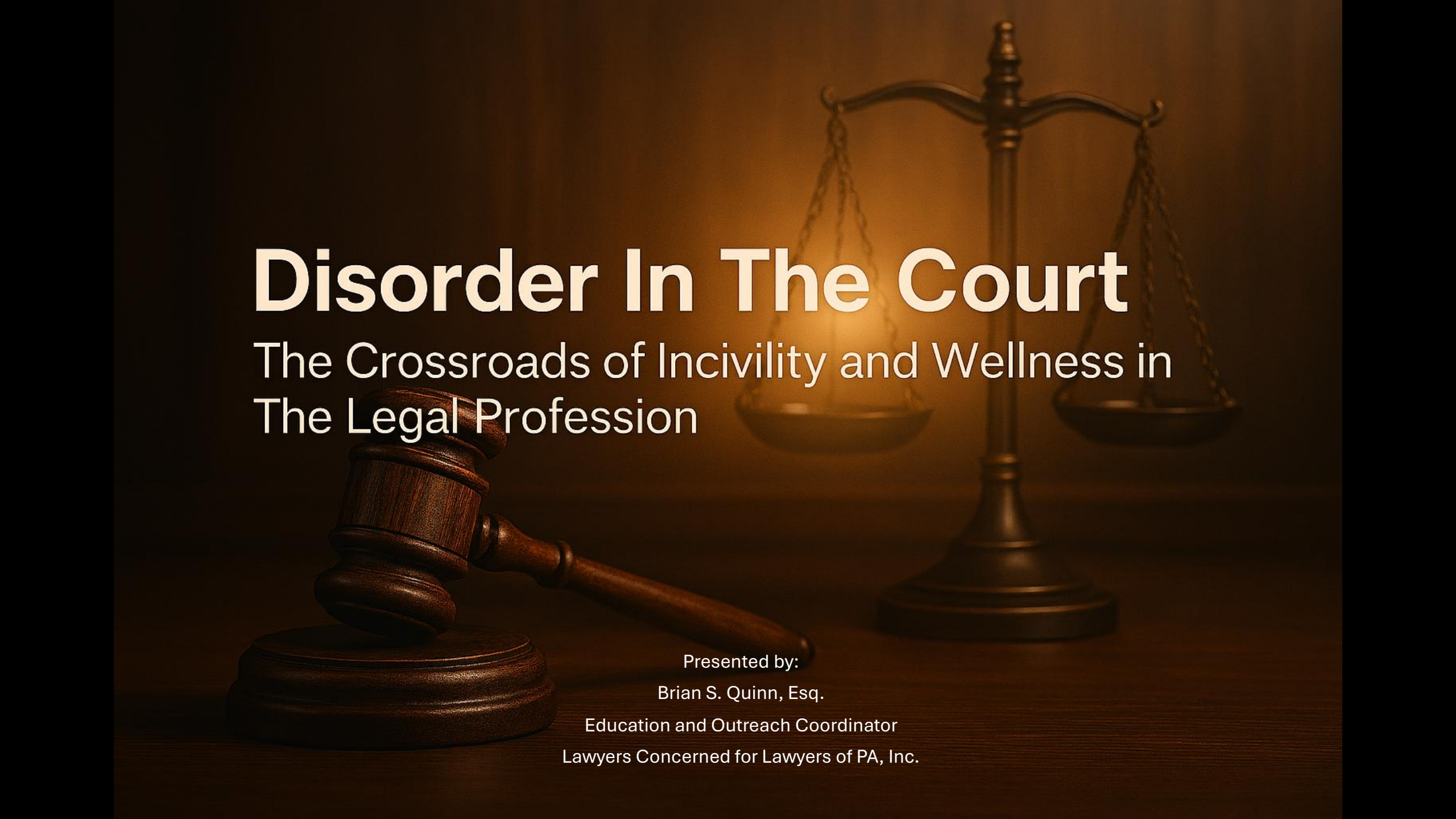




Disorder In The Court

The Crossroads of Incivility and Wellness in
The Legal Profession

Presented by:

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Education and Outreach Coordinator

Lawyers Concerned for Lawyers of PA, Inc.

What Is LCL/JCJ ?

Our mission:

To provide a caring peer assistance program to save the lives and restore the health and professional competence of lawyers, members of their families, judges and law students who are at risk as a result of alcohol and drug use, gambling, depression or other serious mental illness. We carry out this mission through a combination of confidential helpline services, volunteer support and education.





