



Law Society  
of Ontario

Barreau  
de l'Ontario

# Mental Health for Legal Professionals Summit

## CO-CHAIRS

**Beth Beattie**

*Counsel, Ministry of the Attorney General*

**Teresa Donnelly**

*Treasurer, Law Society of Ontario*

May 19, 2021

May 20, 2021



\* C L E 2 1 - 0 0 5 1 2 0 0 - D - W E B \*



**Law Society**  
of Ontario

**Barreau**  
de l'Ontario

**DISCLAIMER:** *This work appears as part of the Law Society of Ontario's initiatives in Continuing Professional Development (CPD). It provides information and various opinions to help legal professionals maintain and enhance their competence. It does not, however, represent or embody any official position of, or statement by, the Society, except where specifically indicated; nor does it attempt to set forth definitive practice standards or to provide legal advice. Precedents and other material contained herein should be used prudently, as nothing in the work relieves readers of their responsibility to assess the material in light of their own professional experience. No warranty is made with regards to this work. The Society can accept no responsibility for any errors or omissions, and expressly disclaims any such responsibility.*

© 2021 All Rights Reserved

This compilation of collective works is copyrighted by the Law Society of Ontario. The individual documents remain the property of the original authors or their assignees.

**Law Society of Ontario**

130 Queen Street West, Toronto, ON M5H 2N6  
Phone: 416-947-3315 or 1-800-668-7380 Ext. 3315  
Fax: 416-947-3370  
E-mail: [cpd@lso.ca](mailto:cpd@lso.ca)  
[www.lso.ca](http://www.lso.ca)

Library and Archives Canada  
Cataloguing in Publication

**Mental Health for Legal Professionals Summit**

ISBN 978-1-77345-365-1 (PDF)



# Mental Health for Legal Professionals Summit



CO-CHAIRS: **Beth Beattie**, Counsel, *Ministry of the Attorney General*

**Teresa Donnelly**, Treasurer, *Law Society of Ontario*

**May 19, 2021**

**9:00 a.m. to 1:00 p.m.**

**Total CPD Hours = 8 h EDI Professionalism **

**Law Society of Ontario**

**SKU CLE21-00512**

## **Agenda**

### **Day 1: Wednesday, May 19**

As a legal professional, your work could pose real challenges to your mental health every day - even before the pandemic. Those challenges are now multiplied. At this summit, you hear directly from legal professionals who experience mental health issues about how they tackle these issues in their professional lives. Speakers discuss the impact of workplace and legal culture on members' mental health and how to reduce stigma in the legal professions. This is a must-attend event for paralegals, lawyers, articling and paralegal students, people leaders, law office diversity committees and articling principals. You will leave the Summit with effective

tools to address mental health in your legal workplace and learn how to support your colleagues with mental health issues.

### **Agenda**

**9:00 a.m. – 9:05 a.m.                    Welcome and Opening Remarks**

Teresa Donnelly, Treasurer, *Law Society of Ontario*

**9:05 am – 9:35 am                    Keynote Address**

The Honourable George R. Strathy, Chief Justice of Ontario

**9:35 a.m. – 10:30 a.m.            The Mental State of the Legal Profession**

One in five Canadians will experience a mental health issue each year. Studies show that lawyers have an even higher incidence of mental health issues such as depression, anxiety and addictions. What's wrong in our profession and how can we get better?

A panel of speakers who have experienced mental illness will be joined by psychotherapists to increase awareness about mental health and tackle the silence, stigma and stereotype of mental illness endemic to our profession. Participants will be asked to consider that perhaps the most unique and dubious distinction our profession bears in relation to mental health is not only the pressures of the job, but also how we hide or respond to what is actually a fairly common condition of health.

**Moderator:** Kara Hardin, Psychotherapist and Former Lawyer, *Kara Hardin Mental Health Consulting and Clinical Counseling*

**Panelists:** Orlando Da Silva, LSM, Chief Administrator/CEO, *Administrative Tribunals Support Services of Canada*

Michelle Leong Francis, Chief Business Architect, *TTG Group Consulting Inc.*

Doron Gold, Psychotherapist and Social Worker, *Homewood Health, Inc.*

Tanya Parker Wallace, *Parker Wallace Family Law*

**10:30 a.m. – 10:40 a.m.      Questions and Answers**

**10:40 a.m. – 10:50 a.m.      Break**

**10:50 a.m. – 11:40 a.m.      Vicarious Trauma – Risk Factors and a Path Forward**

Working in the justice system involves serving or helping people by relating empathetically to survivors of traumatic events. Repeated exposure to difficult stories and traumatic material can cause vicarious trauma.

The goal of the session will be to address the realities of vicarious trauma and combat the stigma associated with it. Panelists will speak from their own lived experience to increase awareness of vicarious trauma. Panelists will be joined by a health professional who treats trauma related mental illness to help us understand risk factors, recognize the signs and symptoms and access help. The panelists will discuss strategies as to how we can support ourselves and colleagues engaged in this work.

**Moderator:**    The Honourable Lori Anne Thomas, *Ontario Court of Justice*

**Panelists:**    Zehra Haffajee, Victim/Witness Service Worker, *Ontario Victim Witness Assistance Program*

Helgi Maki, *Resilience Coaching and Consulting*

Françoise Mathieu, Psychotherapist and Executive Director, *TEND Academy*

**11:40 a.m. – 11:50 a.m.      Questions and Answers**

**11:50 a.m. – 12:00 p.m.      Break**

**12:00 p.m. – 12:50 p.m.      Personal Perspectives on Addiction, Recovery and Hope**

Estimates suggest that close to 8 million people live with addiction and substance use challenges in Canada. The harms caused by addiction and substance use in our lives and in our communities are well-known to those of us who work in the justice system. Addressing these complex challenges requires empathy, courage, and a strong understanding of the personal dimensions of addiction.



# Mental Health for Legal Professionals Summit



CO-CHAIRS: **Beth Beattie**, Counsel, *Ministry of the Attorney General*

**Teresa Donnelly**, Treasurer, *Law Society of Ontario*

**May 20, 2021**  
**9:00 a.m. to 1:00 p.m.**  
**Law Society of Ontario**  
**SKU CLE21-00512**

## Agenda

### Day 2: Thursday, May 20

**9:00 a.m. – 9:05 a.m.**

**Welcome and Opening Remarks**

Beth Beattie, Counsel, *Ministry of the Attorney General*

**9:05 a.m. – 9:20 a.m.**

**Keynote Address**

Teresa Donnelly, Treasurer, *Law Society of Ontario*

**9:20 a.m. – 10:10 a.m.      To Tell or Not to Tell? That is the Question: Revealing Mental Health Issues at Work**

The decision to conceal or reveal one's mental illness at work is an intensely personal one. As invisible conditions, mental health issues often stay hidden. The ability to preserve one's privacy has definite benefits. It also has drawbacks as people may not get the accommodation, they need nor support from others.

Panelists will share their experiences of making the decision to speak openly at work about their mental health issues. They will explore the pros and cons of disclosing. They will discuss ways in which employers can create safe environments in which people may disclose their conditions. The panelists will also address the need for role models in the legal profession, namely, people who are prepared to share their stories publicly. This is particularly important as research shows that the most effective way to reduce stigma and isolation is through direct contact with someone who has personally experienced a relevant disorder.

**Moderator:** Michael Herman, General Counsel, *Gowlings WLG (Canada) LLP*

**Panelists:** Beth Beattie, Counsel, *Ministry of the Attorney General*

Webnesh Haile, *Singleton Urquhart Reynolds Vogel LLP*

Gregory Ko, *Kastner Lam LLP*

**10:10 a.m. – 10:20 a.m.      Questions and Answers**

**10:20 a.m. – 10:30 a.m.      Break**

**10:30 a.m. to 11:30 a.m.      Insights on Mental Health from the Future of the Legal Profession**

Young lawyers with lived mental health experience discuss their insight gained as newcomers to a profession that is not talking openly about mental health and mental illness. Young leaders will share their fresh perspectives and new ideas they bring to being supportive colleagues and improving mental health.

This panel will discuss their experience of a legal culture where long hours, perfectionism, imposter syndrome and job insecurity impact mental health. They will be joined by a health professional engaged in counselling young lawyers to explore what law schools and legal



workplaces can do to support mental health of law students, articling students and young lawyers.

**Moderator:** Ramz Aziz, *Osler Hoskin & Harcourt LLP*

**Panelists:** Alysia Davies, Staff Clinician, *Homewood Health, Inc.*

Hayley Pitcher, Counsel, *Ministry of the Attorney General*

Leslie Anne St. Amour, Articling Student, *Ministry of the Environment, Conservation and Parks*

Malini Vijaykumar, *Nelligan O'Brien Payne LLP*

**11:30a.m. – 11:40 a.m.      Questions and Answers**

**11:40 a.m. – 11:50 a.m.      Break**

**11:50 a.m. to 12:50 p.m.      Getting to the Bottom Line: How to Create a Non-Stigmatized and Inclusive Work Environment**

Law firms and other legal offices are increasingly acknowledging the mental health challenges faced by legal professionals and staff. Resources are being put into education, benefit programs and the hiring of consultants to help improve the well-being of personnel. Problems persist. Stress levels remain high, job satisfaction ebbs and flows, top talent leave, and people grow sick.

Panelists will speak to strategies for combatting structural stigma by increasing awareness about mental health and recovery. From changing workplace culture to promoting leaves of absence, the panel will discuss how we move from accommodation to inclusion. Panelists will discuss best practices for people leaders championing mental wellness at work. Included in the discussion will be how to develop peer support, allyship and mentoring initiatives. The end result will be reduced stigma and isolation, lowered presenteeism, greater job satisfaction and an office that attracts and retains top talent.

**Moderator:** Shannon Chace, Legal Director, *Ministry of Education/Ministry of Colleges and Universities*

**Panelists:** Nikki Gershain, Chief Inclusion Officer, *McCarthy Tétrault LLP*

Dr. Thomas Telfer, Professor, Faculty of Law, *Western University*

Charlene Theodore, President, *Ontario Bar Association*

**12:50 p.m. – 1:00 p.m.      Questions and Answers**

**1:00 p.m.                      End of Program**



## This program qualifies for the 2022 LAWPRO Risk Management Credit

### What is the LAWPRO Risk Management credit program?

The LAWPRO Risk Management Credit program pays you to participate in certain CPD programs. For every LAWPRO-approved program you take between September 16, 2020 and September 15, 2021, you will be entitled to a \$50 premium reduction on your **2022 insurance premium** (to a maximum of \$100 per lawyer). Completing one Members Assistance Program e-Course from Homewood Health also qualifies for the credit.\*\* Access Homewood Health at [www.myassistplan.com](http://www.myassistplan.com)

### Why has LAWPRO created the Risk Management Credit?

LAWPRO believes it is critical for lawyers to incorporate risk management strategies into their practices, and that the use of risk management tools and strategies will help reduce claims. Programs that include a risk management component and have been approved by LAWPRO are eligible for the credit.

### How do I qualify for the LAWPRO Risk Management Credit?

Attendance at a qualifying CPD program will NOT automatically generate the LAWPRO Risk Management Credit. To receive the credit on your 2021 invoice, you must complete the online Declaration Form.

STEP 1:	STEP 2:
<ul style="list-style-type: none"><li>Attend an approved program in person or online; and/or</li><li>Self-study a past approved program</li><li>Completing a Homewood Health e-Course*</li></ul>	Complete the online Declaration form at <a href="http://lawpro.ca/RMdec">lawpro.ca/RMdec</a> by Sept. 15, 2021. The credit will automatically appear on your 2022 invoice.

You are eligible for the Risk Management Credit if you chair or speak at a qualifying program provided you attend the entire program.

### Where can I access a list of qualifying programs?

See a list of current approved programs at [lawpro.ca/RMcreditlist](http://lawpro.ca/RMcreditlist). Past approved programs are usually indicated as such in the program materials or download page. CPD programs offered by LAWPRO can be found at [www.practicepro.ca/cpd](http://www.practicepro.ca/cpd)

### Whom do I contact for more information?

Contact practicePRO by e-mail: [practicepro@lawpro.ca](mailto:practicepro@lawpro.ca) or call 416-598-5899 or 1-800-410-1013.

\*One Homewood Health e-Course is eligible for the credit on a yearly basis.



