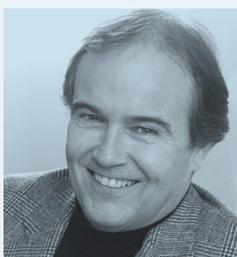




LAWYERS ASSISTANCE PROGRAM



Derek LaCroix, Q.C.

As the Executive Director of the Lawyers Assistance Program, I have had the opportunity to speak directly with hundreds of lawyers throughout the province. The following observations may be of interest and value to everyone practicing in this demanding profession.

What is LAP?

LAP – Lawyers Assistance Program provides confidential outreach, support, education, and referrals for members of the legal community (lawyers and their families, judges, support staff and law students) suffering from alcohol and/or chemical dependence, stress, anxiety, depression or just about any type of personal problem.

Be Part of the Solution

If you believe a lawyer needs help, you can be part of the solution. Rather than gossip, be compassionate. Take action. Concerned colleagues, family or friends can call LAP for prompt, effective and confidential advice and assistance.

You can reach LAP at 604-685-2171 or toll free 1-888-685-2171.

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LEGAL COUNSEL

What's it All About Alfie?

The most common complaint expressed within the legal profession is a lack of meaning or sense of fulfillment from work.

This is stated more directly by older practitioners as boredom, lack of job satisfaction, just getting through each day, turning out work without time to contemplate, turning out product for clients like a machine, and lack of connection to clients, which is often expressed as lack of client loyalty. Legal professionalism has been eroded by the need for volume, speed and uniformity of work product.

The younger practitioners tend to express this lack of meaning or sense of fulfillment differently. They ask, "What good am I doing?" They express a lack of control over work or life. They worry about the demands of clients, and that there is little opportunity for them to utilize creative thinking. They also ask if they can have a life and practice law, or is the practice of law all consuming? Women ask the additional question "Can I have a family and children?"

Even though many of the people I see aren't making much money, not one person has had lack of money as the number one complaint. Some mention it as an indication of hard work for low return and frustration.

A common statement is that people like much of the actual legal work, such as research, interviewing clients and witnesses, trials, preparing documents and advising clients. Often, though, they feel overwhelmed by the business and by the procedural details or paper trail exercises required. Many have expressed doubts about our legal system. There seems to be doubt that justice is being served.

Another common complaint is isolation.

Lawyers who have been around awhile complain that collegiality has eroded if not ended. There is little of the old hanging around in the barristers' rooms or coffee shops anymore. Participants of the various seminars offered by LAP enjoy the opportunity to relate with other lawyers in a less postured and more personal way. Their most common feedback is "I didn't know so many others had similar thoughts or felt the same way."

Very frequently lawyers are reluctant to talk to a fellow lawyer, even a partner or associate, about personal problems. They seem inexperienced at having any kind of personal (non-professional) interaction. When distressed lawyers call me, I am often the first person they have ever talked to about their problems.

Young lawyers and articling students seem to be given files with little supervision and also are reluctant to ask for help. I note that a manifestation of this is that few trial lawyers take articling students or junior lawyers along to trials. This probably applies to other areas of practice also.

This may be related to a problem I see building with older lawyers. The older lawyers are now expected to bill like everyone else and they have little time or energy for mentoring. I think this contributes to loss of job satisfaction and a sense of meaning for the older lawyers, and a breakdown in the mentoring system that helped younger lawyers learn about Law as a profession.

There is increased distress among lawyers resulting from a sense of loss of control regarding their own work and life.

There seems to be a sense that they are locked in as lawyers. I frequently hear "If I could do anything else I would." This leads to a belief of lack of control over their lives. In 1993 when I left the practice of law, 17 of 19 lawyers I talked to about the move made similar statements. These were lawyers in their forties.

There seems to be reluctance for lawyers to try new methods or ideas in regards to practicing law. I think this is partly because of the type of person who goes into law, partly because the nature of law is to look to the past to predict the future, and partly because the members are afraid the Law Society will be disapproving of a new idea.

There is a general idea that the Law Society does not promote the well-being of lawyers and is a stern watchdog. This also reflects the sense of isolation by lawyers. They do not generally feel supported against clients or against public antipathy. They feel alone.