LAWYERS CONCERNED FOR LAWYERS
PENNSYLVANIA

100% Free & Confidential
Mental Health and Substance Use Services
for Legal Professionals and Family Members

Evaluation
Peer Support
Literature & Resources
Support Meetings
Interventions
Staff Support

1-888-999-1941

24/7/365

You are not alone. We care.
We are here to help.

Check out the LCL website!

- Free CLE programs
- Self-assessment screens
- Information about LCL services
and much more!



www.lclpa.org

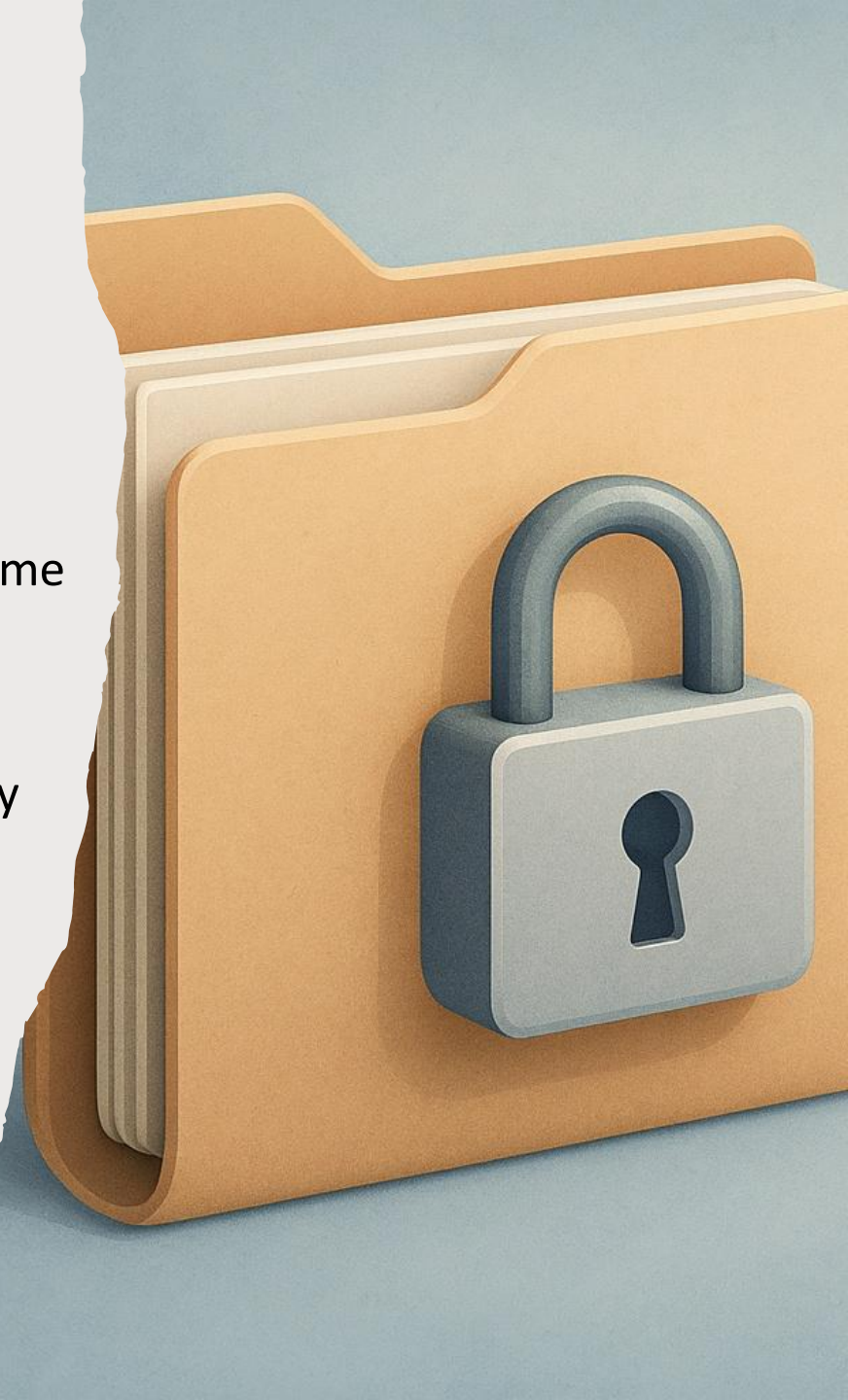
Follow us:



We Protect Your Identity and Information

LCL/JCJ does **not** report or disclose any identifying information to the Supreme Court, the Judicial Conduct Board, the Disciplinary Board, the Board of Law Examiners or any other agency of the Supreme Court; nor do we report or disclose any identifying information to a State Bar Association, local Bar Associations or any judicial or law related organization. We do not report any identifying information to anyone without your prior consent.