# Mental Health for Legal Professionals Summit

May 19<sup>th</sup> and 20<sup>th</sup>, 2021

SKU CLE21-00512

## Table of Contents

### DAY ONE

#### The Mental State of the Legal Profession

**The Emotion Code™ Chart .....1 - 1 to 1 - 5**

Michelle Leong Francis, CHRP, CHRL PI, Chief Business Architect,  
*TTG Group Consulting Inc.*

**Coaching. Counselling. Peer Support. Resources. ....1 - 6 to 1 - 7**

Doron Gold, Psychotherapist and Social Worker *Homewood Health, Inc.*

**Did You Know That the MAP has a Confidential Peer Program! .....1 - 8 to 1 - 8**

Doron Gold, Psychotherapist and Social Worker *Homewood Health, Inc.*

**Understanding Mental Health in the Legal Profession .....1 - 9 to 1 - 11**

LawPRO Resources

**Warning Signs .....1 - 12 to 1 - 15**

LawPRO Resources

**Debunking the ‘Lone Sufferer’ Myth Once and For All .....1 - 16 to 1 - 17**

LawPRO Resources

## **DAY TWO**

### **To Tell or Not to Tell? That is the Question: Revealing Mental Health Issues at Work**

**To Tell or Not to Tell? That is the Question:  
Revealing Mental Illness at Work .....1 - 18 to 1 - 18**

Beth Beattie, Counsel, *Ministry of the Attorney General*

### **Insights on Mental Health from the Future of the Legal Profession**

**Resources .....1 - 19 to 1 - 19**

### **Getting to the Bottom Line: How to Create a Non-Stigmatized and Inclusive Work Environment**

**The Wellness Doctrines for Law Students &  
Young Lawyers, by Jerome Doraisamy .....1 - 20 to 1 - 29**

Dr. Thomas Telfer, Professor, Faculty of Law, *Western University*

**OBA Mindful Lawyer CPD Series .....1 - 30 to 1 - 33**

Charlene Theodore, President, *Ontario Bar Association*

**How to Better Support a High Performance Workforce and Yourself During the Pandemic .....1 - 34 to 1 - 41**

Erin Durant, Lawyer, Ottawa



**Law Society**  
of Ontario

**Barreau**  
de l'Ontario

**DAY ONE**

# **Mental Health for Legal Professionals Summit**

The Emotion Code™ Chart

**Michelle Leong Francis, CHRP, CHRL PI, Chief Business Architect**  
*TTG Group Consulting Inc.*

May 19, 2021



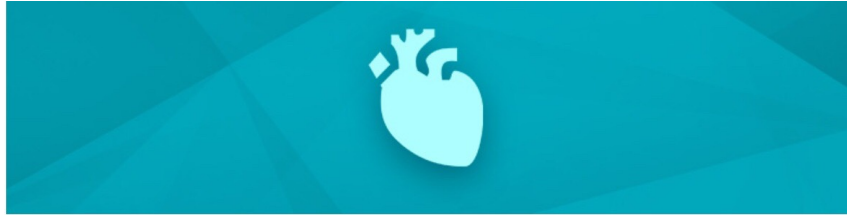
## Mental Health Summit for Legal Professionals

<b>The Emotion Code™ Chart</b>		
	<b>Column A</b>	<b>Column B</b>
<b>Row 1</b> Heart or Small Intestine	Abandonment Betrayal Forlorn Lost Love Unreceived	Effort Unreceived Heartache Insecurity Overjoy Vulnerability
<b>Row 2</b> Spleen or Stomach	Anxiety Despair Disgust Nervousness Worry	Failure Helplessness Hopelessness Lack of Control Low Self-Esteem
<b>Row 3</b> Lung or Colon	Crying Discouragement Rejection Sadness Sorrow	Confusion Defensiveness Grief Self-Abuse Stubbornness
<b>Row 4</b> Liver or Gall Bladder	Anger Bitterness Guilt Hatred Resentment	Depression Frustration Indecisiveness Panic Taken for Granted
<b>Row 5</b> Kidneys or Bladder	Blaming Dread Fear Horror Peeved	Conflict Creative Insecurity Terror Unsupported Wishy Washy
<b>Row 6</b> Glands & Sexual Organs	Humiliation Jealousy Longing Lust Overwhelm	Pride Shame Shock Unworthy Worthless



National Institute of Health

<https://ods.od.nih.gov/factsheets/Magnesium-HealthProfessional/>

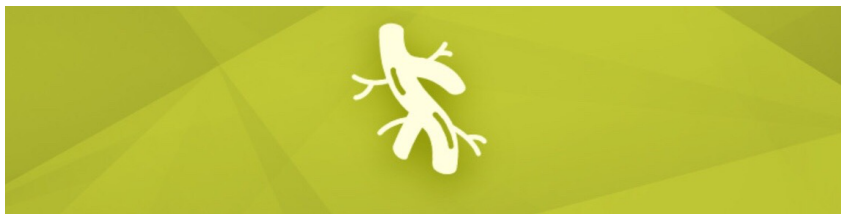


## **MAGNESIUM TAURATE**

---

This is the form of magnesium best for your heart.

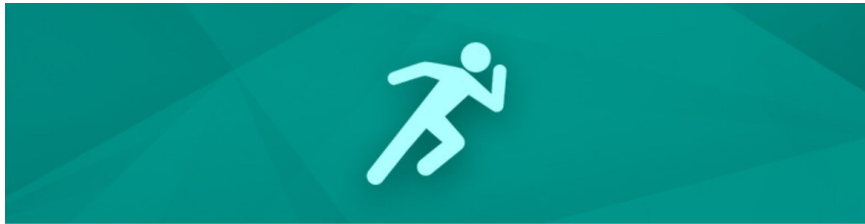
One study noted: “The complex magnesium taurate may thus have considerable potential as a vascular-protective nutritional supplement.” [22]



## **MAGNESIUM CITRATE**

---

Helps with the effects of obesity. In fact, one study found that this form helped arterial stiffness in healthy overweight individuals. [18]

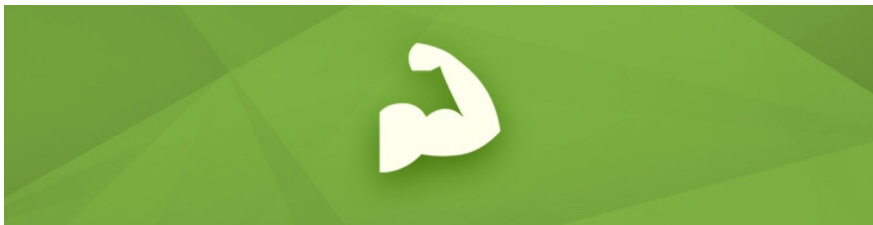


## **MAGNESIUM OROTATE**

---

While also helpful for the heart, magnesium orotate is believed to be the best form for metabolic improvements.

This makes it a favorite for athletes seeking enhanced recovery, energy and performance. <sup>[23]</sup>



## **MAGNESIUM CHELATE**

---

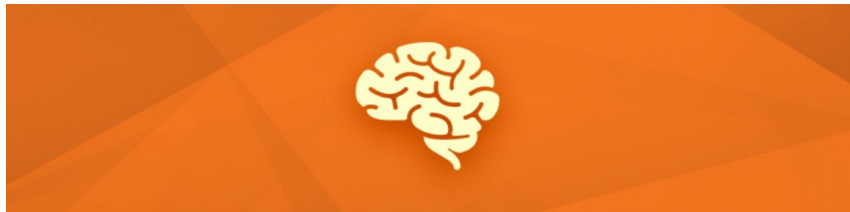
This form of magnesium is especially important for muscle building, recovery, and health. <sup>[17]</sup>



## **MAGNESIUM BISGLYCINATE**

---

Often used to treat symptoms of excess stomach acid, such as stomach upset, heartburn, and acid indigestion. <sup>[19]</sup>



## **MAGNESIUM MALATE**

---

Some believe this to be the most bioavailable form of magnesium. It's found naturally in fruits, giving them a "tart taste."

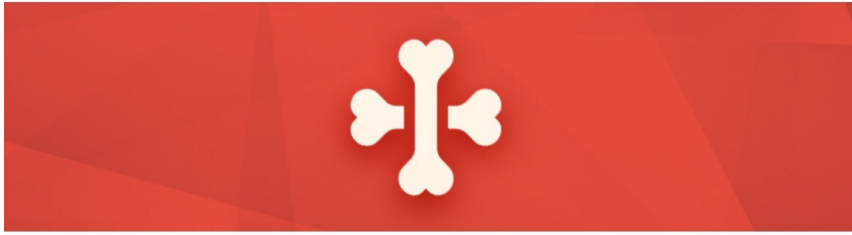
Magnesium Malate can help with migraines, chronic pain, and depression. <sup>[20]</sup>

MICHELLE LEONG FRANCIS, CHRP, CHRL, P1

*Box 54, Stn Main, Pickering, ON L1V 2R2*

*D: 416-728-6720 ♦ O: 905-683-6720 ♦ Email: ttg@rogers.com*

---



## **MAGNESIUM SUCROSOMIAL**

---

This form of magnesium helps you to effectively produce energy. It also supports the immune system and is critical for bone health and skeletal development. [21]

Provided by: Michelle Leong Francis

---

**TTG CONSULTING GROUP INC.;**

DIVISION OF TTG GROUP

*Box 54, Stn Main, Pickering, ON L1V 2R2*

*D: 416-728-6720 ♦ O: 905-683-6720 ♦ Email: ttg@rogers.com*



**Law Society**  
of Ontario

**Barreau**  
de l'Ontario

**DAY ONE**

# **Mental Health for Legal Professionals Summit**

Coaching. Counselling. Peer Support. Resources.

**Doron Gold, Psychotherapist and Social Worker**  
*Homewood Health, Inc.*

May 19, 2021





# Coaching. Counselling. Peer Support. Resources.

When you need it...



MAP is a confidential service funded by and fully independent of the Law Society of Ontario and LawPRO.

## Who can access the MAP?

- ✓ Lawyers
- ✓ Paralegals
- ✓ Judges
- ✓ Licensing process candidates
- ✓ Ontario law school students
- ✓ Students at accredited paralegal colleges

*Includes spouse and children*



1-6

PROFESSIONAL AND CONFIDENTIAL SERVICES

Homewood Health is a trusted Canadian company with more than 3 decades of experience providing the best possible support to clients like you. Your confidentiality is guaranteed through an individual's right to privacy protection and enforced within the limits of the law. No personal identifying information whatsoever is disclosed to the Law Society of Ontario or LAWPRO.

## Online Resources

Access [www.myassistplan.com](http://www.myassistplan.com) anytime for e-learning, interactive tools, health and wellness assessments, and a library of health, life balance, and workplace articles.

## Peer-To-Peer Support

Receive confidential, non-judgmental, support from a legal fellow professional or student who has gone through similar experiences.

## Counselling

Counselling helps you take practical and effective steps to improve your well-being in a confidential environment.

You can receive counselling from the most highly trained and experienced therapists in the industry who specialize in helping people with:

**Stress · Anxiety · Substance Abuse**  
**Burnout · Marital/Family Issues**  
**Depression · Life Transition/Change**  
**Anger · Career · Grief/Bereavement**  
**· Other Personal Issues**

⬇ Please retain the card below for your records.

Counselling | Coaching | Support

**1-855-403-8922**

TTY: 1-866-433-3305

International (Call collect): 514-875-0720

[www.myassistplan.com](http://www.myassistplan.com)



Confidential. Available anytime.

Our counselling is available in person, by telephone, or online. With a provincial network of hundreds of counsellors, appointments are made quickly. We do our best to accommodate your preferences.

## i-Volve: Online CBT

i-Volve is an online, self-paced treatment program for depression and anxiety using the best practice treatment approach, cognitive behavioural therapy (CBT). This innovative treatment program will guide you through exercises that examine and test how you interpret and perceive external stimulation. These insights will help you change and

adapt the ways in which you think, feel, and react in various situations. i-Volve will help you to identify, challenge and overcome your anxious and/or depressive thoughts, behaviours and emotions.

