

Anatomy of a Burnout

How I Burnt Out - and What I've Learned
About Recognizing and Preventing it

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YouTube



The “Finish Line Problem”



The “Finish Line Problem”



The “Finish Line Problem”

HEALTH / WELLNESS

Lawyer Burnout And The Finish Line Problem

You should know the signs of lawyer burnout -- before it's too late.

By THE PEOPLE'S THERAPIST

Sep 27, 2017 at 11:33 AM



Ed. note: This post is by [Will Meyerhofer](#), a former [Sullivan & Cromwell](#) attorney turned psychotherapist. He holds degrees from Harvard, NYU Law, and The Hunter College School of Social Work, and he blogs at [The People's Therapist](#). His books — [Still Way Worse Than Being A Dentist](#), [Bad Therapist: A Romance](#), [Way Worse Than Being A Dentist](#), and



Will this lawyer ever cross the finish line?

<https://abovethelaw.com/2017/09/lawyer-burnout-and-the-finish-line-problem/>



**LAW IS A PIE-EATING
CONTEST**

FIRST PRIZE: MORE PIE

My Burnout Story



Law School



I Graduated During the Recession



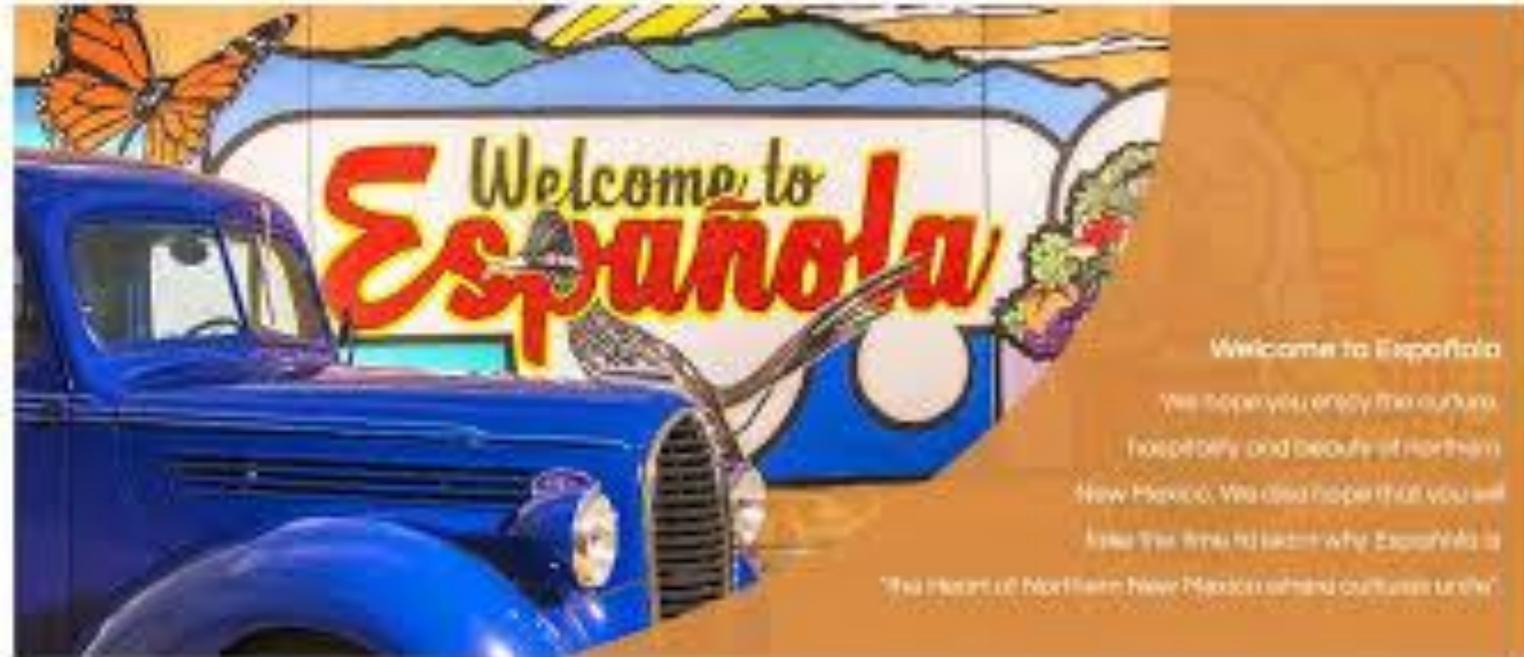
A Young Lawyer Full of Passion



Headed Out West



Chief Deputy



Welcome to Española

We hope you enjoy the culture,

hospitality and beauty of Northern

New Mexico. We also hope that you will

take the time to learn why Española is

"The Heart of Northern New Mexico and cultural pride".