Most lawyers I speak with have little or no financial planning and many older lawyers have no significant retirement plans. This contributes to the sense of powerlessness and being trapped.

Loss of control is exacerbated by Legal Services when they vary rates, delay payment, and vary entitlement to legal aid. The lawyer experiences loss of control over finances, including how to meet overhead and manage cash flow. This creates great uncertainty and that uncertainty, more than low income, is the biggest complaint I hear from these lawyers.

Many Lawyers Have Difficulty Setting Boundaries.

They end up with too much work, frequently without proper retainers, or with unreasonable expectations for time or volume. They take clients they don't really want, or work they are not suited for. They have difficulty creating balance in their lives. They often have trouble knowing when enough is enough.

There is a culture within the law that expects and promotes overwork. The nature of the work of lawyers is to have their work reviewed, analyzed and judged and the standard to which lawyers are held is very high. The type of individual who goes into law is often susceptible to overwork and inability to set boundaries.

Research by Brewster indicates that 31.9% of lawyers come from family systems (parent, spouse or child) with an alcohol problem compared with, Pharmacists 27.6% and Physicians 25.3%, (and for the general population 14%). Typical symptoms of people from this type of system are:

- inability to set boundaries
- perfectionism
- inability to share (or even feel) feelings
- striving for achievement (at any cost).

These symptoms are frequently present in the individual lawyers I have met with.

There is an overemphasis in law on rational thought and we tend to forget or become impervious to the emotional and spiritual implications. There is a common idea that knowledge is the answer to everything and many of the lawyers I have talked with define knowledge as objective, provable ideas and information. They feel badly if they are not acting purely rationally.

Stop Procrastinating

This can be seen with a problem such as procrastination. The lawyers think if they only get more information they will stop procrastinating. They look to outside sources and information for answers to questions that require self-knowledge and self-awareness. Most lawyers have enough information and knowledge. It is in using it effectively in their own lives that they stumble. The person then tends to exacerbate the situation by trying harder, by becoming more rational.

In this atmosphere of rationality there seems to be a hesitancy to reach out for help and be vulnerable. I commonly hear that lawyers think of themselves as problem solvers and they "should" be able to solve all their own problems. A further result of this emphasis on rationality is that many individuals also seem to lack a sense of passion or imagination.

On a particularly positive note, I think there is a tremendous, underlying, sense of goodwill by the practitioners I have talked to. They want to be of service and they want to help. Many have lost the knowledge of how to do that. In dealing with clients they are mired in the technical details of producing a product and of managing a practice and billing. In dealing with other lawyers they are unsure of how to approach another lawyer in a straightforward personal manner. With some coaching and encouragement the enthusiasm, dedication

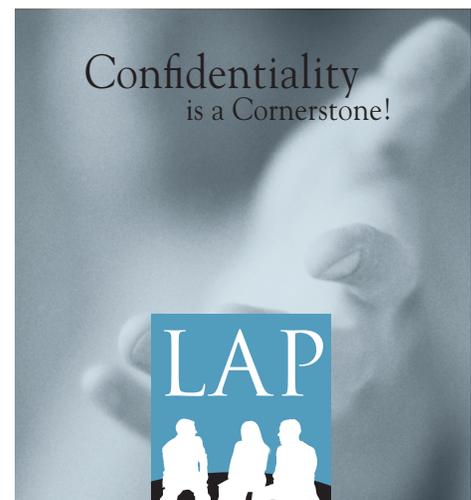
and goodwill that most members exhibit is encouraging.

Share Your Thoughts

I hope you will take the opportunity to discuss some of these observations with your colleagues. It may be interesting to find out how relevant these issues are to many within the profession, how much we all have in common, and how good it feels to share our concerns and personal thoughts with each other.

Get Involved

LAP is taking initiatives that promote more "personal" interactions between individuals and is developing a network of volunteers across the province to be a vital part of that communication process. LAP is promoting workshops and support groups to get lawyers meeting and interacting more personally. Also the "Healthy Living" workshops are designed to help lawyers to recognize and deal with feelings and to explore issues of meaning and purpose. We are available and look forward to the opportunity to talk with you or others to explore the nature of the Law in these changing times and how we can help lawyers. Call us at 604-685-2171 or toll free 1-888-685-2171.



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Call today. We can help.

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