## Life Smart Coaching

You can also receive coaching on a variety of subjects:

Life Balance	Health	Career
 <ul style="list-style-type: none"> <li>• Childcare and Parenting</li> <li>• Elder and Family Care</li> <li>• Legal</li> <li>• Financial</li> <li>• Grief and Loss</li> <li>• Stress Solutions</li> </ul>	 <ul style="list-style-type: none"> <li>• Jumpstart your Wellness</li> <li>• Smoking Cessation</li> <li>• Nutrition</li> </ul>	 <ul style="list-style-type: none"> <li>• Career Planning</li> <li>• Workplace Issues</li> <li>• Pre-Retirement</li> <li>• Shift Work</li> </ul>

**Call 1-855-403-8922**





# Counseling, coaching, soutien par les pairs, ressources

au moment où vous en avez besoin....



Le PAM est un programme offrant des services confidentiels financés par le Barreau de l'Ontario et LawPRO, desquels il demeure totalement indépendant.

## Qui est admissible aux services du PAM?

- ✓ Les avocats\*
- ✓ Les parajuristes
- ✓ Les juges
- ✓ Les candidats à l'examen d'accès aux professions juridiques
- ✓ Les étudiants en droit de l'Ontario
- ✓ Les étudiants de collèges de techniques juridiques agréés

Les conjoint et enfants des membres sont également couverts



SERVICES PROFESSIONNELS ET CONFIDENTIELS

Homewood Santé est une entreprise canadienne de confiance possédant plus de trois décennies d'expérience dans l'offre des meilleurs services de soutien possible à des clients tels que vous. La confidentialité de votre dossier est garantie par votre droit à la protection de la vie privée et appliquée dans les limites prescrites par la loi. Aucun renseignement personnel permettant de vous identifier ne sera communiqué au Barreau de l'Ontario ni à LAWPRO.

## Ressources en ligne

Consultez [www.monpam.com](http://www.monpam.com) en tout temps pour accéder à des cours en ligne, des outils interactifs et des questionnaires d'évaluation de votre santé et mieux-être, ainsi qu'à une bibliothèque d'articles portant sur la santé, la conciliation travail-vie personnelle et le milieu de travail.

## Soutien par les pairs

Vous pouvez bénéficier du soutien confidentiel d'un autre professionnel ou étudiant membre du PAM qui a vécu des problèmes semblables aux vôtres et qui est en mesure de vous écouter sans vous juger.

## Counseling

Le counseling, prodigué dans un environnement confidentiel, vous aide à prendre des mesures concrètes et efficaces pour améliorer votre bien-être.

Nos thérapeutes, qui comptent parmi les mieux formés et les plus expérimentés du secteur du counseling, se spécialisent dans l'aide aux personnes qui éprouvent des problèmes liés aux aspects suivants :

- Stress · Anxiété · Toxicomanie
- Épuisement professionnel · Difficultés conjugales ou familiales · Dépression · Évènement marquant de la vie ou transition importante
- Gestion de la colère · Enjeux professionnels
- Deuil · Autres problèmes personnels

⬇ Veuillez conserver la carte ci-dessous dans vos dossiers.

Counseling | Coaching | Soutien

**1 855 403-8922**

ATS: 1 866 433-3305

Appels internationaux (fraix virés acceptés): 514 875-0720

[www.monpam.com](http://www.monpam.com)

Services confidentiels.  
Offerts en tout temps.



Notre counseling vous est offert en personne, par téléphone ou en ligne. Grâce à notre réseau provincial comptant plusieurs centaines de thérapeutes, vous obtenez un rendez-vous rapidement. Nous mettons tout en œuvre pour satisfaire vos préférences.

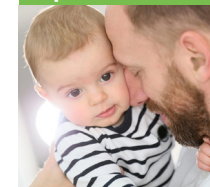
## La TCC en ligne J'E-volue

J'E-volue est un programme d'autotraitement en ligne de la dépression et de l'anxiété fondé sur des pratiques optimales : la thérapie cognitivo-comportementale (TCC). Les exercices de ce programme de traitement novateur vous inciteront à examiner et à remettre en question la façon dont vous interprétez et percevez les stimuli externes. Ils vous aideront à modifier et à adapter votre façon de penser, de ressentir et de réagir dans diverses situations. Le programme J'E-volue vous aidera à définir, remettre en question et maîtriser vos pensées, émotions et comportements anxieux ou dépressifs.

## Coaching IntelliPlan

Vous pouvez également bénéficier de services de coaching sur divers sujets :

### Conciliation travail-vie personnelle



- Soutien parental
- Soutien aux aidants naturels (aînés/enfants/conjoint)
- Information et consultation juridiques
- Information et consultation financières
- Solutions anti-stress

### Santé



- Maîtrise du poids
- Abandon du tabac
- Nutrition

### Orientation professionnelle



- Planification de carrière
- Problèmes au travail
- Préparation à la retraite
- Travail par quarts

Composer le **1 855 403-8922**



\* Dans ce document, le masculin est employé comme genre neutre.

© 2020 Homewood Santé<sup>inc</sup> | HH\_LSO-MAPB\_BIL\_0920



**Law Society**  
of Ontario

**Barreau**  
de l'Ontario

**DAY ONE**

# **Mental Health for Legal Professionals Summit**

**Did You Know That the MAP Has a Confidential Peer Program!**

**Doron Gold, Psychotherapist and Social Worker**  
*Homewood Health, Inc.*

May 19, 2021





# Did you know that the MAP has a Confidential Peer Program!



The Peer Support Program, an integral part of the Member Assistance Program and offers peer-to-peer support to lawyers, paralegals and for students training to be lawyers or paralegals.

## I want to become a MAP Peer Volunteer

A Peer Volunteer has experienced their own mental health challenges in the past and now wants to support others. They are trained and receive ongoing support by clinicians working in the MAP program. The Peer Volunteer provides the following to those in the legal profession experiencing mental health challenges in their lives;

- Support, compassion, empathy, non-judgmental guidance and selective personal experience, where appropriate.
- Contact with peers consists of supportive telephone conversations and may include face-to-face private conversations.
- Peers maintain confidentiality in all aspects of peer work

- Peers participate in training to become a MAP peer volunteer
- They are not a counsellor or a therapist,

A peer volunteer is not a counsellor or a therapist. When problems appear to require specialized assistance, a referral to MAP, or other appropriate referral sources are recommended.

## I want to meet with a Peer Volunteer: The Benefits

- Receiving nonjudgmental guidance on managing mental health issues
- Discussing the pressures associated with being part of the legal profession
- Matched with a Peer upon having a discussion with a MAP advisor to discuss your requirements

**Learn more by going to**  
**[www.myassistplan.com](http://www.myassistplan.com)**

### Contact us to learn more.

1-855-403-8922 | TTY: 1-866-433-3305

International (Call Collect): 514-875-0720

**[www.myassistplan.com](http://www.myassistplan.com)**





**Law Society**  
of Ontario

**Barreau**  
de l'Ontario

**DAY ONE**


# **Mental Health for Legal Professionals Summit**

Understanding Mental Health in the Legal Profession

**LawPRO Resources**

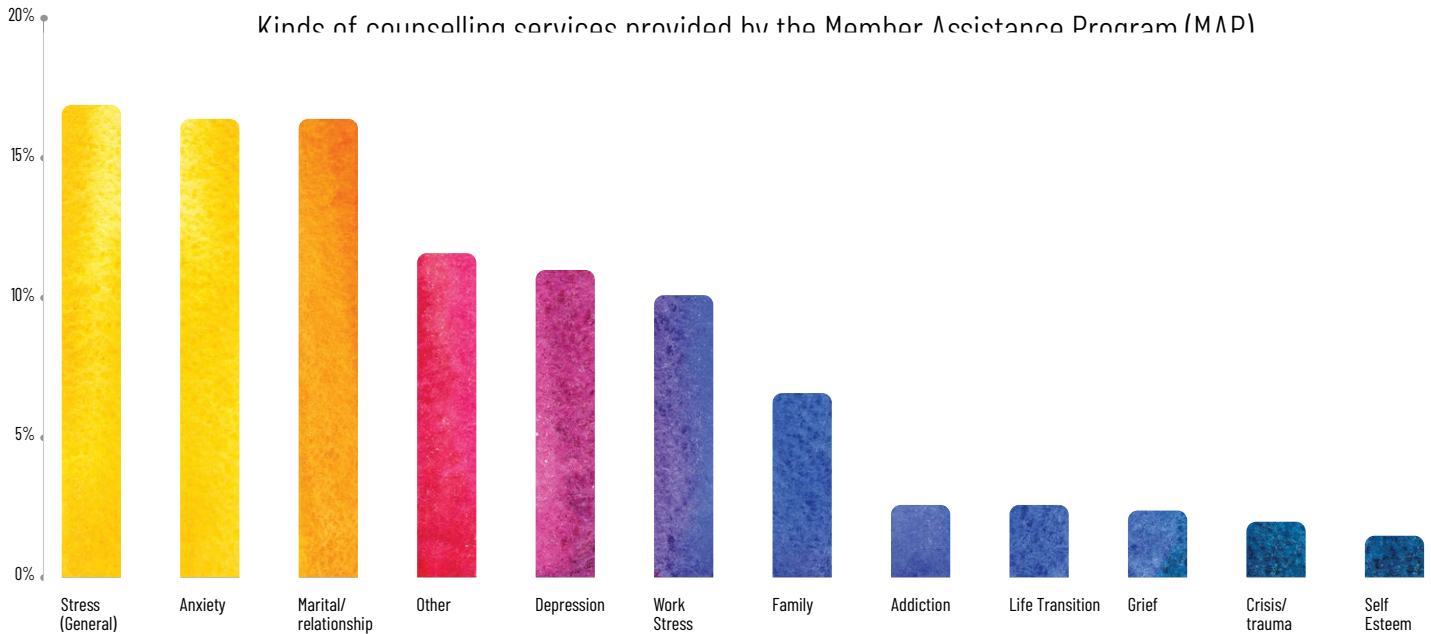
May 19, 2021





# Understanding mental health in the legal profession

Herman Melville wrote that the legal profession is one where “misery hides aloof, so we deem that misery there is none.” In Melville’s story of *Bartleby, the Scrivener*, a solicitor watches this silent misery slowly consume and destroy his copyist, Bartleby. Although Melville wrote his tragedy about depression in the legal profession in 1853, it is a story that is still all-too familiar.



The mental health challenges of a career in law have been ignored for many years. Unaddressed, they can affect both quality of life for the lawyer and quality of legal service received by clients. These challenges can be a contributing cause of malpractice claims. But recent efforts to shine attention on wellness and mental health bring the promise of positive change in the future.

According to the Mental Health Commission of Canada, in any given year, one in five Canadians will struggle with mental illnesses such as depression, severe anxiety, or stress disorders. While elevated wealth or status ordinarily decreases the risk of mental illness, the opposite is observed in the legal profession. The American Bar Association (ABA) found that almost a third of practising lawyers in the United States were struggling with some level of depression, and between 21 and 36 per cent qualified as problem drinkers. According to a recent study conducted at the University of Toronto, not only are lawyers in Canada and the United States more likely to suffer from mental illness than the public at large, but, paradoxically, lawyers with higher paying and higher status jobs are more likely to self-report depression and poor health than lawyers with lower-status positions.<sup>1</sup>

These consequences often manifest early in a legal career. The Member Assistance Program (MAP), which provides mental health services to Ontario legal professionals, sees demand highest from those in their 20s and 30s. As shown in the pie chart on the next page, the successful up-and-comer is often the one struggling with many of these issues.

There's evidence that the elevated income associated with a legal career only partially mitigates the deleterious health consequences of being overworked, overstressed, and burdened with the sometimes substantial work-life conflict that comes with it. The health consequences are wide-ranging and often serious. The MAP sees demand in the legal profession for counselling services relating to a variety of psychological issues, as the bar chart above illustrates.

The severity of these mental health afflictions can range from manageable to life-threatening, but a lawyer does not need to be in crisis before their mental health can have a serious negative impact on their life.

## Bringing lawyers' mental health into the light

In 2016, the Law Society of Ontario (LSO) adopted a new Mental Health Strategy intended to address the importance of mental health to the ability of lawyers to meet their professional responsibilities. The report prescribed a comprehensive communication strategy for addressing issues of stigma related to mental illness and addictions and the possible systemic causes of such within the legal profession. Similarly, the Canadian Bar Association recently partnered with Bell's "Let's Talk" public awareness program in an effort to address the harmful negative culture associated with mental health issues, particularly in the legal profession. It's these efforts to normalize treatments directed at mental illness that are seen as key to addressing health problems in the legal profession.