By July 2018 I Was Completely Burnt Out

- (1) Anger and irritability (depression)
- (2) Depersonalization (severe cynicism, loss of idealism)
- (3) Sense of inefficiency
- (4) Unhealthy diet, habits, self medicating
- (5) The passion was gone

4th of July 2018 - My Aha Moment



Recovering Burnout

(1) For me, the burnout was so severe a change of career was necessary.

(2) Slowly began to regain my passion.

(3) Researched burnout.

(4) Started my own business.

***My goal is to share what I have been through and what I have learned about attorney burnout.**

***This applies to support staff too!**

What is Burnout?

- May 28, 2019 - Burnout is recognized for the first time as an official diagnosis
- WHO International Classification of Diseases 11th Edition, ICD.
- **(ICD)** is the international "standard diagnostic tool for epidemiology, health management and clinical purposes."

ICD-11

International Classification of Diseases for
Mortality and Morbidity Statistics

The World Health Organization is about to embark on the development of evidence-based guidelines on mental well-being in the workplace.

“An Occupational Phenomenon”

- Burn-out is a syndrome conceptualized as resulting from chronic workplace stress that has not been successfully managed. It is characterized by three dimensions:
 - (1) Feelings of energy depletion or exhaustion;
 - (2) Increased mental distance from one’s job, or feelings of negativism or cynicism related to one’s job; and
 - (3) reduced professional efficacy.

*Refers specifically to phenomena in the occupational context...

Burnout Is Not A New Phenomenon

- 1970's - Psychologist Herbert Freudenberger coined the term and referred to it as a "*state of mental and physical exhaustion caused by one's professional life.*"
- 1981 - Psychologist Christina Maslach creates the Maslach Burnout Inventory (MBI).
- The MBI is recognized as the leading burnout measure. Survey that measures an individuals experience with burnout.

Still Not Recognized as A Medical Diagnosis

- Dr. Scott Carroll: symptoms that attorneys experience with burnout “cross over into depression.” “In healthcare, we try to distinguish between depression and burnout even though prolonged and severe burnout can lead to depression.”
- We will discuss several symptoms of burnout that crossover into depression and other mental health diagnosis.

Maslach's 3 Key Dimensions of Burnout

(1) Depersonalization

(2) Reduced Personal Accomplishment

(3) Emotional Exhaustion

Maslach's 3 Key Dimensions of Burnout

(1) Depersonalization

- a. cynicism and detachment
- b. negative and excessively impersonal response towards victims, witnesses, colleagues.
- c. irritability, loss of idealism, withdrawal or other negative shifts in attitude.

Maslach's 3 Key Dimensions of Burnout

(2) Reduced Personal Accomplishment:

- a. sense of inefficacy, feeling of like you're not getting desired results.
- b. negative self evaluation
- c. low self esteem, morale inability to cope

Maslach's 3 Key Dimensions of Burnout

(3) Emotional Exhaustion

- a. A different kind of exhaustion
- b. low energy, fatigue
- c. emotional drained feeling, overextended by work.

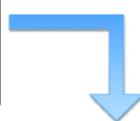
Maslach's Burnout Inventory

- Evaluates the 3 dimensions with a 22 item survey.
- Answers reflect the frequency and intensity of feelings and may range from “never” to “everyday”.
- A point system is assigned to the answers. Scores correspond to varying degrees of burnout.

Maslach Burnout Inventory

How Often?

0	Never
1	A Few Times per Year
2	Once a Month
3	A Few Times per Month
4	Once a Week
5	Most Days
6	Every Day



Ques.	Statement	How Often?
1	I feel emotionally drained from my work	
2	I feel used up at the end of the work day	
3	I feel fatigued when I get up in the morning and have to face another day at work	
4	I can easily understand how my patients feel about things	
5	I feel I treat some patients as if they were impersonal objects	
6	Working with people all day is a real strain for me	
7	I deal very effectively with the problems of my patients	
8	I feel burned out from my work	
9	I feel I'm positively influencing other people's lives through my work	
10	I've become more callous toward people since I took this job	
11	I worry that this job is hardening my emotionally	
12	I feel very energetic	
13	I feel frustrated by my job	
14	I feel I'm working too hard on my job	
15	I don't really care what happens to some of my patients	
16	Working with people directly puts too much stress on me	
17	I can easily create a relaxed atmosphere with my patients	
18	I feel exhilarated after working closely with my patients	
19	I have accomplished many worthwhile things in this job	
20	I feel like I'm at the end of my rope	
21	In my work, I deal with emotional problems very calmly	
22	I feel patients blame me for some of their problems	