You may remain anonymous and still receive our services.



GUIDANCE FROM THE COURT

PA Rules of Professional Conduct address that concern by providing an exception to the duty to report: Rule 8.3(c) does not require disclosure of information otherwise protected or information gained by a lawyer or judge while participating in an approved lawyers assistance program.

Comment 7 “... providing for an exception ... encourages lawyers and judges to seek treatment through such a program. Conversely, without such an exception, lawyers and judges may hesitate to seek assistance from these programs, which may then result in additional harm to their professional careers and additional injury to the welfare of clients and to the public.” (emphasis added)

Defining the Intersection

What Is Wellness?

Wellness is a continuous, proactive approach to thrive in physical, mental, occupational and emotional health.



Defining the Intersection

What is Civility?

Civility in the law is the practice of professionalism, courtesy, and respect, essential for the efficient administration of justice.



Defining the Intersection

Where professional behavior, ethical competence, and personal health meet, fostering a more sustainable, effective, and humane legal profession.





Why This Crossroads Matters

- Uncivil conduct demeans individuals and the legal profession.
- Incivility increases stress, anxiety and burnout.
- Civility can be used as a “preventive tool” for mental health issues.
- Impacts morale and productivity



The Modern Legal Landscape

- Adversarial nature, tight deadlines, client pressures
- “Win-at-all-costs” mentality
- Inherent pessimism
- Rise of remote work making incivility easier



The Wellness Crisis in the Legal Profession

Problematic Drinking

- 6.4% of entire U.S. population
- **21%** of *all licensed attorneys*
- **32%** of *all attorneys under 30 yrs. old*

* ABA / Hazelden- Betty Ford Study
(Published February, 2016 *Journal of Addiction Medicine*)



The Wellness Crisis in the Legal Profession

Depression, Anxiety and Stress Scale

- Depression – **28%** *of all attorneys*
- Stress – **23%** *of all attorneys*
- Anxiety – **19%** *of all attorneys*
- Higher rates among younger lawyers



Bullying in the Legal Profession:

A Study of Illinois Lawyers' Experiences and Recommendations for Change

6,010 Illinois lawyers participated in the study, which was conducted for the Commission by The Red Bee Group.

Bullying was defined as:
“Inappropriate behavior intended to intimidate, humiliate, or control the actions of another person. Bullying may take many forms including verbal, nonverbal, or physical acts.”

The Behavior:

The seven most reported types of bullying behavior were:

- 1. Verbal intimidation, such as insults, name-calling, or shouting
- 2. Harsh, belittling, or excessive criticism of work
- 3. Demeaning nonverbal behaviors
- 4. Imposing unrealistic work demands
- 5. Behind-the-back malicious rumors
- 6. Improperly taking credit for work
- 7. Not receiving important work information



Why are Lawyers and Judges So Stressed Out ?

While most people experience stress in their lives, lawyers and people in the legal profession face a unique conundrum : For many, the drive and dedication that make them successful as a lawyer is also what's causing stress and burning them out !



STRESS or DISTRESS ?

- Some stress is healthy. Positive stressors can energize and motivate lawyers to be productive and creative problem solvers.
- A totally stress free life is not only unrealistic, it can actually be a harmful form of denial.
- We need to eliminate distress. Distress is harmful both physically and psychologically.



STRESS or DISTRESS ?

- Gradual, incremental increases in responsibilities, duties, pressures and demands at home and work combined with long workdays and weeks is risky.
- We stay busy and “stuff” our feelings.
- Even relaxing can cause us to feel distress.
- We become unaware that we have lost balance in our lives.
- **REMEMBER, DISTRESSED LAWYERS AND JUDGES EVENTUALLY LOSE THEIR EFFICIENCY AND EFFECTIVENESS !!**



The Impact of Incivility on Wellness

- Incivility breeds stress, anxiety and anger.
- Rude conduct directly impacts mental health and cognitive functioning.
- Incivility diminishes self-esteem.
- Uncivil behavior reduces cooperation and increases conflict





In other words.....