<sup>1</sup> Jonathan Koltai et al, "The Status-Health Paradox: Organizational Context Stress Exposure, and Well-being in the Legal Profession," *Journal of Health and Social Behavior*, 2017

The LSO, the ABA, and other similar organizations now explicitly acknowledge that self-care and wellness are part of a lawyer's obligation to provide competent services to the public. But entrenched cultural norms, embarrassment, and fear of discrimination often hold lawyers back from taking steps to treat mental illnesses before they get out of hand. Usage statistics from the MAP suggest that legal professionals in Ontario currently seek mental health assistance at a rate that is approximately *half* that of other professions. This has serious consequences. A report prepared for the New York State Lawyer Assistance Trust estimated that 40 to 70 per cent of attorney discipline proceedings and malpractice actions are linked to alcohol abuse or a mental illness.

Allowing oneself or others to suffer in silence is not acceptable from either a humane or professional perspective. The legal profession has matured slowly but substantially since the days of Melville and Bartleby, and today more lawyers recognize that mental health problems can and do affect a substantial number of their colleagues, and potentially themselves. It is not uncommon, it is not shameful, but it is serious. And it is necessary to address these problems with self-care and treatment through resources like the MAP.

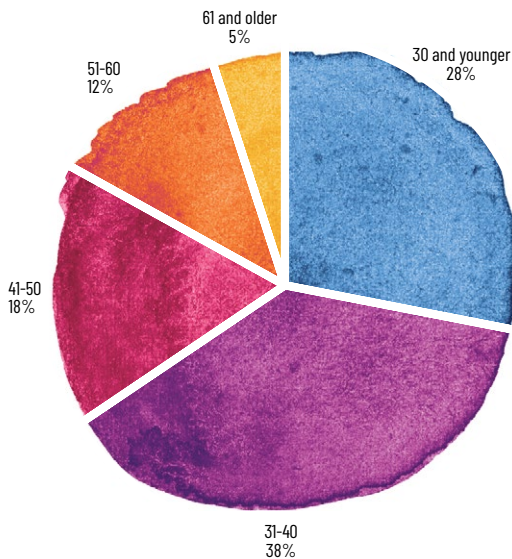
## The benefits of asking for help

Although some may act invincible, lawyers are still human. Yet despite the substantial educational pre-requisites to practise law, most lawyers have little or no education in managing self-care and mental wellness. Acknowledging that help may be needed is simply acknowledging that one is not an expert in mental health. Too many lawyers neglect self-care and allow their quality-of-life and practice to suffer.

Doron Gold, a senior clinician who has been with the MAP since its creation in 2013 suggests the following self-reflection: "You are your own best judge of whether your life is going as you want—whether you feel like your life is on a good track and is in control. And if there's a deviation from that, if you're finding that you're not performing as well at work, or you're finding it hard to get out of bed or get your work done, maybe you shouldn't have to put up with that."

He hopes that lawyers realize that "they are one of a few tens of thousands in the profession, all of whom struggle at a given time and sometimes need help." The fact is, "if you can reach out for help and not worry that somehow it will reflect badly on you, there's a very good chance that you're going to heal, get back to fully functioning, and get some relief." ■

Use of MAP resources by age range in 2018



<https://www.practicepro.ca/wp-content/uploads/2020/01/2020-01-understanding-mental-health.pdf>



**Law Society**  
of Ontario

**Barreau**  
de l'Ontario

**DAY ONE**

# **Mental Health for Legal Professionals Summit**

Warning Signs

LawPRO Resources

May 19, 2021





**WARNING  
SIGNS:**



# Why it's important for lawyers and firms to be proactive about mental health

**When lawyers ignore their mental health and fail to act on warning signs, they not only harm their quality-of-life and job satisfaction, they leave themselves open to a claim, or even a cluster of malpractice claims.**

## It's 10:00 p.m. Do you know where your associates are?

A lawyer's life can be a lonely one. Long hours spent in an office — reviewing documents, drafting letters, researching obscure points of law — can create a sense of isolation, even for lawyers practising in firms. This isolation can be harmful to a lawyer's mental health, and it can also prevent colleagues from realizing a problem exists and stepping in when a lawyer becomes overwhelmed.

Too often, a lawyer overwhelmed with professional and personal stress is left alone while files suffer, tasks remain unaddressed, deadlines are missed, and errors are made. In some cases, the overwhelmed lawyer's health suffers to the point of needing to step away.

## When firms discover large clusters of claims

Martine Morin, Unit Director & Counsel with LAWPRO, has encountered situations where firms are forced to report clusters of claims after an overwhelmed colleague has stepped away from the files. She says this often appears to be the result of firms not responding to the needs of their associates. Overwork and lack of support from colleagues can create a snowball effect, where small problems start to multiply and grow, causing anxiety or stress, which in turn causes files to be left unattended.

Morin says that while these clusters of claims do arise in medium and large firms, they occur most often in smaller firms, where lawyers usually work alone on a particular file and therefore are not required to update colleagues on a regular basis. She stresses that firm partners need to remember that they may be responsible for the liability of their associates, and that a lack of oversight can create substantial costs down the road, including deductibles, claim surcharges, and levies.

Morin's advice is to ensure that lawyers are checking-in on each other. Partners, associates, and staff should be prepared to recognize red flags that suggest a lawyer has taken on too much or is otherwise struggling, and offer assistance or take steps to mitigate the stress on the colleague. Red flags can include: regularly failing to return phone calls or emails; leaving files to linger over long periods of time; "freezing" and being unable or unwilling to complete small and simple tasks; regular and unexplained absences; and, changes in personality or mood. Colleagues displaying these sorts of warning signs are often in need of assistance and may need encouragement to seek out wellness resources and speak to outside parties such as Ontario's Member Assistance Program ("MAP").

## The dangers of not talking about mental health

One thing that prevents struggling lawyers from seeking assistance or notifying colleagues of problems as they develop is the stigma



surrounding mental illness within the legal profession. Many lawyers will refrain from seeking assistance or even acknowledging a problem because they are concerned about negative repercussions and potential judgment from co-workers and management.

## Not just talking the talk

Some firms have made great strides in building a healthy and resilient environment. Many are now encouraging their employees and lawyers to take advantage of services like those offered by the MAP, the LSO, or other organizations (see page 15 for more details).

According to Doron Gold, a senior clinician who has been with the MAP since its creation in 2013, those positive changes need to come from the top: “Once I did a webinar for the Law Society, and one of the questions was from a young lawyer who said ‘our firm has a yoga room, and I’m afraid to use it.’ The question was, ‘so what can the firm do to help with that?’ I said, ‘the managing partner needs to take up yoga.’ You need to have the buy-in from the highest

levels, demonstrating tangibly that it’s not just lip-service—they mean it.”

## Supporting mental health supports lawyers’ practices

Encouraging an honest and open approach to communicating about mental health is not just good for peace-of-mind, it’s good for client satisfaction. A positive and supportive working environment that avoids mental health stigma will flag potential health problems before they become file problems and may even prevent health problems from arising in the first place.

If you see a colleague or friend struggling with stress, anxiety, depression, or other mental health problems, it’s important to reach out. The first step to creating a healthier environment for everyone is dismantling the stigma and barriers that entrench isolation and prevent healing. ■

## Three things you or your firm can do to help prevent large clusters of claims

1

### Encourage positive communication about warning signs

Colleagues and support staff may be best situated to know if certain files are being left to linger or a lawyer is not responding to calls or important correspondence. Building a positive culture that responds to stress and mental health problems without judgment can prevent dangerous silence as claims pile up unbeknownst to colleagues.

2

### Implement a claims notification policy

In both smaller and larger firms, management can put a policy in place to be notified whenever a claim is made against an associate or a potential claim is discovered. Inquiries can be made at that time as to whether this claim is symptomatic of larger problems, such as excessive workload or other issues.

3

### Promote mental health resources for lawyers

Building a healthy workplace is a team effort. Lawyers, staff, and management can all choose to be open about the importance of mental health. Senior lawyers and management can set an example by taking advantage of lifestyle or health benefits offered by the firm. Even if a firm doesn’t subsidize lifestyle expenses or offer health benefits, lawyers can encourage one another to take advantage of the confidential assistance provided to all Ontario lawyers through the Member Assistance Program. For additional online resources available to Ontario lawyers, see page 15.

# Online non-MAP wellness resources for lawyers

## Mental Health and Wellness in the Legal Profession: [cba.org/CBA-Wellness/Home](http://cba.org/CBA-Wellness/Home)

An online self-learning program created for lawyers, judges, and law students through a partnership among the Canadian Bar Association, the Mood Disorders Society of Canada, and Bell Let's Talk. It is designed to educate professionals on symptoms, treatment options, and prevention strategies for depression, anxiety, addiction, stress, and other mood disorders. It is accredited in all Canadian jurisdictions for CPD Ethics/Professionalism hours.

## Well-Being Toolkit for Lawyers and Legal Employers: [americanbar.org](http://americanbar.org)

A collection of information and resources compiled by the American Bar Association directed at promoting the well-being and health of lawyers, including an 8-step action plan for legal employers in developing and pursuing a wellness initiative.

## Other Law Society of Ontario resources

The Law Society of Ontario provides members with additional assistance and aid that can complement the resources offered by the MAP. For lawyers seeking assistance, the following services are available:

### Law Society of Ontario's Coach and Advisor Network (CAN): [lsuc.on.ca/coachandadvisor](http://lsuc.on.ca/coachandadvisor)

A mentorship program available to Ontario lawyers and paralegals that addresses short term substantive and procedural legal questions. Members are encouraged to contact the CAN for guidance and advice on resolving issues that arise in their practice. If a lawyer or paralegal is struggling with one or more problem files, the practice advice accessible through the CAN is complementary to the mental health and wellness support accessible through the MAP's peer-support program [see page 10 for more information on the peer support program].

### Law Society of Ontario's Discrimination and Harassment Counsel

A confidential service that offers advice and support in circumstances where a lawyer has experienced or witnessed discrimination or harassment on human rights grounds. Support can include reviewing the available legal options or mediating

a resolution. Discrimination violates the Ontario *Human Rights Code*, the Law Society's *Rules of Professional Conduct*, and the Paralegal *Rules of Conduct*, and the Discrimination and Harassment Counsel provides assistance in filing complaints with the Law Society of Ontario or with the Ontario Human Rights Tribunal.

Discrimination includes unwelcome comments or actions that relate to a person's personal characteristics, such as race, gender, sexual orientation, and age. Harassment is a form of discrimination and includes unwelcome comments or behaviour when such conduct might reasonably be expected to cause insecurity, discomfort, offence, or humiliation to another person. Typical examples include name calling, racial slurs and jokes, demands for sexual favours, sexual suggestive comments or gestures, and sexist jokes.

The Discrimination and Harassment Counsel may be reached on a confidential basis at 1-877-790-2200, or email: [assistance@dhcounsel.on.ca](mailto:assistance@dhcounsel.on.ca)



**Law Society**  
of Ontario

**Barreau**  
de l'Ontario

**DAY ONE**

# **Mental Health for Legal Professionals Summit**

Debunking the 'Lone Sufferer' Myth Once and For All

**LawPRO Resources**

May 19, 2021



# Debunking the 'lone sufferer' myth once and for all

Conventional wisdom in our society about lawyers is that they're high achieving, productive, successful, disciplined, pulled-together people. They're 'pick themselves up by their bootstraps' types. For prospective clients, it's reassuring to think that the person you rely on to negotiate your deal or fight for your rights in court is solid and true, unfettered by the petty personal problems that plague the average Joe or Jane. Also true is that members of the profession themselves readily buy into this stereotype.

Undoubtedly, legal professionals are achievers. You cannot get into law school, let alone graduate, complete articles, get called and practise, without significant fortitude and ability. Running that gauntlet is no small feat, especially when you take into account that life is not only about professional endeavours but also involves personal pursuits such as marriage, raising children, caring for aging parents, keeping healthy and leisure.

And so, there's no question that we're an impressive bunch. It's no accident then that non-lawyers are almost always impressed when they discover a specific person is a lawyer – even if they view the profession generally in a negative light. More than one member of the bar has heard an individual waxing indignant over the transgressions of the legal profession – lawyer jokes included – only to then, once advised as to the listener's vocation, utterly gush over that person's admirable professional status. It can all be very confusing.