Condensed Version

Calculate My Total

Total = 64

mindtools.com/pages/article/newTCS_08.htm

Score Interpretation

Score	Comment
15-18	No sign of burnout here.
19-32	Little sign of burnout here, unless some factors are particularly severe.
33-49	Be careful – you may be at risk of burnout, particularly if several scores are high.
50-59	You are at severe risk of burnout – do something about this urgently.
60-75	You are at very severe risk of burnout – do something about this urgently

Begins With Work Demands vs. Resources

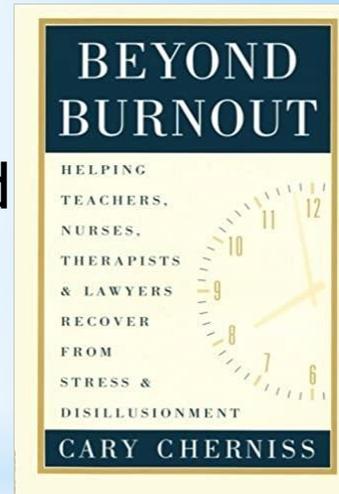
- Burnout begins with a mismatch between your work demands and your resources to deal with these demands. Result = Stress.



- Progresses to the immediate, short-term response of anxiety, tension and fatigue (individual strain).



- Then it begins to change attitudes and behavior - cynicism, detachment, irritability, self esteem etc.



**Psychologist Cary Cherniss: Beyond Burnout.*

Compassion Fatigue Causes Trauma for Prosecutors

- Prosecutors (victim's advocates and staff) constantly exposed to other people's trauma.
- Compassion Fatigue is a condition unique to professions repeatedly exposed to the trauma of others.
- Includes similar physical and emotional symptoms as burnout.
- Symptoms mimic those of PTSD - repeated exposure to trauma can erode our sense of self, damage our outlook on life.

Hypervigilance

- The sense of being on at all times.
- Fear of large crowds.
- Fear of restaurants where Defendant's work.
- I carried a 9mm in my waistband, in court.
- Once sat up for hours on the porch with a shotgun because I was convinced a defendant was going to try and burn down my house.

Changes Your Outlook on Everyday Life



MISSING Last Seen Not
Answering Phone or Returning
Calls - Missing ...

Changes Your Outlook on Everyday Life



Changes Your Outlook on Everyday Life



Trauma for the tough-minded prosecutor

SPOTLIGHT

Trauma for the tough-minded prosecutor

As a profession, lawyers consistently rank high for stress, depression, and suicide. Those in prosecutor's offices are hit with the double-whammy of repeated secondary trauma (exposure to other people's trauma). Here's how to recognize these stresses and care for yourself in the midst of seeking justice for our communities.