Our personalities and Our
Profession Put at High Risk

A woman with curly brown hair, wearing a black judge's robe, is shaking hands with a man with short dark hair and glasses, wearing a dark suit and tie. They are in a courtroom setting with wood-paneled walls and an American flag in the background. The man is holding a light-colored folder.

Civility as a Professional Duty

- In Pennsylvania, civility is a professional duty for lawyers and judges, established by the [Code of Civility \(204 Pa. Code Chapter 99\)](#) adopted in 2000. It mandates courteous, respectful behavior in all litigation and proceedings to maintain the dignity of the legal system

Rules of Professional Conduct

Pennsylvania Rule of Professional Conduct 3.3 mandates that attorneys act with high honesty towards tribunals (courts, arbitrators, etc.), taking precedence over client confidentiality.



Rules of Professional Conduct

Key Aspects of PaRPC 3.3 - Candor Toward the Tribunal:

- **Disclosure of Adverse Law (3.3a2):** Lawyers must disclose legal authority (precedent, statutes) from the controlling jurisdiction known to be directly adverse to their client's position if opposing counsel fails to do so.
- **False Evidence:** A lawyer must not offer evidence known to be false and must take remedial action if they learn of its falsity.
- **Criminal/Fraudulent Conduct:** If a client or witness engages in criminal or fraudulent conduct related to the proceeding, the lawyer must take reasonable measures, including disclosing to the tribunal.
- **Prohibition of False Statements (3.3a1):** An attorney cannot knowingly make a false statement of material fact or law to a tribunal. If one is made inadvertently, it must be corrected.

Rules of Professional Conduct



- Pennsylvania Rule of Professional Conduct 3.4 mandates fairness to opposing counsel and parties by prohibiting the unlawful obstruction of evidence access, destruction or concealment of documents, falsification of evidence, and improper influence of witnesses. It also forbids frivolous discovery requests and improper trial tactics, such as asserting personal opinions on a case.

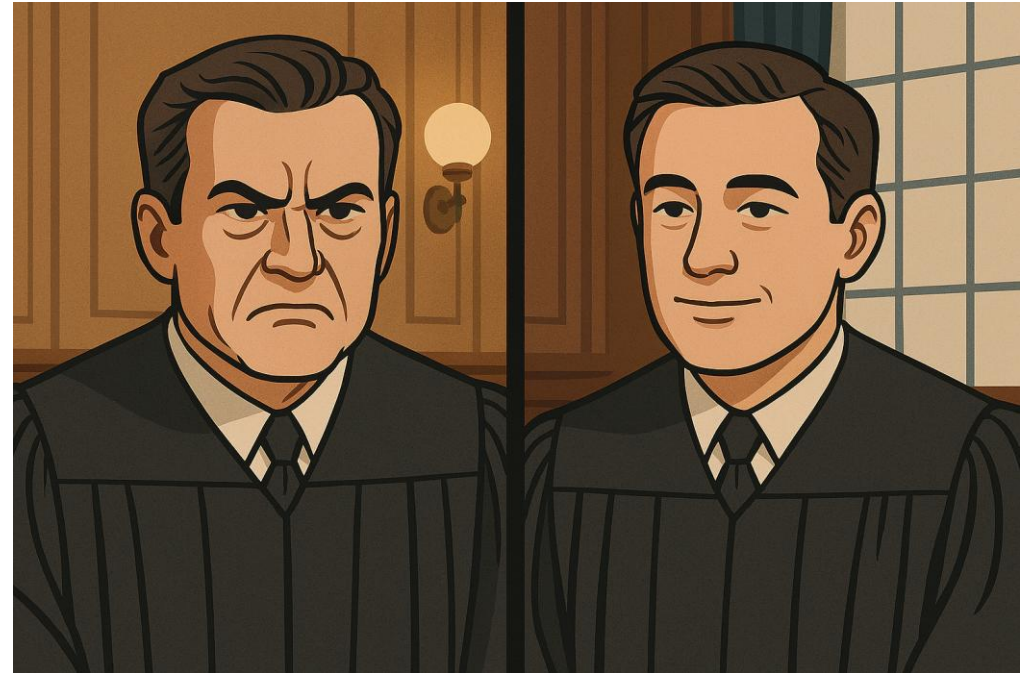
Rules of Professional Conduct

Key aspects of Pennsylvania Rule 3.4 include:

- **Evidence Handling:** A lawyer cannot unlawfully destroy, conceal, or alter documents or materials with potential evidentiary value.
- **Witness Integrity:** Lawyers are prohibited from assisting a witness to testify falsely, paying contingent compensation to witnesses, or encouraging a person to withhold relevant information.
- **Discovery Fairness:** Attorneys may not use improper methods to gain an unfair advantage in discovery, such as blocking access to evidence.

