

A SOFT PLACE TO FALL

By Jill S. Fenaughty

When lawyers, students or judges need to unburden themselves from time to time they can call the Ontario Lawyers' Assistance Program (OLAP). It is a free 24 hour confidential program where between nine to five they will be connected to a lawyer counsellor who within just one call can offer a good deal of comfort (for the remaining hours one is transferred to the afterhours call centre.) The lawyer counsellor will assess the facts, suggest action and advise of resources to ensure that the client's needs are met. Issue specific counselling may be arranged. They follow up to ensure that things go well. In essence, immediate and ongoing support is facilitated.

Lawyers, by their nature tend not to willingly take time for their emotions, for self care or to seek help. Consequently, when lawyers, students and judges do reach OLAP (because they call, their family calls, or a colleague urges them to) they are usually in crisis and well out of balance. Areas over which lawyers may call OLAP generally fall within areas of work, relationships, personal/emotional, family, addiction and situational stress. We are receiving about 1,400 calls a year. Although lawyers and students and judges are struggling with issues in these general areas there are many recurring themes among the callers. Some of the themes are as follows:

(1) Fear of Failure

Lawyers, students and judges who are so proud of their professional achievements and who think in terms of win or lose, pass or fail, experience extreme shame when they perceive that they fail.

They perceive they fail if they do not like the type of work they are doing, if their work is not lucrative, if they are not doing as well as other lawyers or judges or if they experience burnout, suffer bouts of mental illness or have to confront an addiction. Many lawyers and judges are overachievers, and type "A" perfectionists. They will do anything to avoid admitting to failure. Generally they have received the support of family in becoming a legal professional and are often the keepers and/or guardians of the family matters often providing services for extended family members. When lawyers and judges perceive they have failed, they fail the family too in their eyes, and sometimes their culture, which compounds all. Failing as a lawyer seems to impact both sexes equally.

Staff at OLAP understands this thinking as they are lawyers themselves. They know what it takes to become a lawyer and they understand the shame when problems arise. The shame is the opposite of the immense pride one feels on graduating and on becoming a lawyer. OLAP staff are there to listen non-judgmentally and to help the lawyer gain some perspective and to view the situation they are in with more balance. We counsel that failure can be regarded as fuel and can provide valuable lessons and insight as guidance going forward. It helps immensely to know

that many others lawyers call partly because they do not feel they can show vulnerabilities to others nor easily admit them to themselves.

Those who take the calls at OLAP understand a lawyer's traits and insecurities. We are your people, so to speak. We are your peers. The staff has a range of experience having worked in various areas of law in firms of various sizes. We know the burdens of being a lawyer and what it takes to succeed. Two of the lawyer staff are married to members of the profession. We know that being a lawyer and being married to a lawyer or judge presents its own challenges. We can empathize with spouses of lawyers and judges.

(2) Life Choices

Lawyers often need to confide their problems in reconciling the life choices they have made. This extends to young women being concerned that they may miss the opportunity to have children due to their advancing age. Career demands are considerable and they may not be in a serious relationship or have the time to pursue one while the biological clock is ticking. Other cases relate to those who are not in a happy relationship and they do not have children and wish they had made time for them or time for friends. For others, the marriage has failed and they are feeling guilty and scared and are left to raise a child on their own along with having to manage a hectic practice. Some lawyers wonder what went wrong. They do not have enough to show for the decades of hard work in an honourable profession beyond being a good lawyer in good standing with the Law Society.

Staff at OLAP listen non-judgmentally, a sounding board at times, providing insight and perspective and comfort at others. The demands of the legal profession often detract its members from leading fully balanced and mindful lives. Sometimes counselling is recommended. Time for reflection often leads to informed decisions going forward and diminishes the feelings of isolation and regret. A peer volunteer may be introduced to the lawyer who has made similar life choices. We help the lawyer be grateful for what they have.

(3) Managing Multiple Roles

Many calls involve women new to the profession or later in life who are in conflict over managing multiple roles. Some women are disillusioned if they cannot do it all at once. In law school it seems so equitable and gender neutral and empowering. After law school reality sets in. Women find they have to make time for children and other family, important roles as well. Often there is too little time for multiple roles and management of the household which demand excellence in the eyes of the perfectionist lawyer. When one manages multiple roles it makes it more difficult to succeed as a lawyer. This can be frustrating preventing women, generally, from achieving their full potential.

OLAP helps by providing a compassionate ear. One response does not fit all. Members of OLAP staff include women lawyers who practiced and struggled with this issue too. Sometimes lawyers are referred to counselling so they can work through their feelings and ascertain what their authentic values are so they can be more at peace with future choices here. Lawyers gain some immediate perspective on learning many lawyers grapple with this issue.

(4) Retirement /Transition When Passion Fades

Some lawyers call wanting to discuss the fact that their passion for law has declined. Retirement options are contemplated or perhaps permission is sought to transition to another career. Whether or not lawyers are in a big firm or a small firm, regrettably lawyers do not feel comfortable discussing these matters with other lawyers that they know. A desire to preserve the image of being forever strong and forever young prevails. Yet these lawyers know it is no longer the same for them.