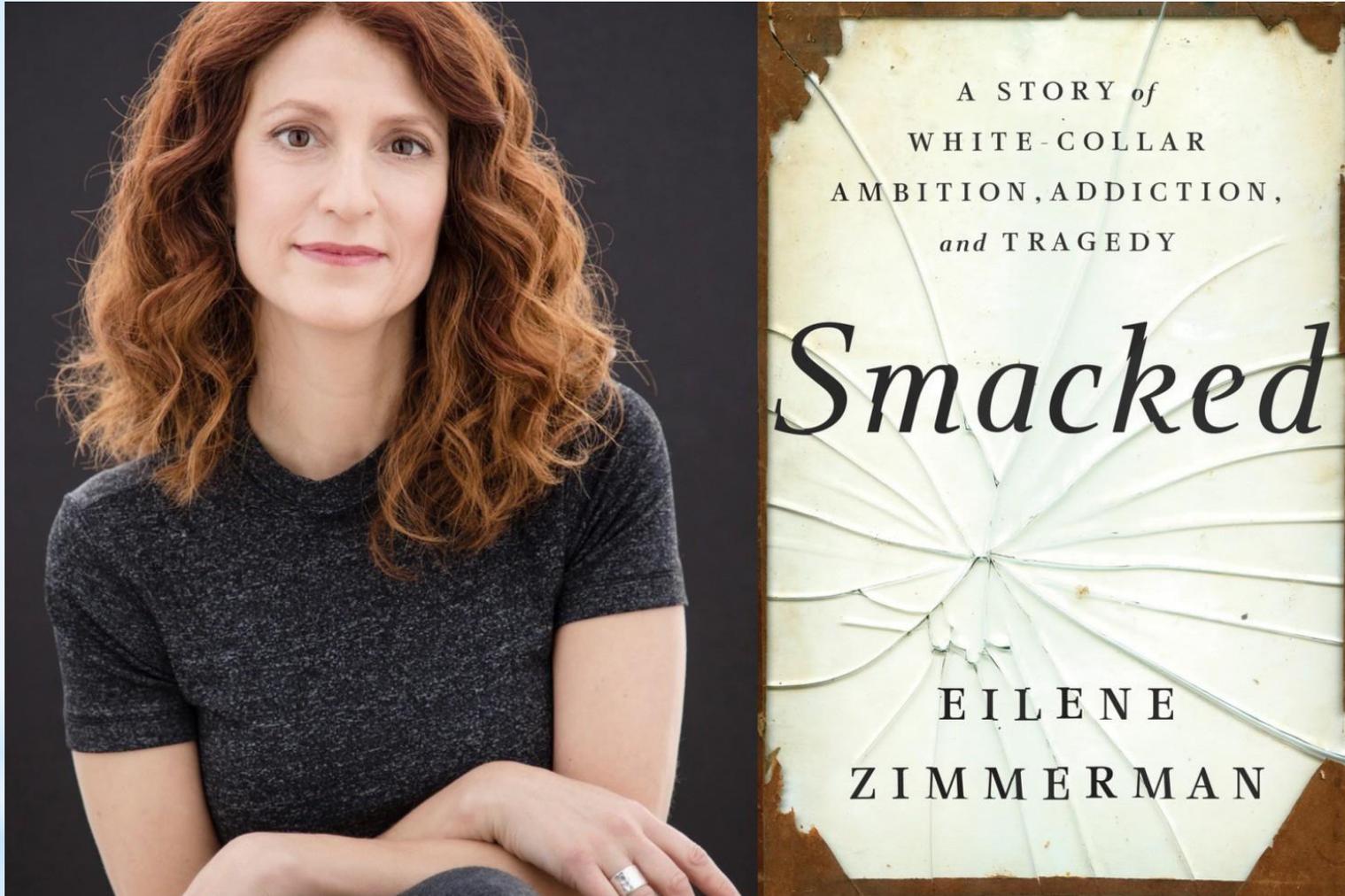
By Stacy Miles-Thorpe, LCSW

Victim Assistance
Coordinator in the Travis
County District
Attorney's Office

The Lawyer, the Addict

A high-powered Silicon Valley attorney dies. His ex-wife investigates, and finds a web of drug abuse in his profession.





Zimmerman, Eilene. "Smacked"

Random House Publishing - February 2020 ISBN-10: 0525511008

“

Peter, one of the most successful people I have ever known, died a drug addict, felled by a systematic bacterial infection common to intravenous users.

“

The history of on his cellphone shows the last call he ever made was for work. Peter, vomiting, unable to sit up, slipping in and out of consciousness, had managed, somehow, to dial into a conference call.

“

At Peter’s memorial service in 2015... Quite a few of the lawyers attending the services were bent over their phones, reading and tapping out emails. They couldn’t stop working long enough to listen to what was being said about him.

2016 Hazelden Betty Ford Foundation Study

- Analyzed responses of 12,825 licensed, practicing attorneys across 19 states.
- Study showed that:
 - (1) 21% of lawyers qualify as problem drinkers
 - (2) 28% struggle with mild or serious depression
 - (3) 19% struggle with anxiety.

2016 Hazelden Betty Ford Foundation Study

- Of the nearly 13,000 lawyers who took the survey only 3,419 lawyers even answered the questions about drug use.
- Patrick Krill - the study's lead author opines "they were afraid to answer."
- Of those that did - 5.6% used crack or cocaine, 10.2% used Marijuana and 16% used sedatives.
- 85% of lawyers surveyed had used alcohol in the previous year (compared to 65% of the general population)

If you are looking for data...

DYING FOR A PAYCHECK



How Modern Management Harms
Employee Health and Company
Performance—and What
We Can Do About It

JEFFREY PFEFFER

STANFORD GRADUATE SCHOOL OF BUSINESS

 United States

Coronavirus Cases:

2,263,651

Deaths:

120,688

The Steven Angel Story

Ethics

& PROFESSIONAL
RESPONSIBILITY

The Burnout Pandemic: Accommodating Workaholism in the Practice of Law

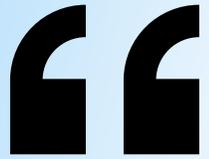
By Steven M. Angel

- **See Angel, Steven, The Burnout Pandemic: Accommodating Workaholism in the Practice of Law, The Oklahoma Bar Journal Vol. 81 - No. 33.*

The Constantly Expanding Workload Was Like a Blackhole

- “Successful” attorney for 27 years.
- Offices in 3 different states.
- Defined himself as a “workaholic”.
- Began to suffer from severe depression which eventually lead to him being disbarred.

