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Oregon Attorney
Assistance Program

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Thrive in Law, Thrive in Life • ISSUE NO. 121 • SUMMER 2023

The OAAP: Providing Confidential Help for Over 40 Years

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That the practice of law is rife with stress will surprise no one familiar with the profession. Research on lawyers, legal staff, judges, and law students is spurring change after decades of disturbing data on the number of lawyers and law students disproportionately affected by mental health conditions, substance use disorders, and unhealthy stress. In our community, the Oregon Attorney Assistance Program is available to help lawyers experiencing distress, as well as supporting lawyers looking to improve their well-being.

What Is the OAAP?

Overview

The Oregon Attorney Assistance Program is a free, voluntary, confidential service provided by the Professional Liability Fund to assist members of the Oregon legal community with well-being and personal challenges, including stress management, career dissatisfaction and transition, depression, anxiety, and other mental health issues. We also help with concerns like substance misuse, adjusting to retirement, trauma and vicarious trauma, and relationship stress. The OAAP helps by providing short-term individual counseling, referrals to community resources, support groups, workshops, CLEs, and other educational programs. Our services are available to all lawyers, judges, and law students in Oregon, and we can also provide limited services to family members and support staff.

History and expansion

The OAAP is funded by the Oregon State Bar Professional Liability Fund. In the beginning, 45 years ago or so, some Oregon lawyers in recovery began working together to help other lawyers in the community access support for their sobriety. That model lasted a few years, and then the “lawyers helping lawyers” began their collaboration with the PLF, realizing that supporting lawyers experiencing distress also reduced malpractice. As this partnership was formalized, leaders at the PLF, OSB, and their respective boards grasped the importance of confidentiality for lawyers accessing support. Special protections were codified in statute as well as policy, resulting in the formation of an OAAP that is completely confidential from the PLF and OSB, as well as physically separate (in an office in Portland) from those entities.

The founders and OSB and PLF leadership demonstrated an uncannily prescient understanding of stigma and barriers to seeking support that would be borne out by the research decades later. This awareness led to a prioritization of OAAP separateness and confidentiality from the program's inception. In addition, leaders recognized that expansive access to this resource would best serve the entire profession—not just covered parties—while also protecting the public. Consequently, the OAAP has always been available to all members of the Oregon legal community and not limited to bar members in good standing, attorneys with current PLF coverage, or individuals who have passed the bar exam.

What makes us different

One thing that sets the OAAP apart from other support services is that the professionally trained counselors here have also practiced law—we've been in your shoes and have experienced similar stressors. Lawyers often tell us that it's difficult for friends, family members, and sometimes even therapists or other sources of support to really appreciate the pressures that lawyers face—or the language and environment they work in—and that it's helpful to be able to talk to someone who understands what it's like to be a lawyer. We have a deep well of experience to draw from in providing assistance. As of 2022, the OAAP celebrated 40 years of service to the Oregon legal community, making us the third oldest lawyer assistance program in the country. We are proud to be a forerunner and respected national leader in the support model staffed by professionals with dual training.

Assisting the Legal Profession

Lawyer distress and burnout

If you are concerned about your personal or professional well-being, you are not alone. In 2016, the American Bar Association, in conjunction with the Hazelden Betty Ford Foundation, surveyed over 13,000 lawyers in the

U.S. regarding their well-being. The survey found problematic substance use among lawyers at the rate of 20%—nearly twice as high as that of the general public. Rates of depression were reported at 28%, more than three times that of the general U.S. adult population. Reported rates of anxiety (19%) and stress (23%) were also considerably higher than that of the general population. In addition, 61% of lawyers reported challenges with anxiety during their career, and 45% reported having depression at some point. And that was *before* the pandemic.

In 2021, both Bloomberg and the Institute for Well-Being In Law conducted surveys that reported high levels of “burnout” across the profession, with Bloomberg reporting 51% of lawyers feeling “burned out,” and IWIL reporting 61%. OAAP access numbers reflect these concerns. In 2021 and 2022, the attorney counselors had more than 2,000 contacts each year with members of the legal community for personal assistance. In 2021, we presented over 40 CLEs and workshops, reaching over 1,500 people, while 2022 saw the attorney counselors offering a similar number of presentations serving almost 3,000 people. Topics included lawyering during the pandemic, secondary trauma in the time of COVID, awareness of mental health and substance use issues, managing stress in the practice of law, burnout, and healthy solutions for lawyer well-being, among others.