Judicial Conduct and the Code of Civility

- The Pennsylvania Code of Civility, adopted by the state Supreme Court, mandates that judges maintain professional integrity and personal courtesy, ensuring courtroom dignity. Judges must control proceedings civilly, act with patience, avoid bias, and ensure the prompt, efficient administration of justice while treating lawyers, staff, and litigants with respect.



Pennsylvania Code of Judicial Conduct

PA Code of Civility and Code of Judicial Conduct (Canon 2, Rule 2.8) demand:

- **Demeanor and Patience:** Judges must be patient and courteous to litigants, jurors, witnesses, lawyers, and court staff. They are also required to demand that lawyers and court staff act similarly.
- **Prohibition of Hostility:** Judges must refrain from using hostile or demeaning language in their opinions or communications.



Above all else....

Judges cannot, by words or conduct, manifest bias or engage in harassment based on race, sex, gender identity or expression, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation.

207 Pa. Code Rule 2.3





The Pillars of Civil Wellness

- **Self Awareness:** Knowing your triggers/"hot buttons".
- **Self-Restraint:** Managing reactions and emotions
- **Respectful Communication:** Tone, volume and active listening.
- **Empathy:** Considering the impact of actions on others.

Strategies For A Civil and Well Culture

- Proactive Kindness
- The Pause: “Surf the urge” to react emotionally
- Create an Inclusive Environment – Think “big picture”!
- Be a Problem Solver NOT a Problem Collector



The “Business” Case for Civility

- Reputation: How do you want to be known?
- Likeability= Credibility
- Efficiency: Courteous attorneys secure better results and faster resolutions for their clients.
- The view from the Court: Judges do not look kindly on rude conduct and court personnel are less likely to help a “jerk”.



Practical Strategies For Fostering Civility

- Communicate !! Early and often.
- Think before speaking or hitting “SEND”.
- Avoid personal attacks – focus on the *legal* issues.
- “Each one influence one”: Build a bridge toward a better culture.
- Be a role model for respectful behavior.



Individual Control and Happiness



Focus on things you
CAN control

Lawyers already have control issues.
We cannot control others, but we
can control our own reactions.

*Changing thoughts
changes feelings!*

Implementing Civility As Self-Care

- Set personal boundaries- know when to say “No”.
- Use polite, clear and direct communication – say what you mean.
- Don’t argue for the sake of arguing- pick your battles.





USE QUICK STRESS-BUSTERS

- Pause – lean back- give your eyes a rest for a couple minutes.
- Take three deep breaths and imagine your muscles relaxing from head to toe.
- Be mindful. Focus on the immediate present. Enjoy the moment.
- Stretch. Walk around your office or go outside.
- Maintain a sense of humor about yourself.
- Vary your routine. Don't get trapped in a rut.
- Prioritize at work and home and manage your time effectively.
- **ASK FOR HELP.** Talk it out with someone you trust.