The Constantly Expanding Workload Was Like a Blackhole



In answering the question of how bad it can get, the answer is worse than you can imagine. Left unattended, you will lose the very things that make your life worthwhile. The blackhole of depression, and its gravitational pull, will swallow you up and leave you with nothing.

See Angel, Steven, [The Burnout Pandemic: Accommodating Workaholism in the Practice of Law](#), The Oklahoma Bar Journal Vol. 81 - No. 33.

Accommodating the Workaholic Lawyer

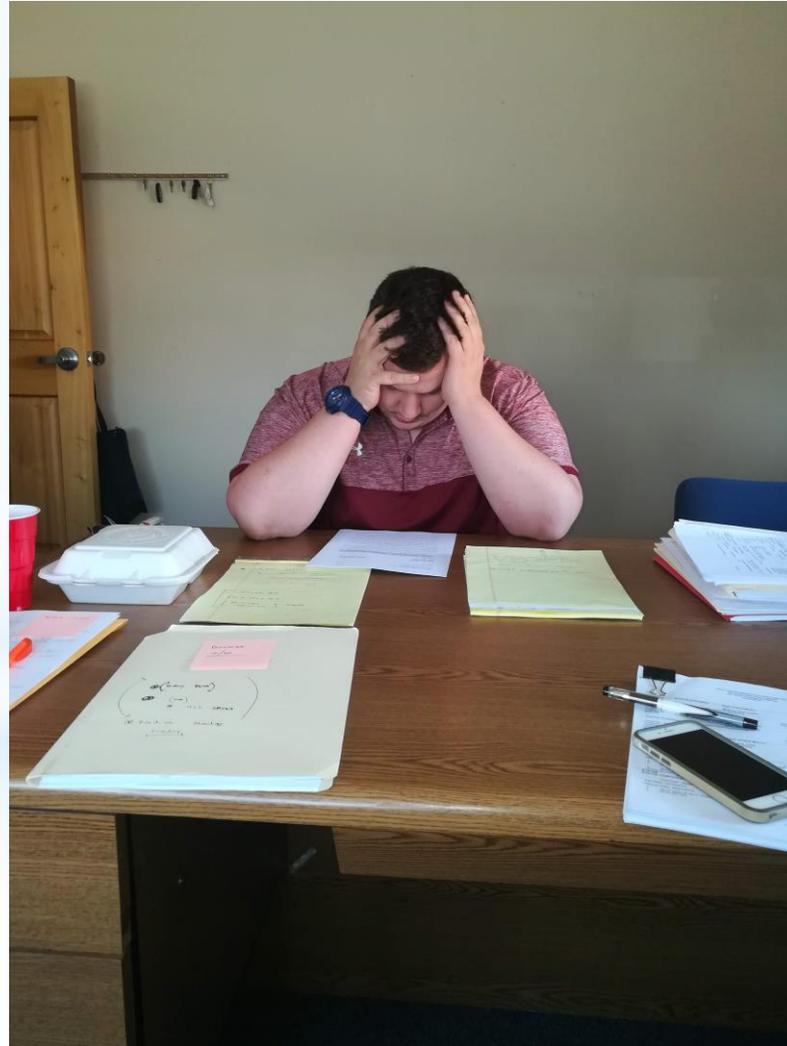
- Mr. Angel attributes much of lawyer burnout to “workaholism”
- Recognizes that it is inherent to the practice of law.
- Theorizes that there is “no cure” because the maladaptive behavior of workaholism is ignored and actually reinforced by the practice of law.
- Recommends a proactive approach in identifying, accommodating and closely supervising those individuals at risk of significant burnout and mental illness due to the very nature of the practice of law.

Why a “Cure” is Complicated

- Workaholism is encouraged in the practice of law.
- It is instilled into us during law school.
- The very traits that produce the best lawyers, perfectionism and workaholism is the same maladaptive behavior that causes burnout.
- Burnout often affects the best attorneys.

It's a Badge of Honor

The guy who did 5 jury trials in a week is an office legend!



Why a “Cure” is Complicated

- The large caseloads and lack of resources are a reality for most offices.
- The attorney who attempts to adjust his work life balance will soon be undermined by the realities of professional success.
- You can change jobs, change fields but once the new office finds out you're good, the same institutional forces will reinforce the need to return to unhealthy behaviors.