OLAP staff help the lawyer reflect on why the practice no longer works for them. Another area of practice might be promoted being more suitable to the lawyer's disposition. Alternate career counselling may be discussed or information given on how to wind down a practice. Appropriate resources are provided. The lawyer may be sent for counselling if depression is an underlying issue. We may also suggest that the lawyer attend the Lawyers' Group meetings bi-monthly. Sometimes connecting with other lawyers in a positive environment can remind us why we went to law school in the first place.

(5) The Numerous Burdens of the Sole Practitioner

We receive many calls from sole practitioners who are overwhelmed by the extent of the multitasking and the multi skills required to keep a successful practice afloat. Often the story is that the day is filled with administrative and secretarial tasks and that the evenings are the only time to do the actual legal work. Having to take whatever case that comes through the door, having no other counsel with which to confer, and having to contend with all the rules and regulations concerning trust accounts and reporting obligations leave sole practitioners anxious. There is the constant fear that the work flow may cease which makes taking a holiday impossible for fear that a case is lost or that momentum will wane. Most of all the isolation of it all brings some sole practitioners to a standstill. Relationships with the spouse and family inevitably suffer.

OLAP staff listens and shares some of their personal experiences and struggles in practice. We confirm they are not alone. We help the lawyer decide if they are suited to this type of practice or if a change is warranted or desired. If they want to continue, we provide resources, line up a peer volunteer who has successfully managed as a sole practitioner and we encourage them to attend the Lawyers' Group where other lawyers with similar concerns and other unrelated concerns meet and share mutual support for one and another in a safe, confidential and civil setting, seemingly otherwise non-existent in the legal world.

(6) Chronic Loneliness

Many lawyers report that the demands of the profession, the long hours worked and the chronic fixing and doing, leaves lawyers feeling lonely and isolated. This particularly affects lawyers in small firms and sole practitioners but no one is immune. Lawyers do not find it easy to take time for themselves or for friendships. Often there is little time for intimacy or relationships. Often their marriages suffer or fail. For lawyers lucky enough to have a steady work flow it seems that there is never time to confer with other lawyers on a case or about themselves. Lawyers tell us they miss the intelligent company of other lawyers...."their people" that they so enjoyed in law school. Moreover, due to this isolation lawyers often cease to hear their own voices attempting to conform as the profession requires. This causes, at times, our individuality to fade. Lawyers state they have to be adversarial to and on guard with respect to the lawyers they meet in practice. At times lawyers encountered in court are barely civil which has instigated the need for the proposed 2009/2010 Civility Forums promoted recently by the Law Society. All this makes lawyers feel alone and isolated which leads to diminished perspective and a lack of balance. Often lawyers become depressed and/or develop addictions.

OLAP provides ongoing contact, assigns a peer volunteer and encourages the lawyer to attend the OLAP events. Mental health and behaviours are assessed.

(7) Problems With the Law Society

This frequently involves discipline and/or suspensions and hearings before the Law Society. We are frequently contacted by lawyers in crisis over issues with their status. The issues can extend to the enquiry into perceived arbitrary administrative delays in status related matters.

OLAP staff will meet with the lawyer and offer a wide range of support, including emotional support and insight, as required to assist the lawyer to regain their status if possible, or to accept a more negative result. Although we do not act as an advocate or refer the lawyer to legal counsel, we will be there for the lawyer and attend the various proceedings with them to help the lawyer get back on their feet. External counselling is arranged if required.

(8) Problems Stemming from One's Family of Origin

Many lawyers and students contact OLAP because they are suffering emotionally following traumas rooted in their early years in their family of origin. This often manifests as mental illness and as addictions. As a result, their ability to succeed in the profession is at risk. The lawyer tends to isolate and cope as best as they can.

OLAP assists by helping lawyers, students and judges to obtain the appropriate counselling and/or treatment. Ongoing support is provided and a peer volunteer is assigned. Connection with other lawyers with other similar fact based concerns and experiences is promoted.

So if any of the above-noted problems sound familiar, you will know that you are not alone and that we can help. Please call us. OLAP reaches out to lawyers through its many initiatives, which include the Lawyers' Group (meets on the first and third Wednesday of each month) and through the Women's Work and Wellness Luncheon series (holding lunches on topics of interest to women four times yearly) and by having booths at legal conventions and by being a voice at many legal conferences. We also promote balance and wellness at the law school level introducing our association to law students. We are sensitive to all lawyers, students and judges from all cultures and all sexual orientations. Please call us when you need to talk and check our website regularly for new developments. We are devoted to helping lawyers lead a balanced life and to helping lawyers stay connected. A call to OLAP is a soft place to temporarily fall.

To contact the Ontario Lawyers Assistance Program please call 905-238-1740 or 1-877-576-6227
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