost.com/entry/jon-hamm-therapy_n_5931c239e4b0c242ca23f52d.


54. Christian, supra note 16.
Dan Lukasik: Lawyers Reaching Out to Lawyers With Mental Health Problems: Beyond the HR Department

Attorney Mark S. Goldstein publicly disclosed his mental health story: ‘Scared. Ashamed. Crippled’: How One Lawyer Overcame Living With Depression in Big Law

Meet the Advisory Board Guiding Law.com’s Yearlong Mental Health Reporting Project

I Didn’t Think I’d Ever Come Back to Work – How a Magic Circle Partner Overcame Personal Trauma Following His Wife’s Death

Podcasts

Angela Han is an in-house healthcare attorney and life coach who hosts the Fit to Practice podcast

Mens Sana is a new podcast started by two in-house attorneys

Books

Girl Walks Out of a Bar by Lisa F. Smith

The Addicted Lawyer by Brian Cuban

Former NFL linebacker Keith O’Neil’s memoir, Under My Helmet: A Football Player’s Lifelong Battle with Bipolar Disorder

Long Walk Out of the Woods: A Physician’s Story of Addiction, Depression, Hope, and Recovery by Adam B. Hill


57. Gina Passarella Cipriani, Meet the Advisory Board Guiding Law.com’s Yearlong Mental Health Reporting Project, LAW (May 12, 2019, 7:00 PM), https://www.law.com/2019/05/12/a-total-descent-into-the-deep-why-our-board-wants-to-shine-a-light-on-mental-health/?slreturn=20190414170745.


59. Angela Han, FIT TO PRACTICE, https://fittopractice.libsyn.com/.


63. KEITH O’NEIL, UNDER MY HELMET, A FOOTBALL PLAYER’S LIFETIME BATTLE WITH BIPOLAR DISORDER (2017).

RESOURCES AVAILABLE TO LEGAL PROFESSIONALS WITH MENTAL HEALTH OR SUBSTANCE ABUSE/MISUSE ISSUES

- If you have thoughts of harming yourself or others, please see a doctor immediately. Dial 911.
- Suicide prevention lifeline: 1-800-273-TALK (8255) or Text START to 741-741
- Psychiatrists, psychologists, and therapists
- Group therapy
- Cognitive Behavioral Therapy
- Dialectical Behavior Therapy
- Mindfulness based stress reduction
- Alcoholics Anonymous
- Narcotics Anonymous
- Co-Dependents Anonymous
- Smart Recovery
- State Lawyer Assistance Programs
- The Lawyers Depression Project
  - www.lawyersdepressionproject.org
- Mindfulness in Law Society (MILS)
  - https://www.mindfulnessinlawsociety.org/
- Online Self-Assessments for depression, anxiety and addiction are available for your personal use. You can get an indication of whether you may be suffering from depression, anxiety or a substance use problem.
  - https://www.rehabs.com/assessments/