Prevention and Treatment



Prevention and Treatment



Join The National Task Force
In A Movement To Transform The Profession

November 09, 2018

Report from the National Task Force on Lawyer Well- Being

Share this:



National Task Force Report

- Created a report in 2018 that acknowledges burnout, depression, substance abuse and other mental health issues facing the legal profession.
- Citing the Hazelden Betty Ford Study as “raising troubling implications for many lawyers’ basic competence. This research suggests that the current state of lawyers’ health cannot support a profession dedicated to client service and dependent on the public trust”

National Task Force Report

- Some Recommendations:

- (1) Legal employers should monitor for work addiction.

- (2) Avoid rewarding extreme behaviors that can ultimately harm health.

- (3) Employers should expressly encourage lawyers to make time to care for themselves and attend to other personal obligations.

National Task Force Report

- Other recommendations include revisions to the Rules of Professional Conduct.
- Define “competence” to include the “mental, emotional, and physical ability reasonably necessary” for representation.
- Addresses the “chronic incivility” that is proliferating in the profession as “corrosive”, depletes energy and motivation, increases burnout and inflicts emotional and physiological damage.

Self Care - The Way to Fight Burnout



**SELF-CARE IS NOT
SELFISH. YOU CANNOT
SERVE FROM AN
EMPTY VESSEL.**

ELEANOR BROWN

[PICTUREQUOTES.COM](http://picturequotes.com)

PICTUREQUOTES

Learn to Set Boundaries

- Disconnecting and setting boundaries is a very important strategy.
- Dr. Carrol - “In Medicine, the issue of boundaries and setting limits is a big cause of burnout.” “Setting limits on when patients can call you, how many hours you work, not being called on weekends or during your vacation really help.”

Learn to Set Boundaries

- You have an “on call schedule”
- Schedule downtime, no calls, no emails.
- If taking the entire evening or weekend off from handling work e-mails and calls isn't realistic, try designating specific times to check in on emails and respond to voicemails. For example, on weekday evenings, you may check emails after dinner, and on the weekend you may check your messages on Saturday afternoon.
- Find a schedule that works for you.

Find Meaning in Your Work

- Dr. Carrol - “I particularly respond well to the idea of finding meaning in your work. For me, I treat kids so no matter how stressed or overwhelmed I feel, there is always a kid involved so that always motivates me to bring my A game.”
- For me, my years as the HIDTA attorney was where I found the most meaning in my work. No matter how stressful things got, I felt like I was making a difference, I was part of a team. It didn't feel like “work”.
- In my current role - I devote a lot of time to training.

Find Meaning in Your Work

- Attorney rotations. During my internship in Michigan, I was surprised that the “best” most experienced attorneys in the office were only handling misdemeanors. One of the best attorneys in the office loved to do speeding ticket trials.
- Talk to your supervisor about taking more cases in an area that you find meaning in.
- If you can't find more meaning create it. Mentor, volunteer, teach a CLE!

Build Awareness of Your Stress and Triggers

- Step one is awareness - you can't solve a problem that you don't acknowledge.
- If you are experiencing the symptoms of burnout, recognize it. This is not the time to be “stoic” or “play through the pain.”
- An important part of burnout is to recognize when it is coming - once you have it, it becomes more difficult to treat.
- Manage your energy not your time.

The Best Attorneys I Know are Problem Solvers

- “Chronic incivility” has been shown to increase burnout and inflicts emotional and physiological damage.
- The adversarial nature of the practice of criminal law will take its toll. This is especially true for young attorneys.
- Learn to collaborate - with co-workers and opposing counsel.

The Best Attorneys I Know are Problem Solvers

- For me, I believe chronic incivility and the constant adversarial nature of the practice was the most significant cause of my burnout.
- I get it, its always the PD's fault! Vacations and downtime is at the mercy of the courts and opposing counsel who have an incentive to control your schedule.
- It's amazing what you can accomplish during a one-hour lunch.