Still more confusing is the assumption that legal professionals are immune from personal distress. Take, for example, the family lawyer engaged in a pitched battle with opposing counsel over every issue that arises in a matter. While many counsel keep it civil and are even professionally friendly with the other side, many more attempt to maintain a veneer of emotional detachment and super-control. They're on top of every detail and fear nothing. To quote Sun Tzu: "Invincibility is in oneself, vulnerability is in the opponent." When in battle, to some it makes only good sense to put up a strong, invulnerable front. It intimidates. It demoralizes. And it deprives the adversary of ammunition.

## The reality behind the façade

Without question, many lawyers live healthy, productive lives. When they come across as 'together', it's because, by and large, they are.

But what of the other significant segment of these professionals? What of the litigator who boisterously plows through adversary after adversary in court, but can't find a way to stop herself from finishing a bottle or two of wine on her own once she reaches home at night, with all of the attendant destructive consequences this poses to her health, family and career? What of the articling student who can't seem to find a job no matter how many interviews he gets, with the spectre of the Call quickly approaching? He can't help but fear that

all of his work was for naught because the big bad legal profession won't let him in, and he's got loans to pay off and a family to support, not to mention a career to build. What about the associate who needs to keep it together and meet her billing targets while suffering from debilitating depression and anxiety that make it hard to even get out of bed in the morning?

These vignettes are not anomalies in an otherwise idyllic system. Each day, the Ontario Lawyers' Assistance Program (OLAP) fields calls from lawyers, judges and members of their families across Ontario struggling with various forms of stress and distress.

We're not understating the situation when we say that issues such as depression, addiction and anxiety disorders, among many others, are more the rule than the exception throughout the Ontario bar. As hard as it is for many to believe, we have among us heroin addicts, those with bipolar disorder, gambling addicts and those paralyzed by fear and anxiety. They suffer terribly. More disturbingly, they usually suffer alone.

The inspiration for the topic of this article is the shockingly consistent strain that runs through the experience of most of the lawyers suffering these divergent challenges: They think they're the only ones out there like them. Like clockwork, OLAP staff wait for the question and more often than not, it comes: "Is there anyone else out there going through this?"

OLAP can field 20 calls from those who suffer depression and 15 of them may separately proffer this query, oblivious to the malady they share with so many others like them. And so, they suffer alone, convinced that they're weak, wrong, bad and with irretrievably flawed characters. After all, as was noted earlier, lawyers are bootstrap picker-uppers. They run gauntlets and survive. They defeat powerful enemies. "Then why can't I stop crying?" "Why am I letting my life disintegrate over this damn pill that I can't keep from taking?" "Why am I terrified to open that file?" "I'm a complete failure."

### **Why does this happen?**

Many reading this will wonder if it's even true. It comes across as so unusual. "Just talk to someone!" or "Just get help!" is the default attitude.

The problem with that is two-fold. First, people have trouble self-diagnosing. It would not be unusual to hear a person declare that he is tired all the time, has lost interest in things he used to love doing, has trouble sleeping and often feels hopeless. Then he'll confidently declare: "But I'm not depressed."

The same holds true for addictions and even abusive situations. Have you ever come across a person in a physically and emotionally violent relationship who refuses to let you call it 'abuse'? The label is scary and unnerving. To many, it connotes failure. If you don't label it, maybe that's just the way life is.

The second problem is that once a person realizes she is at the end of her rope and

just can't do it on her own, she may be too ashamed to reach out for the much-needed assistance. A lawyer who is used to figuring things out on his own and being a self-starter in his practice, vehemently resists the concept of reaching out. He muses: "I got myself into this, I can get myself out of it."

The problem is that in the throes of depression or addiction, one's reserves of resiliency are depleted. Besides, depression, addiction and other such diseases – and they are diseases – powerfully distort the perception of the sufferer. Minor challenges become pressures that are so overwhelming that for some, suicide seems the only escape. That's a distorted reality. That's what the disease does to a person.

Further, often you'll find a lawyer suffering from a condition that renders him or her terribly sad; and instead of getting treated or even simply being kind to him or herself, he or she will add a layer of self-abuse to an already painful circumstance. These people may heap frustration and abuse on themselves for what they perceive as failure or weakness. At the very time that they desperately need care, acceptance and the total absence of judgment, they judge themselves more harshly than anyone else would. It's a self-sustaining system and in all of it, they convince themselves that they're the only one of their peers going through this.

### **Let the myth die here**

From the perspective of a helping professional able to see the larger picture, the irony of 20 people suffering the same

affliction all believing they're the only one might be amusing, were it not so utterly sad and debilitating. That belief keeps those individuals from reaching out for help when that help is readily available and undeniably effective. They're ashamed. They need to know that they're not the only one. They haven't identified their dearth of character, they've illuminated their humanity. All of us, from time to time, face challenges that seem insurmountable. That's not failure, it's life.

So let's put this 'Lone Sufferer' myth to bed once and for all. We in the profession share not only our professional pursuits and accomplishments, we share also a humanity that allows us to sometimes be vulnerable to disease or hardship without it connoting a personal failing. We share not only keen intellect but also the emotional resiliency to face down personal distress – with the help of others – and to reclaim the lives we've worked so diligently to build. No one need suffer on their own, so long as they know they're not alone.

---

*Doron J. Gold is a case manager at the Ontario Lawyers' Assistance Program. In addition, having previously practised law, he is now a Certified Personal Coach with a private coaching practice working primarily with lawyers. He can be reached at the OLAP offices at (toll free) 1-877-576-6227 or in the GTA at 905-238-1740.*



**Law Society**  
of Ontario

**Barreau**  
de l'Ontario

**DAY TWO**

# **Mental Health for Legal Professionals Summit**

To Tell or Not to Tell? That is the Question:  
Revealing Mental Illness at Work

**Beth Beattie, Counsel**  
*Ministry of the Attorney General*

May 20, 2021



## **To Tell or Not to Tell? That is the Question: Revealing Mental Illness at Work**

Article Written for Lexpert Publications by Beth Beattie, *Ministry of Health and Long-Term Care*

Hypocrite, Heretic or Heroine? Why I Believe Senior lawyers Should Disclose Their Mental Illnesses at Work.

<https://lexpert.ca/article/hypocrite-heretic-or-heroine/>



**Law Society**  
of Ontario

**Barreau**  
de l'Ontario

**DAY TWO**

# **Mental Health for Legal Professionals Summit**

Insights on Mental Health from the Future of the Legal Profession

**Resources**

May 20, 2021





## **Insights on Mental Health from the Future of the Legal Profession**

Mental Health First Aid courses: <https://www.mhfa.ca/>

CSA Standard for Psychological Health and Safety in the Workplace:  
<https://www.csagroup.org/article/canca-z1003-13-bnq-9700-803-2013-r2018/>

Online tool kit for implementing this standard:  
[https://www.ccohs.ca/products/courses/assembling\\_pieces/](https://www.ccohs.ca/products/courses/assembling_pieces/)

The paramedics' version of this standard: <https://www.csagroup.org/article/z1003-1-18/>



**Law Society**  
of Ontario

**Barreau**  
de l'Ontario

**DAY TWO**

# **Mental Health for Legal Professionals Summit**

The Wellness Doctrines for Law Students &  
Young Lawyers, by Jerome Doraisamy

**Dr. Thomas Telfer, Professor, Faculty of Law**  
*Western University*

May 20, 2021



## Book Review

*The Wellness Doctrines for Law Students & Young Lawyers*, by Jerome Doraisamy<sup>1</sup>THOMAS G.W. TELFER<sup>2</sup>

I am now the most miserable man living. If what I feel were equally distributed to the whole human family, there would not be one cheerful face on the earth. Whether I shall ever be better I [cannot] tell; I awfully forebode I shall not. To remain as I am is impossible; I must die or be better, it appears to me.

Abraham Lincoln, 23 January 1841, letter to law partner John Stuart.<sup>3</sup>

**MENTAL HEALTH ISSUES ARE PERVASIVE.** According to the Mental Health Commission of Canada, in any year, “one in five people in Canada experiences a mental health problem or illness.”<sup>4</sup> The impact of mental illness, writes Governor General David Johnston, “is felt by family, friends, and colleagues—by nearly every Canadian—in some way.”<sup>5</sup> But are lawyers and law students more likely to be personally affected by mental health issues? Jerome Doraisamy’s *The Wellness*

- 
1. (NSW, Australia: Xoum, 2015) 255 pages.
  2. Professor, Western University, Faculty of Law. I would like to thank Erika Chamberlain, Jacob Shelley, Zöe Sinel, and Trix Van Egmond who provided comments on an earlier draft of this review. I would also like to thank research assistant Oliver Hutchison, JD Candidate 2018.
  3. Cited in Joshua Wolf Shenk, *Lincoln’s Melancholy: How Depression Challenged a President and Fueled His Greatness* (New York: Houghton Mifflin Company, 2005) at 62.
  4. Mental Health Commission of Canada, “The Facts” (2012), online: <strategy.mentalhealthcommission.ca/the-facts> [Mental Health Commission, “The Facts”].
  5. David Johnston, “Journey to Wellness: One Woman’s Response to Mental Illness, To Clara Hughes” in *The Idea of Canada: Letters to a Nation* (Toronto: McClelland & Stewart, 2016) 42 at 44.

*Doctrines* tackles the subject of mental health and wellness for young lawyers and law students.<sup>6</sup> The Law Society of Upper Canada's 2017 *Mental Health Strategy Task Force Final Report* concludes that "legal professionals may be at an even higher risk than the general population of experiencing career and life challenges and struggles with mental illness and addictions."<sup>7</sup>

The Canadian Bar Association (CBA) reports that lawyers deal with depression at a rate four times higher than that of the general population.<sup>8</sup> What of law students? The CBA makes the startling observation "that up to 40% of law students may have significant levels of depressive symptoms."<sup>9</sup> In Australia, more than one third of law students "report experiencing disturbingly high levels of psychological distress, anxiety and depression while in law school."<sup>10</sup>

Given the high rates of mental health issues in the legal profession and among law students, *The Wellness Doctrines* offers a welcome "self-help 'survival guide'" on the issue of mental health.<sup>11</sup> This is not a book about mental health "law,"<sup>12</sup> but rather about how mental health affects law students and young lawyers. The author weaves his own narrative with anecdotes based on interviews with mental health experts, law students, young lawyers, academics, deans, and managing partners of law firms. These anecdotes serve to provide "solutions and strategies" for mental health.<sup>13</sup> The book is aimed at the Australian market but mental health issues are universal. Therefore, the book's messages will resonate strongly with a reader in Canada and the themes are directly applicable to the Canadian legal setting. There are many self-help books for lawyers on the market. However, what sets *The Wellness Doctrines* apart from other published works is

6. Doraisamy, *supra* note 1.

7. Law Society of Upper Canada, *Mental Health Strategy Task Force Final Report to Convocation* (Toronto: LSUC, 2016) at 9.

8. Mood Disorders Society of Canada, Bell Let's Talk & The Canadian Bar Association, *Mental Health and Wellness in the Legal Profession*, "Module 1: Mental Health and Addiction" at 15, online: <[www.mdcme.ca/courseinfo.asp?id=176](http://www.mdcme.ca/courseinfo.asp?id=176)> (an online "self-learning" program for Canadian lawyers, judges, and law students, which can be accessed through free registration at the link provided).

9. *Ibid.*

10. Doraisamy, *supra* note 1 at 27. For American law student rates of depression, see Jennifer Jolly-Ryan, "The Last Taboo: Breaking Law Students with Mental Illnesses and Disabilities Out of the Stigma Straitjacket" (2010) 79 UMKC L Rev 123 at 135. See also Yale Law School Mental Health Alliance, *Falling Through the Cracks: A Report on Mental Health at Yale Law School* (YLSMHA, December 2014).

11. Doraisamy, *supra* note 1 at xviii.

12. See e.g. Jennifer A Chandler & Colleen A Flood, *Law and Mind: Mental Health Law and Policy in Canada* (Toronto: LexisNexis, 2016).

13. Doraisamy, *supra* note 1 at xviii.

that the book specifically targets law students and young lawyers rather than the legal profession more generally.