Boundaries: Disconnect

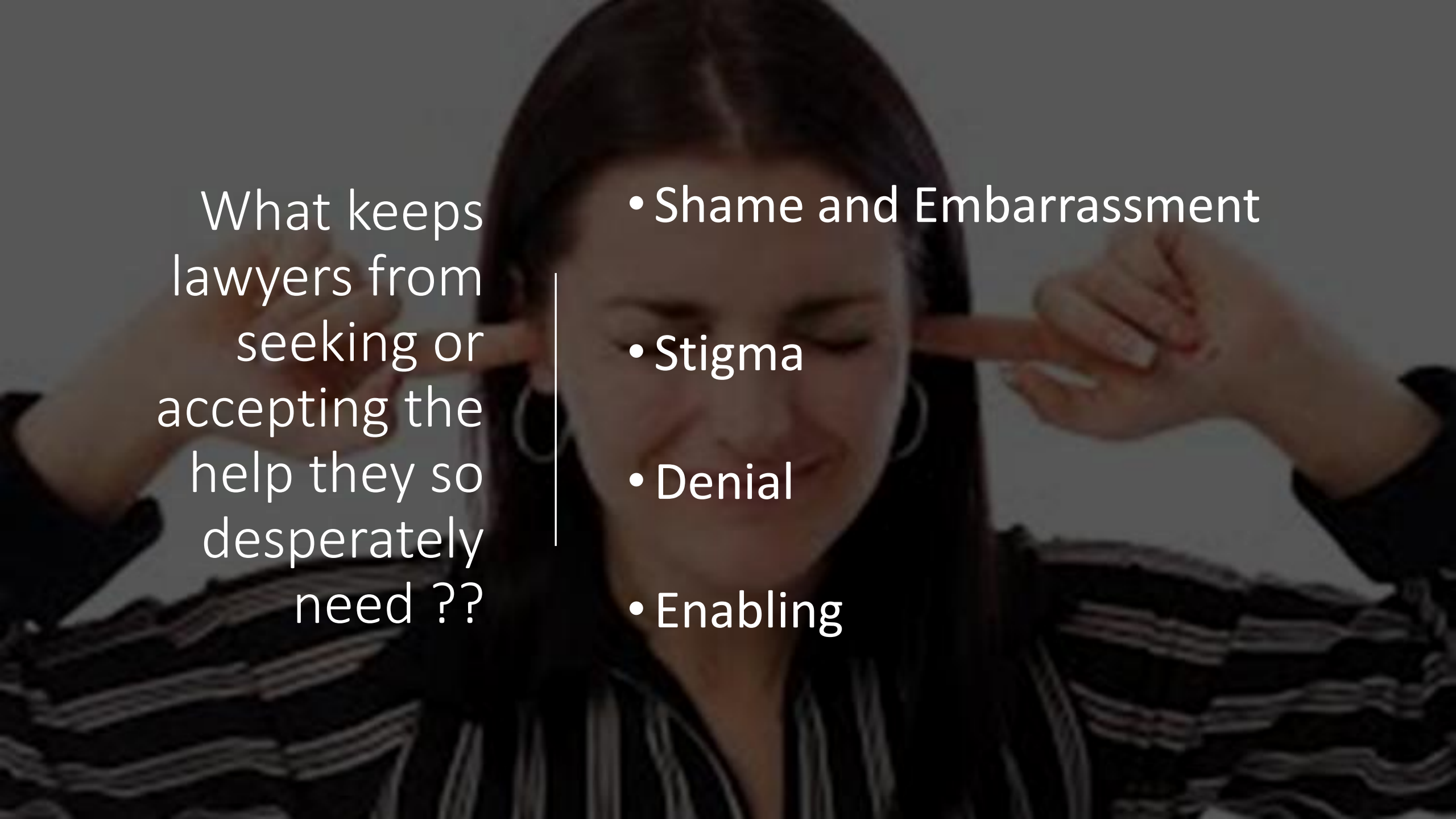
- Turn off notifications.
- Do not charge your phone beside bed.
- Do not keep phone with you during meals, exercise, or social activities.
- Read a book or magazine rather than your phone or tablet.
- Get away from your PC to do some work, take healthy breaks from the screen, and don't take the laptop with you on weekends or vacations.





MORE QUICK STRESS-BUSTERS

- Meditate and/or pray. CONSISTENT stress reduction occurs with only 10 minutes of daily meditation
- Unplug from social media when acutely stressed.
- Exercise.
- Eat a healthy diet.
- Cultivate a positive attitude.
- Sleep 8 hours/ night when possible.
- Avoid overuse of alcohol or prescription drugs. These short term “fixes” just mask the problem and can lead to negative health and social consequences.

A woman with long dark hair, wearing a black and white striped shirt, is covering her ears with both hands. Her eyes are closed, and she has a pained or distressed expression. The background is a solid dark grey.

What keeps
lawyers from
seeking or
accepting the
help they so
desperately
need ??

- Shame and Embarrassment
- Stigma
- Denial
- Enabling

Dealing with *Denial*

- The most potent barrier
- Psychological defense mechanism
- Rationalize and minimize behavior
- Honestly believe they are under control
- I'm not one of "them" mentality





Lawyers who do not appropriately address their personal issues can harm their clients, destroy their own careers, damage the reputation and viability of their law firms, and sometimes even lose their lives.