Fighting Burnout at the Organizational Level



PAULA DAVIS, JD, MAPP

BEATING

BURNOUT

AT WORK

WHY **TEAMS** HOLD
THE SECRET TO **WELL-BEING**
AND **RESILIENCE**



Fighting Burnout at the Organizational Level



Fighting Burnout at the Organizational Level



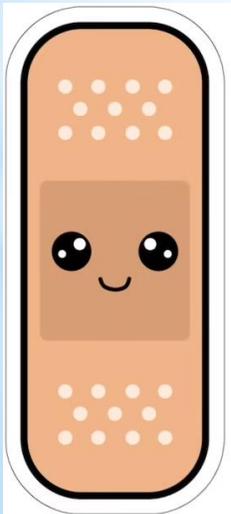


Fighting Burnout at the Organizational Level

**Symptoms Only
approach**



Causes Approach





Fighting Burnout at the Organizational Level

PRIMED

“Leading to support” behaviors



“Leading to control” behaviors



Inform
Engage
Develop
Inspire
Recognize

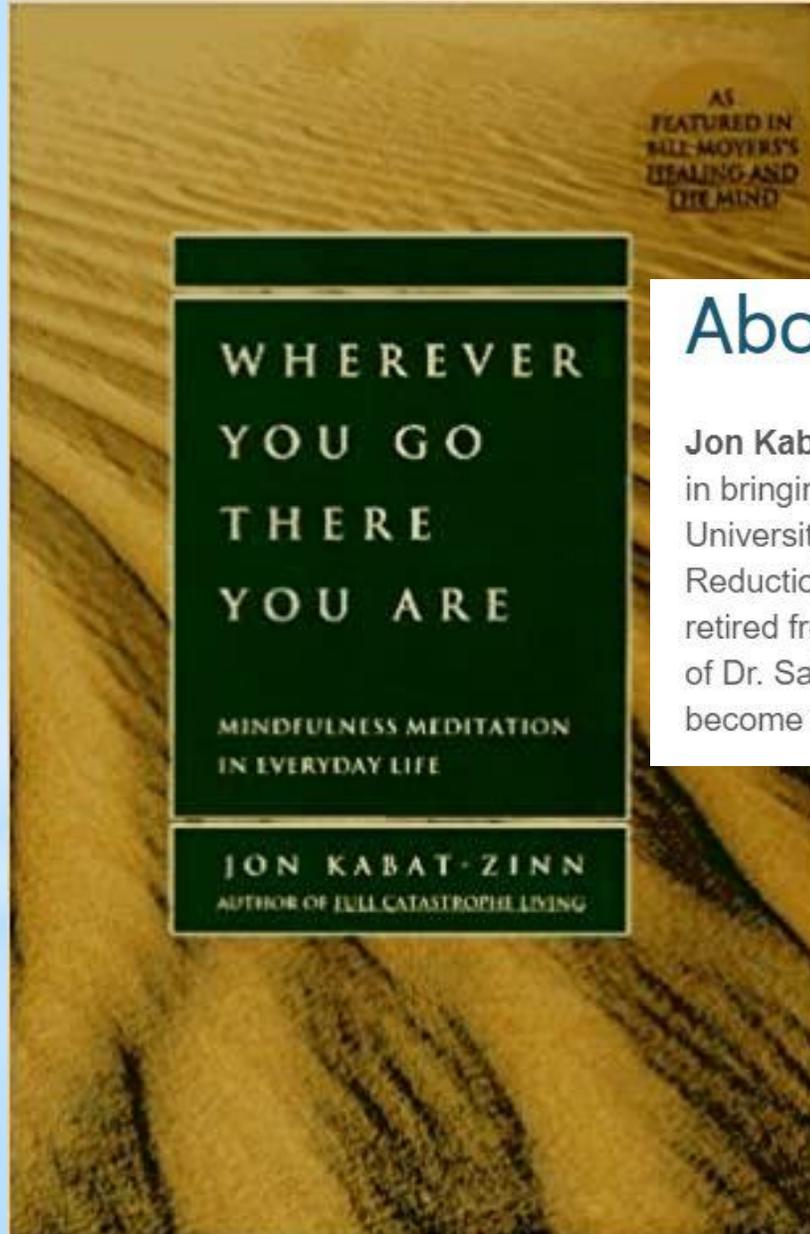


Mindfulness for Lawyers

*"Paying attention in a particular way; on purpose,
in the present moment, non-judgmentally."*