Jerome Doraisamy is a young Australian lawyer. He is well placed to offer his unique perspective on mental health. While in law school, he was “deeply consumed by...stress [and] anxiety” such that he was “incapable of functioning on what any reasonable person would perceive to be a normal level.”<sup>14</sup> In 2012, in the same week that he graduated from university and was admitted as a solicitor, Jerome voluntarily checked himself into a hospital. But for the support of his family and friends, he admits that he would not have “lasted long enough to write this book.”<sup>15</sup>

The author gives three reasons for writing the book. First, he argues that it is necessary “to provide insight into the struggles of those suffering from depression.”<sup>16</sup> Second, by sharing his own story, Jerome hopes to “inspire” law students and young lawyers living with mental health issues to “feel safe enough to disclose their issues, and seek the help they need, without fear of personal or professional reprisal.”<sup>17</sup> This second goal is significant as Canadian statistics show that only one in three people who experience a mental health problem report that they have “sought and received services and treatment.”<sup>18</sup> Finally, the book provides an explicit message: No matter how bad things become, life will get better.<sup>19</sup>

Why are law students and legal professionals reluctant to come forward and seek help? Those who live with mental health problems report that the experience of stigma has a more devastating impact than the illness itself.<sup>20</sup> According to *The Wellness Doctrines*, many lawyers and law students believe that mental health stigma will have a direct impact on success and employment. Many self-stigmatize, believing societal messages that having depression is a “weakness” or a “failure.”<sup>21</sup> This can only result in law students and young lawyers suffering in silence.<sup>22</sup> To help overcome stigma, *The Wellness Doctrines* assures readers that there are many others who face the challenges of a mental illness and that success

---

14. *Ibid* at 2.

15. *Ibid* at 6.

16. *Ibid*.

17. *Ibid* at 6-7.

18. Mental Health Commission of Canada, “The Facts,” *supra* note 4.

19. Doraisamy, *supra* note 1 at 7.

20. Mental Health Commission of Canada, “Changing Directions Changing Lives: The Mental Health Strategy for Canada” (Calgary: Mental Health Commission of Canada, 2012) at 22.

21. Doraisamy, *supra* note 1 at 29.

22. *Ibid* at 19. See Jolly-Ryan, *supra* note 10 at 128-29.

is possible. In perhaps one of the most powerful chapters, “*What have other people experienced? How do I know I’m not alone?*,” lawyers and law students share stories of anxiety and depression.<sup>23</sup>

To explain the prevalence of mental health issues in the legal world, the author argues that lawyers and law students have common identifiable personality traits: i) pessimism, ii) perfectionism, and iii) competitiveness.<sup>24</sup> The author acknowledges that pessimism is essential to the everyday practice of law. Lawyers are trained, for example, to look for critical flaws in arguments. However, when work pessimism “spill[s] into your personal life,” problems will arise.<sup>25</sup> Although pessimism will take you far in your legal career, in your personal life it is optimism that is a more “accurate indicator of a person’s happiness, resilience, and motivation.”<sup>26</sup>

Law students or lawyers who are perfectionists or display high levels of competitiveness develop unrealistic standards together with “relentless self-criticism.”<sup>27</sup> This can “exacerbate psychological distress, anxiety, and depression.”<sup>28</sup> Perfectionism and competitiveness lead law students and lawyers early in their careers to focus on “external stimulus,”<sup>29</sup> since the culture of law “values esteem and prestige as a determination of one’s worth among peers.”<sup>30</sup> Thus, employer brand and salary come to define one’s standing within the legal field. But the author argues that these external factors should not “dictate how you perceive your standing within the law field.”<sup>31</sup> He calls for law students and young lawyers to have “other, more personal indicators of individual worth.”<sup>32</sup>

---

23. Doraisamy, *supra* note 1 at 187-88.

24. *Ibid* at 49.

25. *Ibid* at 51. See also Daniel S Bowling III, “Lawyers and their Elusive Pursuit of Happiness: Does it Matter?” (2015) 7 Duke F L & Soc Change 37 at 41.

26. Doraisamy, *supra* note 1 at 50.

27. *Ibid* at 53.

28. *Ibid*.

29. *Ibid* at 57.

30. *Ibid* at 52.

31. *Ibid*.

32. *Ibid*. In a chapter entitled, “*Personalities, Part II: Overcoming legal idiosyncrasies*” (*ibid* at 58) the author illustrates how to overcome the obsession with external factors with the following advice: occasional failure is okay; it is important maintain activities outside work; young lawyers should focus on things they can control; it is important to establish networks of friends outside of law; and finally, individuals should not “see someone else’s success as your failure.” See Doraisamy, *supra* note 1 at 58, 69-70. See also Leonard L Riskin, “The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and their Clients” (2002) 7:1 Harv Negot L Rev 1 at 10.

In a chapter entitled “*Choosing the right job for me,*” the author more fully explores the need to pursue prestige when law students select a career path.<sup>33</sup> Seeking prestige may be counterproductive. A large number of law students pursue careers “that are inconsistent with their personalities, ambitions and/or talents.”<sup>34</sup> To put it more bluntly, the author warns against following a particular career path “just because you feel like you should be doing it.”<sup>35</sup> The wrong approach is to forge ahead uncritically in a career “hoping that you will grow to like it.”<sup>36</sup> After all, “no one ever found happiness doing what others thought they should do.”<sup>37</sup>

Establishing a work/life balance is a common challenge faced by many lawyers.<sup>38</sup> It is one thing to acknowledge this problem but quite another to offer solutions. Many of the chapters provide guidance on how to obtain a better work/life balance and how to alleviate stress while working or studying. The book includes chapters such as:

“*How can I manage an often onerous workload in law?*”<sup>39</sup>

“*How can I unwind when I’m stressed at my desk?*”<sup>40</sup>

“*What is the best way for me to achieve a work/life balance?*”<sup>41</sup>

“*I already have a busy schedule, If I take on a hobby, won’t I become even more tired and stressed?*”<sup>42</sup>

The practical tips are too numerous to mention here. Many of the author’s work/life balance suggestions are grounded in common sense, yet in reality they are too little observed. A central theme of the book is that it is not possible to devote one’s entire schedule to work. Allowing work or study to dominate one’s schedule could lead to “exhaustion, stress, distress, disillusionment, anxiety or depression.”<sup>43</sup> To counter excessive work, the author places an emphasis on

33. Doraisamy, *supra* note 1 at 120.

34. *Ibid* at 121.

35. *Ibid* at 129.

36. *Ibid* at 127.

37. Lucinda Clarke, quoted in Doraisamy, *supra* note 1 at 122.

38. Fiona M Kay, Stacey Alarie & Jones Adjei, *The Diversification of Career Paths in Law: Tracking Movement out of Private Practice Among a Recent Two Decade Cohort of Law Graduates, A Report to the Law Society of Upper Canada* (Toronto: LSUC, 2015) at 60.

39. Doraisamy, *supra* note 1 at 131.

40. *Ibid* at 143.

41. *Ibid* at 156.

42. *Ibid* at 166.

43. Australian Law Students Association, quoted in Doraisamy, *supra* note 1 at 157.

having outside activities and making that activity a “non-negotiable feature of your schedule.”<sup>44</sup>

There is one activity, however, that will not help with work/life balance: abuse of alcohol. This topic is considered in, “*Do we have a tendency to self-medicate with alcohol?*”<sup>45</sup> Although there are many opportunities in law school and in the legal profession to engage in social activities, too often these events are associated with alcohol. If “alcohol consumption is glorified as a regular leisurely pursuit,”<sup>46</sup> it may result in a type of self-medication used to cope with study and work-related pressures. Consumption of alcohol, “if left unattended, can perpetuate existing or underlying physical and mental health issues.”<sup>47</sup> No discussion of mental health is complete without a consideration of this addiction issue.

To return to helpful work/life balance suggestions, the author recommends taking time out for mindfulness meditation. Mindfulness “requires that we pay attention and inhabit the present moment.”<sup>48</sup> Often, our thoughts focus on what should happen in the future or we obsess over past events. Our mental list of things to do preoccupies our thoughts and we miss the present. As John Lennon writes:

Life is what happens to you,  
While you're busy making other plans.<sup>49</sup>

Living in the future can be a source of anxiety, since “none of this has happened yet.”<sup>50</sup> The goal of mindful meditation is to create “a space where our goal is to ‘be’, not to ‘do.’”<sup>51</sup> Being mindful allows for the enjoyment of the present

44. Doraisamy, *supra* note 1 at 165.

45. *Ibid* at 175. However, the author’s discussion of having a drink or two at lunchtime (in moderation and not too frequently) at 149-50 earlier in the book is surprising given this important chapter.

46. *Ibid* at 177.

47. *Ibid*.

48. Jon Kabat-Zinn, *Full Catastrophe Living: Using the Wisdom of Your Body and Mind to Face Stress, Pain, and Illness*, revised ed (New York: Bantam Books, 2013) at xxxiv.

49. John Lennon & Yoko Ono, “Beautiful Boy (Darling Boy),” Album: *Double Fantasy* (Geffen Records, 1980).

50. Bruce Springsteen, “Livin’ in the Future,” Album: *Magic* (Columbia Records, 2007). For a discussion of Bruce Springsteen’s personal struggles with depression, see Bruce Springsteen, *Born to Run* (New York: Simon & Schuster, 2016) at 484-87. See generally Bruce Springsteen, “This Depression,” Album: *Wrecking Ball* (Columbia Records, 2012).

51. Mood Disorders Society of Canada, Bell Let’s Talk & The Canadian Bar Association, Mental Health and Wellness in the Legal Profession, “Module 4: Proactive Wellness” at 54, online: <[www.mdcme.ca/courseinfo.asp?id=176](http://www.mdcme.ca/courseinfo.asp?id=176)> [emphasis added].



moment in a non-judgmental way.<sup>52</sup> After all, “you can only live this day once, this opportunity now.”<sup>53</sup>

The author is to be applauded for raising mindfulness, but an entire chapter could be devoted to this important topic. Millions across the globe use mindfulness to achieve health benefits.<sup>54</sup> There is significant evidence that mindfulness meditation results in “improved concentration and a sense of calm, along with a decline in anxiety, hostility, and depression.”<sup>55</sup> One American study concludes that mindfulness meditation could:

- (1) help lawyers and law students feel better and perform better at virtually any task; and
- (2) enable some lawyers to listen and negotiate better, thereby providing service that is more responsive to their clients’ needs and their own.<sup>56</sup>

Mindfulness has become mainstream. An All-Party Group of the UK Parliament has endorsed the practice of mindfulness meditation as a broader health care measure.<sup>57</sup> McGill University has recently added a mandatory mindfulness program for its medical students and some business schools have incorporated mindfulness concepts into their programs.<sup>58</sup> Mindfulness is also making inroads into the legal profession and legal education.<sup>59</sup> The *Wall Street Journal* reports that lawyers in the United States are signing up for mindfulness workshops.<sup>60</sup> Several American law schools have introduced mindfulness into

52. Kabat-Zinn, *supra* note 48 at xxxv.

53. Clara Hughes, *Open Heart, Open Mind* (Toronto: Simon & Schuster, 2015) at 195.

54. UK, The Mindfulness Initiative, *Mindful Nation UK: Report by the Mindfulness All-Party Parliamentary Group* (UK: MAPPG, October 2015) at 6 [The Mindfulness Initiative].

55. Riskin, *supra* note 32 at 30.

56. *Ibid* at 46.

57. The Mindfulness Initiative, *supra* note 54 at 4.

58. Catherine Couturier, “Mindfulness Gaining Traction on Canadian Campuses” (14 March 2016), online: University Affairs <[www.universityaffairs.ca/news/news-article/mindfulness-gaining-traction-on-canadian-campuses](http://www.universityaffairs.ca/news/news-article/mindfulness-gaining-traction-on-canadian-campuses)>. See also Ellen Choi & Michael J Rouse, “Mindful Leadership: Cultivating Sagacity and Wisdom in the Workforce” (2014) Ivey Business School at Western University Whitepaper at 16-17.

59. See e.g. Jeena Cho & Karen Gifford, *The Anxious Lawyer: An 8-Week Guide to a Happier, Safer Law Practice Using Meditation* (American Bar Association: Ankerwycke, 2016). See also Scott L Rodgers, *Mindfulness for Law Students: Using the Power of Mindfulness to Achieve Balance and Success in Law School* (Miami Beach, FL: Mindful Living Press, 2009).