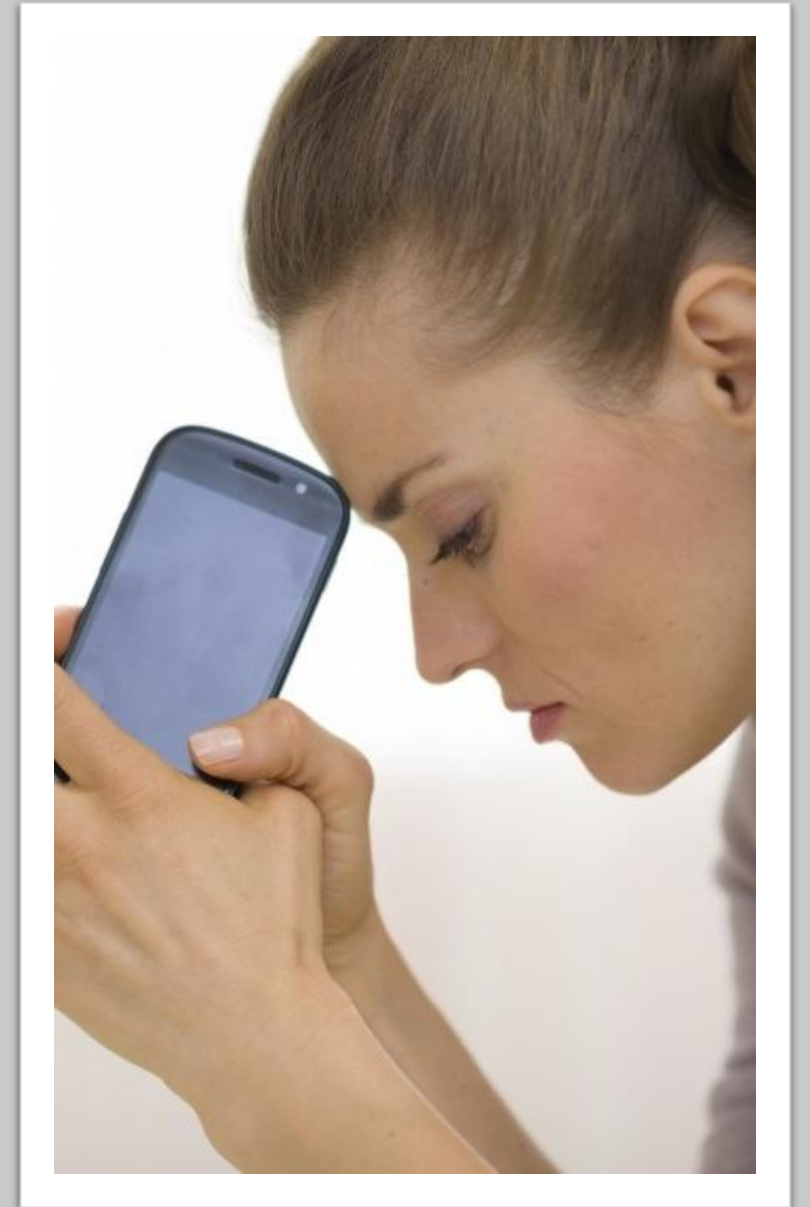


To Call LCL/JCJ... or Not to Call

- I'm ok. I can work this out for myself.
- I'm not like a "real" alcoholic anyway.
- I want help but I don't want anyone to know.
- Will I be reported to Discipline?
- I already tried to get help and it didn't work.
- I don't have the money to pay for treatment.
- What will people say about me if I ask for help ?
- It's no use – nobody will understand – I give up !

To Call LCL/JCJ ...or Not to Call

- Is this really any of my business?
- I want to help but I don't want to get involved.
- Will I harm his/her or the firm's reputation?
- Must I report him or her to Discipline?
- I already tried to help and it didn't work.
- Let's wait and see. Maybe it will get better.
- I really don't have time for someone else's problems.



What can
YOU do ??



Although it is difficult, remember that your end goal is to help motivate the impaired lawyer or judge to seek professional help they so desperately need.



**Remember, every month, every day,
every *moment* is the opportunity
to live a new cycle— we don't have to
wait until a new year to start a cycle!
Being a healthy lawyer or judge is *part* of
being a good lawyer or judge.**

Disorder In The Court:

The Crossroads of Incivility and Wellness in The Legal Profession

Thank you all for attending today's Continuing Legal Education program.

If you have any questions that were not answered or would like to contact me for any reason, please call or email me **confidentially** at the following:

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