– Jon Kabat-Zinn

Mindfulness

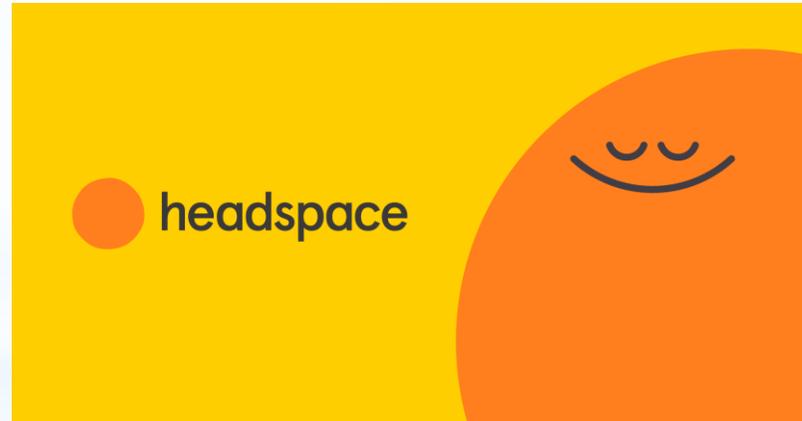


About the Author

Jon Kabat-Zinn, Ph.D. is internationally known for his work as a scientist, writer, and meditation teacher engaged in bringing mindfulness into the mainstream of medicine and society. He is Professor of Medicine emeritus at the University of Massachusetts Medical School, where he founded its world-renowned Mindfulness-Based Stress Reduction Clinic (in 1979), and the Center for Mindfulness in Medicine, Health Care, and Society (in 1995). He retired from his positions at the medical center in 2000. The Center for Mindfulness has been under the leadership of Dr. Saki Santorelli since that time, and during those years, it has grown remarkably and its programs have become more and more influential both in the US and internationally.

Mindfulness Resources

- Read -Wherever You Go There You Are!
- Mindful.org
- Freemindfulness.org - Free downloadable guided exercises



“

What is my job on the planet with a capital J? Is one question we might do well to ask ourselves over and over again. Otherwise, we may wind up doing somebody else's job and not even know it. And what's more, that somebody else might be a figment of our own imagination and maybe a prisoner of it as well.

-Jon Kabat-Zinn, Wherever You Go There You Are

Anatomy of a Burnout

How I Burnt Out - and What I've Learned
About Recognizing and Preventing it

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YouTube



Attorney Burnout Resources

New Mexico Judges and Lawyers Assistance Program: (NMJLAP)

[https://www.nmbar.org/nmstatebar/Membership/Judges and Lawyers Assistance Program/Nmstatebar/For Members/Judges Lawyers Assistance/Lawyers Judges Assistance.aspx?hkey=98c1efb6-66ac-40fe-9918-44a738e60202](https://www.nmbar.org/nmstatebar/Membership/Judges_and_Lawyers_Assistance_Program/Nmstatebar/For_Members/Judges_Lawyers_Assistance/Lawyers_Judges_Assistance.aspx?hkey=98c1efb6-66ac-40fe-9918-44a738e60202)

National Task Force on Lawyer Well-Being: <https://lawyerwellbeing.net/>

How to Recognize and Prevent Burnout: <https://lawyerist.com/blog/recognize-prevent-lawyer-burnout/>

Dan Lukasik – Lawyers With Depression: <http://www.lawyerswithdepression.com/>

I Fought the Law and the Law Won: My Story of Burnout – Paula Davis-Laack
<https://www.forbes.com/sites/pauladavislaack/2018/05/17/i-fought-the-law-the-law-won-my-burnout-story/#7ad3f7ab7c72>

Lawyer Burnout and The Finish Line Problem – The People’s Therapist
<https://abovethelaw.com/2017/09/lawyer-burnout-and-the-finish-line-problem/>

Mindfulness and Meditation: <https://www.mindful.org/>

Mindfulness – Getting Started: <https://www.mindful.org/meditation/mindfulness-getting-started/>

Burnout Self-Test – MindTools.com
https://www.mindtools.com/pages/article/newTCS_08.htm

Freudenberger’s 12-Stage Model of Burnout:
<https://www.inc.com/jessica-stillman/the-12-stages-of-burnout-according-to-psychologist.html>

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The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys:
https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx

7 Powerful Ways to Defeat Burnout: Travis Bradberry
<https://www.forbes.com/sites/travisbradberry/2016/11/08/7-powerful-ways-to-beat-burnout/#6ca6678561e6>

Mindfulness for Attorneys: <https://www.mindful.org/>

How to Meditate for Lawyers: <https://www.mindful.org/how-to-meditate/>

Wherever You Go There You Are – Jon Kabat-Zin: <https://www.amazon.com/Wherever-You-There-Are-Mindfulness/dp/1401307787>

Smacked – Eileen Zimmerman:

<https://www.penguinrandomhouse.com/books/574587/smacked-by-eilene-zimmerman/>

The Lawyerist: <https://lawyerist.com/>

Stress and Resiliency Institute – Paula Davis: <https://stressandresilience.com/>

Beating Burnout at Work: Why Teams Hold the Secret to Well-Being and Resilience – Paula Davis: <https://stressandresilience.com/>