A day in the life

On any given day, an OAAP counselor might take a call from a lawyer who is looking for a referral for a personal therapist, meet with someone to discuss challenges with work-related stress, connect a law student with substance use recovery resources, or meet with a lawyer at their office to help with procrastination. Attorney counselors meet with people at our offices in downtown Portland, by phone, and by Zoom, as well as meeting with people all over the state. We might make arrangements for a person to enter treatment (and perhaps drive them there), assist a lawyer in making a

plan to find more meaningful work, take a call from a judge who is concerned about the well-being of a colleague, or act as a sounding board and offer strategies for dealing with a difficult client or colleague. We might help someone experiencing extreme anxiety because of potential malpractice or who is having a mental health crisis. Lawyers, judges, law students, and legal staff can also connect with us about the groups we offer at the OAAP and virtually, offering an opportunity to build community around shared topics.

Pandemic stress

Many legal professionals who have reached out to us over the past three years have called for assistance with impacts of the pandemic. Often, they report feeling isolated and disconnected from their work. For some, alcohol, THC, or opiate use has increased as they look for ways to mitigate the stress. For others, it might be problematic internet use like phone addiction or pornography, or increased challenges with personal or professional relationships. And yet, for each person who calls, we know there are many others who find it too difficult to ask for help. We often hear, the first time someone contacts us, that they have been considering calling for a long time. It is never too early or too late to reach out.

The OAAP Is Confidential

Stigma and barriers to help

One problem highlighted by the 2016 ABA survey—and the subsequent report of the National Task Force On Lawyer Well-being that developed as a result—was that lawyers face significant barriers to accessing help for themselves or others when they need it. According to the task force report, concerns about confidentiality and fear of professional repercussions were high on this list of obstacles. It's important for us to emphasize, therefore, that all communications with the OAAP are completely confidential and will not affect your standing with the Professional

Liability Fund or the Oregon State Bar. In fact, no information can or will be disclosed to any person, agency, or organization (including the OSB and other employees of the Professional Liability Fund) outside the OAAP, without your consent. Contacts with us are kept strictly confidential pursuant to PLF policies, Oregon State Bar bylaws, and Oregon Rule of Professional Conduct 8.3(c)(3). In addition, under ORS 9.568, contacts with the OAAP are neither discoverable nor admissible in any OSB disciplinary action or civil proceeding. (The only exceptions to confidentiality are to avert a serious, imminent threat to your health or safety or that of another person and to comply with legal obligations such as child abuse and elder abuse reporting.) These protections ensure that you have a safe and confidential place to seek assistance when needed.

Helping others

We often get calls from people like you who are concerned about the well-being of a colleague, family member, or support staff. When you call us because you are concerned about someone else, we can work together to decide the best way to approach the situation. Sometimes, people hesitate to call with a concern because they don't want to "get someone in trouble." Remember—we don't report information that is given to us. All information you give us is confidential, and we will take no action without your consent. If you would like, we can work with you to develop the skills and confidence to approach the person yourself. Outreach is often more effective when it comes directly from someone the person knows. Compassion, candor, and patience can go a long way toward opening the door for someone to get help. Or, if it seems best that the OAAP talk directly with the person, we can discuss effective ways for us to do that. We will also confer about whether you want us to share your specific concern to the person. If you don't want us to reveal your name, we won't. We will reach out confidentially and offer our services to the person you are concerned about.

Helping ourselves

During challenging times, we have many ways to support our individual well-being. Being intentional about maintaining our social network, reconnecting to our sense of purpose and meaning, recognizing and celebrating successes (both ours and our colleagues'), and having a gratitude practice are all evidence-based techniques for improving our mental health. And of course, attending to the basics like getting good sleep, moderate exercise, making healthier food choices, accessing health care, and moderating substance use are all important as well. Now is a good time to do a "well-being checkup" to see if you might want to make some changes. If you find that you have developed some patterns you would like to shift, give us a call or visit www.aaap.org. We can help.

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