60. Jacob Gershman, “Lawyers Go Zen, With Few Objections” *Wall Street Journal* (18 June 2015), online: <[www.wsj.com/articles/lawyers-go-zen-with-few-objections-1434586250](http://www.wsj.com/articles/lawyers-go-zen-with-few-objections-1434586250)>. See also Charles Halpern, “The Mindful Lawyer: Why Contemporary Lawyers Are Practicing Meditation” (2012) 61:4 J Leg Educ 641.

their curriculum with some offering credit courses.<sup>61</sup> The Schulich School of Law at Dalhousie University introduced Mindfulness in Law in 2014.<sup>62</sup>

One of the core messages of *The Wellness Doctrines* is that “law students and young lawyers need to take control and responsibility for their own mental health.”<sup>63</sup> Until all Canadian law schools offer mandatory mental health education as part of their curriculum, the author’s message of individual responsibility might be given some credence. However, individual responsibility for mental health can only take you so far. Without mental health awareness initiatives offered by universities and law firms, students and young lawyers may not realize that they are heading for a mental health crisis. Until mental health is discussed in law schools and de-stigmatized, many students may not seek help. Thus, it is difficult to accept fully the author’s argument for self-reliance. The author concedes that his message of “individual responsibility...does not ignore the fact that your employer or institution has a duty of care to ensure your health and wellbeing—because they absolutely do!”<sup>64</sup> The author’s strong message of individual responsibility is, therefore, tempered by a call for a top-down approach of mental health education in law schools and law firms. Indeed, the CBA in its online course (*Wellness in the Legal Profession*) recommended that the legal profession should “require law schools to include mental health and addiction *psychoeducation* in their curricula.”<sup>65</sup>

There is much in this book to recommend but there is perhaps one topic that deserved more attention. Although the book includes a statement from psychiatrist Dr. Robert Fisher acknowledging that persons suffering from mental illness may “contemplate suicide,”<sup>66</sup> there is no chapter that is expressly dedicated

- 
61. See The Mindful Law School, “Law Schools Involved in Mindfulness and the Law,” online: <themindfullawschool.com/law%20schools/index.html>.
  62. Dalhousie University Schulich School of Law, “Health & Wellness: Mindfulness in law,” online: <www.dal.ca/faculty/law/current-students.html#node\_103101f501bf48a1ae02730866fcaad7contentPartabcontainerentriestabentry\_517793922>.
  63. Doraisamy, *supra* note 1 at 90.
  64. *Ibid* at 94. The author does not cite any legal authority that would establish an Australian affirmative duty of care. For Canadian case-law recognizing new affirmative duties of care in negligence law, see *Childs v Desormeaux*, 2006 SCC 18, [2006] 1 SCR 643. It is doubtful that the author needs to resort to the law of negligence to make the broader normative point that mental health education should be part of the law school curriculum.
  65. Mood Disorders Society of Canada, Bell Let’s Talk & The Canadian Bar Association, Mental Health and Wellness in the Legal Profession, “Module 2: The Impact of Stigma” at 37, online: <www.mdme.ca/courseinfo.asp?id=176> [emphasis in original]. See also Doraisamy, *supra* note 1 at 34.
  66. Doraisamy, *supra* note 1 at xvii.

to the risk of suicide for those who live with mental illness.<sup>67</sup> Suicide is a difficult issue to talk about,<sup>68</sup> yet suicide deserves our full attention.<sup>69</sup> Each year about 4000 Canadians die as a result of suicide.<sup>70</sup> There are countless others who make an attempt on their own life. Those who survive a suicide attempt face an endless battle for resources in an ER waiting room. There needs to be a frank discussion about suicide prevention<sup>71</sup> and the warning signs of suicide.<sup>72</sup> Readers should be aware of their own local mental health crisis numbers.

Many who are not presently affected by mental health issues may believe that they do not need to read this book. Indeed, the author devotes a whole chapter to this issue in “*I don’t have depression. Why should I worry?*”<sup>73</sup> At a minimum, discussing this book will help raise awareness and reduce mental health stigma in the legal world. But even if the content does not appeal as a means of personal self-help, insights gained from this book will allow the reader to help fellow law students and other lawyers who might be struggling. This is the Governor-General of Canada’s message:

We must inform ourselves in order to help others. The more knowledge we have, the better we will be able to help those in need.... We must not maintain silence—not when people are suffering, not when people’s lives are at risk. We can improve lives, and even save them, if we simply make the effort.<sup>74</sup>

Law students and young lawyers in Canada will learn much from *The Wellness Doctrines*. The subject matter is so important that it underscores why Canadian law schools should adopt mental health education as part of their curriculum. One of the greatest attractions of the book is that the message is not

---

67. However, ten per cent of the proceeds of the book are to be donated to the Tristan Jepson Memorial Foundation. Tristan Jepson, a lawyer, tragically took his own life at the age of 26 in 2004. See Doraisamy, *supra* note 1 at 219.

68. Crowded House, “Nobody Wants To,” Album: *Time on Earth* (ATO Records, 2007).

69. *Zero Suicide: An International Declaration for Better Healthcare* (March 2016), online: <[www.slideshare.net/davidwconvington/zero-suicide-international-declaration-draft-01-september-2015](http://www.slideshare.net/davidwconvington/zero-suicide-international-declaration-draft-01-september-2015)> at 1.

70. Mental Health Commission of Canada, “The Facts,” *supra* note 4.

71. World Health Organization, *Preventing Suicide: A Global Imperative* (Luxembourg: World Health Organization, 2014) at 3.

72. It is ironic that the mental health care system is designed to keep people alive and prevent self-harm and yet we debate whether the state should sanction medically assisted death for those who live with mental illnesses. See “Doctors Ask for Assisted-dying Guidance,” *Globe and Mail* (1 March 2016) A4. See also Scott Y H Kim & Trudo Lemmens, “Should assisted dying for psychiatric disorders be legalized in Canada?” (2016) 188:14 CMAJ E337.

73. Doraisamy, *supra* note 1 at 27.

74. Johnston, *supra* note 5 at 44-45.

one of ongoing despair but of hope. Everyone who shared a story for the book “is currently thriving in...professional life despite the enormity of what he or she experienced.”<sup>75</sup> These success stories send a strong message:

No matter how bad you feel, regardless of how awful things may appear, don't ever forget that things can get better.<sup>76</sup>

---

75. Doraisamy, *supra* note 1 at 193. This includes the author who states that he is feeling “infinitely better” (*ibid* at 226).

76. *Ibid* at 7. There is hope. The author of this review has experienced depression and is the survivor of two suicide attempts. He is a member of the *Zero Suicide Implementation Committee*, St. Joseph's Health Care, London, ON.



**Law Society**  
of Ontario

**Barreau**  
de l'Ontario

**DAY TWO**

# **Mental Health for Legal Professionals Summit**

OBA Mindful Lawyer CPD Series

**Charlene Theodore, President**  
*Ontario Bar Association*

May 20, 2021



# OBA Mindful Lawyer CPD Series

The pioneering, award-winning OBA **Mindful Lawyer CPD Series** was a forerunner in removing stigma from mental health issues in the legal profession by starting a critical conversation and providing strategies and support. Our wellness PD programs will add to your resilience toolbox, strengthen your reserves and build on your stress management techniques.

Recent additions include:

- [Strengthen Your Mental Fitness: Enhance Performance and Recovery](#)
- [Enhance your Wellbeing - Peer Panel](#)
- [Enhance your Wellbeing - Mental Health Professional Panel](#)
- [Sleep Better, Live Better, Work Better](#)
- [Technology and Its Distractions: Reducing Digital Overload](#)
- [Strategies for Managing Your Wellness During a Crisis](#)
- [Adjusting to a New Normal](#)
- [Resiliency and Self Care: Complex Issues, Clear Solutions](#)
- [Managing Parenting Stress During Covid-19...and Beyond](#)

Take care of your most important asset — YOU.

[www.oba.org/mindfullawyer](http://www.oba.org/mindfullawyer)

# OBA Wellness Hub

The OBA started the conversation on mental health in the profession in 2015 and has been supporting lawyers' wellness ever since:

- [www.oba.org/openingremarks](http://www.oba.org/openingremarks)

In the past year, with the pandemic adding new pressures to the already-demanding work of the practice of law, the OBA expanded our wellness offerings to include:

- OBA Mindful Moment Emails
- Complimentary Wellness Programs
- OBA Mental Health Briefs
- 30-Day Fitness Challenge
- Videos on Guided Meditation, Stretching and Relaxation

Visit the OBA Wellness Hub to take advantage of mental health tips and wellness supports that have been curated with lawyers in mind.

[www.oba.org/wellness](http://www.oba.org/wellness)

# Your OBA Community

By bringing diverse groups of layers together in inclusive environments for activities outside the bounds of the practice of law, the OBA is a true home for all of Ontario's lawyers. Connection has never been more important, and the OBA wants to ensure you're able to stay connected with your friends and colleagues across the province in fun and meaningful ways.

Visit Your OBA Community for:

- OBA Community Meet-ups
- OBA Community Book Club
- OBA Community Family Activities and Events
- OBA Parent and Caregiver Network
- OBA Wine Community and Mocktail Mock-trial Events

Have an idea for a rewarding, restorative or invigorating OBA Community activity or event? Email us at [covid19support@oba.org](mailto:covid19support@oba.org)

<https://www.oba.org/community>



# Work that Works: Health is Wealth

How can today's workplace leaders tackle the ever-important wellness component of work that works? Like all the other components of a modern workplace, there is no one-size-fits-all approach.

In Episode 9 of *Work that Works*, **OBA President Charlene Theodore** sits down with lawyer, **Catherine Shearer** (host of the *Happy Lawyer Podcast*) to discuss the varied yet practical ways lawyers and their employers can work together to help bring more happiness to the practice of law and legal workplaces. The episode qualifies for 45 minutes of professionalism hours.

Listen on

- [SPOTIFY](#)
- [APPLE](#)
- [SIMPLECAST](#)

Check out this and other recent episodes of the podcast transforming legal workplaces.

<https://www.oba.org/WorkThatWorks/Home>



**Law Society**  
of Ontario

**Barreau**  
de l'Ontario

**DAY TWO**

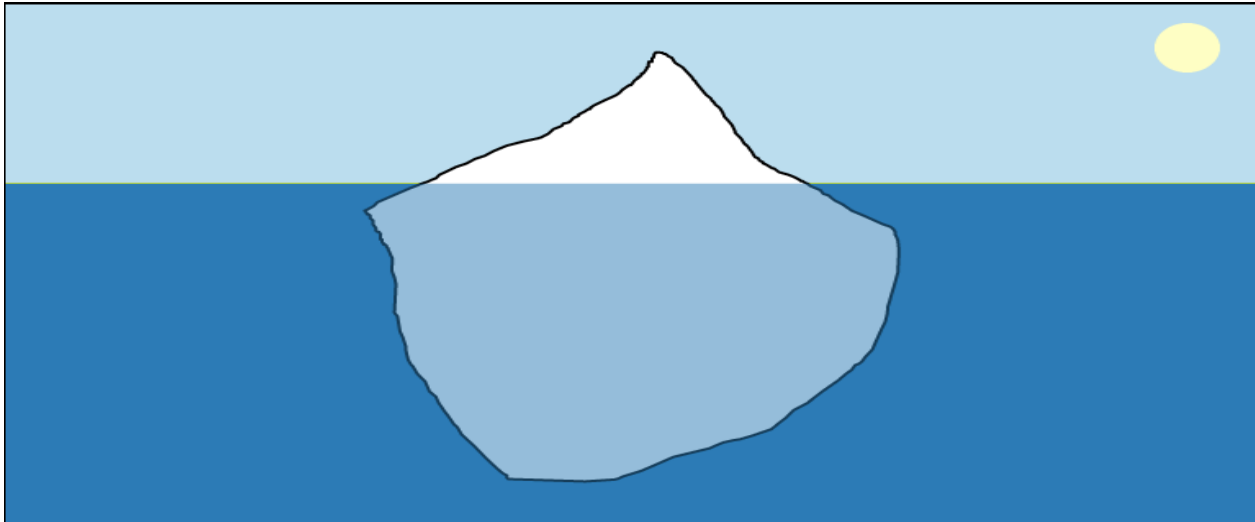
# **Mental Health for Legal Professionals Summit**

How to Better Support a High Performance Workforce and  
Yourself During the Pandemic

**Erin Durant**  
Lawyer, Ottawa

May 20, 2021





## **How to Better Support a High Performing Workforce and Yourself During the Pandemic**

In January of 2021 I had a breakdown. For reasons that I elaborate on below, I shared my experience on Twitter.

Since then some people have gently asked if I would be willing to speak about my experience in more detail in a public forum. I cannot. But I do wish to share a few thoughts about my personal experience as I am very concerned that I am just the tip of the iceberg and there are many others out there going through similar circumstances. It is my hope through writing this that the high performers and employers of high performers in my network can learn from my unfortunate experience. Although I am a lawyer, I believe that this experience may be helpful to others working in high performance environments.

### **So - What Happened To Me?**

I spent the better part of six weeks in bed. All of my litigation dates were cancelled or handled by colleagues. I could not fulfil my duties on a new investigation that I was excited about and had to turn two other extremely interesting mandates away.

Up until the day it all came crashing down I was exceeding my personal targets and I had just come off my most productive and profitable year - ever. I had always worked extremely

hard, going back to when I juggled multiple jobs throughout University, and never took more than two weeks off ever in my professional life.

So, what on earth happened? It is hard to say and I believe the seriousness of my situation grew gradually over an extended period of time. I attribute the ultimate collapse to a combination of things that came to a head at once. Those circumstances that I think have a broader application are outlined below.

First, it was incredibly challenging to be extremely busy and building a growing practice at a time where decisions are generally being made based on the very reasonable assumption that the economy is in crisis and there is a requirement for cut backs. Many high performers may see personal "success" during hard times and are doing so without the usual supports. This is obviously more challenging than in the Before Times.

Second, busy high performers who are directly responsible for earning money for the business are under tremendous pressure to keep the money flowing - not only for themselves but to sustain their colleagues and support staff. The focus on collections takes the focus off of other important aspects of the workplace such as wellbeing, diversity and inclusion, mentorship, and the importance of having fun and taking a break from the daily grind.

Third, the work from home life does not provide much opportunity to initiatively see if a colleague is struggling the way we do when everyone works from an office. High performers may not be used to asking for help or communicating the seriousness of their situation (or even recognizing that they are in a "situation"). Had I been in the office, my door would have always been closed, my hair would have been a mess, the dark circles under my eyes would have been obvious, there would not have been any smiles and there would have been days that I would have just left to go back to bed. It is one thing to ask for more assistance. It is another for everyone to see for themselves that you clearly need it.

Fourth (and for me this was actually the least significant factor), there is the added layer of a global pandemic and the worry we may have about our family and society in general. I consider myself fortunate to not be homeschooling children and am not personally

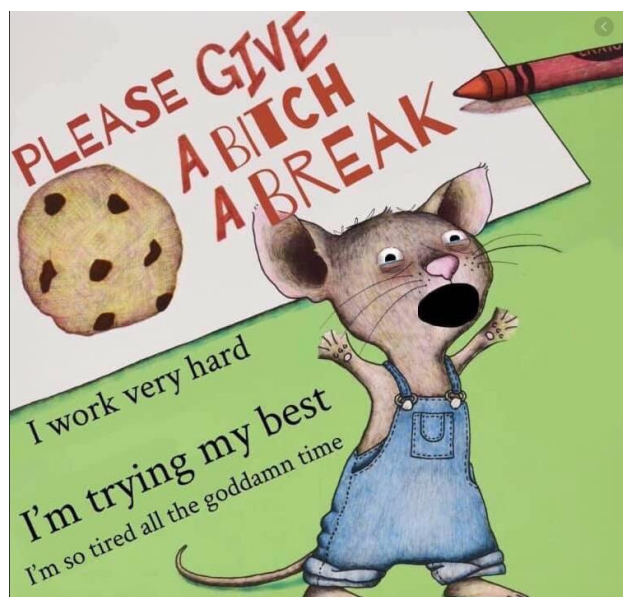
responsible for caring for an elderly relative right now. High performers with that added responsibility need to be especially watched and supported by their employers and colleagues.

Ultimately, after an incredibly challenging and "successful" year in 2020, I looked ahead at what I was supposed to be able to tackle in 2021 and realized that I just could not possibly do it anymore. Fortunately, after an extended hiatus and substantial assistance, I have found part of myself again. But not before about two months of lost productivity, significant lost revenue to the firm and tremendous lost opportunities turned away.

I think some lessons can be learned from my personal experience both for employers/managers of high performing people and for high performers themselves. I think these lessons are applicable to a lot of workplaces and environments that attempt to foster a culture of high performance.

## **Be Mindful of When You and Your High Performers Need a Break**

If I am honest with myself, I should have taken an extended break at least 6-8 months before my body left me no choice and completely shut down. I had felt like the poor mouse in the image below for a while (try not to be offended by the language). This image was shared on Twitter by another young female lawyer many months ago and I quickly made it the background on my iPad. That probably should have been my clue that my time for an



extended vacation and perhaps professional help was long passed.

There is always going to be more work to do, another interesting or important mandate that you just need to finish and people that you do not want to disappoint. There is never a good time to be away. But you **need** to take the time anyway.

As the high performer, you need to be aware of the signs that you need a break and act on

them. I now know what those clear signs are for me: not being excited about but dreading new files, growing annoyance upon the receipt of every email and difficulty sleeping.

As the employer or manager of high performers, you need to encourage your people to take breaks. Make sure they are aware of the supports available to them within your organization and the process of how to access them. An important point that I think many employers miss is making sure that your people have the capacity and time available to actually attend meetings, seminars and other resources in order to support their health and wellbeing. Be on the lookout for individuals going lengthy periods of time working excessive hours and working on stressful mandates. Rather than rewarding people for excessive hours worked, consider whether there is a way to better balance the workload among your people or consider hiring more people. Listen when your high performers come to you for assistance. Be direct about offering assistance if you notice the warning signs.

## **Consider If Easy Changes Can Be Made**

Without getting into some of the specifics of my situation, there may be little things that you may consider altering that have the potential to have a large impact on your personal well being. Often these things do not cost money or additional resources. Consider this to be the low hanging fruit.

I had way too much time to think during my extended leave. I read quite a bit about making these small changes. I realized that there were several minor things that had a negative impact on my mood and elevated my stress levels.

I have adopted some changes and other suggests I have come across are still aspirational. Some examples include: development of better workflow systems, creating boundaries and sticking to them, being realistic with client expectations and deadlines, checking email less frequently, implementing rules which reduce overall email traffic, automatically directing certain emails out of your main inbox (yes I have an overwhelming hatred of email), limiting the news you consume as so much of it is negative, social media breaks, and learning mindfulness/grounding techniques for when you do struggle.

As an employer or manager of a high performing yet stressed out workforce, consider whether there are minor changes that might yield big impacts. I recently learned about some of these while attending a Women's Law Conference. Some workplaces have implemented the following:

- no emails in the evenings or weekends unless it relates to an urgent matter - otherwise encourage use of the "delayed delivery" feature or make it clear in the subject or at the beginning of the email that a response until the next business day is not required.
- no internal meetings on Fridays to allow for a day of uninterrupted work.
- no internal meetings after 6 pm.
- no scheduling of meetings that could have been an email.
- meeting in smaller groups which facilitate discussion rather than meetings where participants watch a small few speak in order to foster engagement.
- encouraging flexible work arrangements to better accommodate parents who may have children at home by making sure parents know your existing policies and that you support them in adopting the schedule that best suits them.

## **Be Direct About the Support You Require and Listen to Requests for Support**

I am still working on this one. But are there specific, concrete things that you absolutely need to improve your work life in order to continue to be a high performer? If so, ask for them clearly and directly. Even if they cost money and resources. Be specific about the problem that you are trying to solve and offer a solution or multiple options.

As a manager/employer in receipt of these requests, trust that your high performers know what they need to continue performing at that capacity and to be successful. In times of crisis, you cannot afford to lose your high performing individuals to burnout or to a competitor.

## **Encourage the Development of Informal Support Networks**

I first disclosed my personal challenges on Twitter on #BellLetsTalk day. I did not plan to make the disclosure. At the time I had been off work for over a week and was mostly hiding in the darkness of my room. I probably never would have done so if my leave did not correspond with a day that encourages talking about mental health. But I am glad I did.

The response I received was overwhelming. It resulted in a number of highly successful individuals reaching out to me about their own experiences. This assisted in my own recovery. I learned that many people I admired managed their careers with the support of therapists and medication and that they had taken extended medical breaks. Individuals shared stories about how they managed returning to work and ensuring they did not end up back in the same place - which is my biggest personal fear. Many spoke positively about their experience making use of the Member Assistance Program available to my profession which provides access to therapists with experience working with high performance professionals - a resource I quickly took advantage of and benefited from greatly.

More recently I spoke with three younger lawyers who reached out to me. They were on a similar path that I had went down and I hope that I may have helped them change course. If I had reached out to someone, many months ago, my personal path could have been different.

If you are a high performer that feels that they are on the path to crisis, reach out to a colleague. Send me a message. Do not go down the path alone assuming the only option is eventual burnout. Doing so is not a sign of weakness but a way to help your business and productivity in the long run.

If you are a manager or employer of high performers, encourage the exchange of experiences. If you have struggled, talk about it with your staff. Consider the development of internal support groups or discussions where stories can be shared. I learned about such a group that is very active at the Ontario Ministry of the Attorney General and was delighted when some of them reached out to speak with me.



## **Schedule Regular Time for Interaction and Encourage Others to Do So**

You may be surprised to read that leading up to my collapse I was doing many of the things that contribute to a healthy lifestyle. I had decreased my alcohol consumption considerably. I was running 3-4 times a week and training to run a half marathon. I had lost 30 pounds in just over a year by eating better, drinking less, and exercising more. I was incredibly happy to be spending more time with my husband than ever before. I had spent more time on myself than I had since approximately 2015 and was the fittest that I had been since finishing law school.

But one thing I was missing was social interaction. On bad work days in the Before Times, I would call a friend, leave work early, and drink Prosecco. As unhealthy a habit as that may have been, it was a social outlet and a way to blow off steam that I was clearly missing. I also regularly attended client events and lawyer networking events and was involved in a number of committees. The pandemic and the crushing demands of my practice put an end to all of those things.

As a social person, I realized that I am missing the social interaction with people outside of my Firm and that those interactions were among the favourite parts of my job. A change I am implementing upon my return to work is attempting to schedule a phone call or Zoom meeting with a new person - or a person that I have not heard from in a long time - each week to try to spark some of the joy missing from the lack of these interactions. You may get a message from me about this (or feel free to reach out and offer up your time!).

Employers and managers should give their people the time for such interactions - just as they would approve afternoons off with clients for golf or curling or attendance at social gatherings before the pandemic. Your high performers should not be so overwhelmed with work that they cannot engage in these activities.

## **Going Forward**

I am still working through my experience. I am not back to being 100% or even 75%. I have been incredibly grateful for the words of support from my clients, colleagues, friends and

acquaintances. I am particularly grateful to one lawyer who left me a voicemail last week offering to move an upcoming date as he knew I was away for medical reasons and he did not want to force the matter ahead at my personal expense. I am also extraordinarily grateful for one colleague who reminded me that a legal career is a marathon and not a sprint and that there was no need to rush my return. It is the good people like them that will help us all get through these challenging times.

I am being so open about my experience because I fear that the current situation for many high performers (not just the lawyers in my network) is like an iceberg. A few people have shared publicly that they are struggling. But the number of people talking about it is just the tip of the iceberg visible above the water. I am very concerned about a number of my colleagues, friends, clients, and Twitter acquaintances who seem to be on the path that led me to a dark place. Maybe my own experience has made me more in tune to the warning signs - but they are certainly right there for everyone to see who bothers to look. We need to realize that we are all going through a shared experience, that productivity is not likely to be the same and that we need to create more time and safe space to care for ourselves and one another. If we do, we will create a better and perhaps even more productive and healthy place for everyone going forward.

I may revisit the topic later as I continue to work through my own experience. I would love to hear from others - in particular those who have returned to work following similar circumstances or those who have other ideas on how we can better support each other (both during the current pandemic crisis and afterwards).

**Erin Durant**  
**Lawyer, Ottawa**