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Suicide in the Legal Profession

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Suicides continue to devastate our legal profession here in Tennessee. As one would both compassionately expect and solemnly respect, most cases are not publicized, and the most intimate facts and circumstances of suicide deaths often remain untold. We continue to suffer these losses nonetheless, and each occurrence devastates families, friends, peers and the profession.



The truth is that we in the legal profession are at a greater risk for suicide than those in the general population, simply because we suffer such high rates of depression and substance use disorders.

In 2016, the watershed study “The Prevalence of Substance Use And Other Mental Health Concerns Among American Attorneys” revealed a 30% depression rate and 20% problematic alcohol use rate.¹ A year later in 2017, an American Bar Association (ABA) Taskforce published “The Path to Lawyer Well-Being,” a report that included a “clarion call” to all stakeholders in the profession, encouraging everyone to implement better strategies to promote lawyer well being and reduce our odds of developing a mental health issue.²

It is the beginning of a courageous and much needed sea change. In just the last five years, and as never before, lawyers have been empowered to speak candidly and openly about the pressure of the practice and how it can harm many of our peers.

Consequences range from being miserable in the practice all the way to losing one's life via suicide or substance use poisoning.

The jury is in and the verdict is clear. Self-care is critically important in today's fast-paced profession. If we are to attenuate our high rates of mental health issues, our corporate culture must mandate self-care.

As for reducing suicides, self-care is important but we must also care for our peers who may be suffering, especially those at risk for suicide. This will require normalizing the protocol of asking a distressed peer if they are okay, and also clearly asking if they are having thoughts of self-harm.

The Texas Lawyers Assistance Program recently produced a very powerful video centered on trying to reduce suicides. Its title says it all: "Just Ask: How We Must Stop Minding Our Own Business in the Legal World."³ Suicide is a very painful topic, but I nonetheless encourage everyone to watch this video. You will hear from suicide survivors and learn more about how we can do our best to help prevent suicides.

There is also a plethora of information about depression and suicide on the extensive website www.lawyerswithdepression.com, founded by lawyer and nationally recognized depression survivor, Dan Lukasik. On that site you will find the article entitled "Do You Ever Really Know the People You Practice With?" written by Ohio attorney Tabitha Hochscheid, which centers on the suicide of her law partner, Ken Jameson, a "universally respected, consummate professional" who by all outward appearances seemed to be enjoying life.⁴

According to Hochscheid, no one suspected that Jameson, a "self-confessed perfectionist," was suffering from depression. But in April of 2011, Jameson suffered a pinched nerve in his back and underwent surgery in May. He seemed to be recovering well, but on May 22, without warning, Jameson took his own life. According to Hochscheid, "As the next few days unfolded, details began to surface. Following the back procedure he checked in with people at the office and seemed like his old self. He visited his mother and called his best friend. But all the while, Ken was meticulously planning to take his own life. People were in a state of shock and disbelief."

In hindsight, Hochscheid's law firm sees warning signs: "It's easy now to look back and see the signs of Ken's depression (sleep deprivation, self-criticism, a feeling of letting others down, a search for answers and inability to allow others to help) and to wonder what, if

anything, could have changed the outcome. Time, however, does not give us this luxury and these questions will never be answered. The best that can be done is to acknowledge that Ken's illness, depression, can be deadly."

In 2014, CNN published an article "Why are Lawyers Killing Themselves" that focuses on lawyer suicide.⁵ There is also a tremendous amount of information at the National Suicide Prevention's "988 Suicide & Crisis Lifeline" that can be accessed at www.suicidepreventionlifeline.org.

Suicide risk factors that particularly affect lawyers and judges include mood disorders such as depression and anxiety disorders, alcohol and substance disorders, hopelessness, aggressive tendencies, job or financial loss, loss of relationship, lack of social support and sense of isolation, and the stigma associated with asking for help.

Suicide warning signs include thinking or talking about things such as wanting to die, feelings of hopelessness or having no reason to live, feelings of being trapped or in unbearable pain, and being a burden to others. Also, beware of behavior that includes increased use of alcohol or drugs; being anxious, agitated or reckless; sleeping too little or too much; withdrawing or isolating from others; showing rage or talking about seeking revenge; or displaying extreme mood swings.

All the while, the underlying, disconcerting truth is that no one is immune to depression, alcoholism, addiction or other mental health challenges that can lead to suicide. We can't predict who will be beset with suicidal ideations any more than we can conclusively predict the incidence of cancer or diabetes.

What we certainly can do, however, is better arm ourselves with knowledge that helps us identify even subtle signs that a peer may be suffering. Lawyers are very high functioning and exceptionally skilled at hiding any weaknesses. Of course, this skill is very productive in the practice of law, but it can be devastatingly harmful in the realm of mental health. Isolation is a destructive trap and it fuels depression and substance use issues.

We can be ready to confidently step up, act and support a peer who we are worried about. There is a recognized approach to fighting suicide called QPR (Question, Persuade, Refer). QPR is essentially the CPR (Cardio Pulmonary Resuscitation) of mental health and, just like learning CPR to address heart attacks, QPR requires a little bit of training.⁶

Unlike a physical CPR effort, a QPR intervention simply requires a specific type of active listening and support that allows a suffering person to feel heard and connected. Isolation allows a person to conclude that ending life is the only solution. Having someone willing to reach out and simply sit and listen with an open and compassionate heart is often the inflection point where a suicidal person finds a new kernel of hope.

QPR is not counseling or a treatment for someone who is suicidal. It is a simple intervention based in love and compassion that is designed to crack the isolation and favorably present an option of being referred to a mental health professional. The slightest ray of sunlight can make a huge difference.

All that said, myths and misunderstandings about suicide still abound. One highly prevalent myth is the belief that if someone is going to commit suicide, there is nothing anyone can do to stop them. On the contrary, suicide is considered one of the most preventable causes of death.

Sometimes people are fearful that asking someone about suicide will only make them angry and increase their risk of suicide. Actually, the opposite is true. In fact, asking someone about their suicidal intent has been shown to lower the person's anxiety, open up long overdue communications and lower the risk of an impulsive act.

The bottom line: we do not have to be mental health professionals to make a difference. But we will have to stop worrying about whether or not someone will be offended if we ask them if they are thinking of harming themselves. We must stop "minding our own business" when it comes to this issue. Can we prevent all suicides? Of course not. Can we learn best practices and QPR to help reduce suicides as much as possible? Absolutely!

Against the backdrop of all the above, when a suicide occurs, we will surely support each other through the overwhelming shock, pain and sorrow. Please also keep in mind that TLAP provides professional clinical support in such cases, including onsite trauma debriefing sessions for law firms and courts that have been directly impacted by a suicide.

For more information, contact TLAP at (615) 741-3238 or email to tlap@tlap.org. Also, Tennessee's Suicide Hotlines are listed at www.suicide.org. All calls to TLAP are confidential as a matter of law. |||



J.E. "BUDDY" STOCKWELL was appointed by the Tennessee Supreme Court in July 2020 as executive director of the Tennessee Lawyers Assistance Program (TLAP). He comes from south Louisiana where he has been a volunteer and program monitor for the state's Committee on Alcohol and Drug Abuse and the executive director of Louisiana's comprehensive Judges and Lawyers Assistance Program (JLAP) peer professionals' program. He is a certified clinical interventionist through "Love First" training at the Betty Ford Center and has personally been in recovery from alcoholism for over 38 years. Stockwell earned his law degree from LSU Law School in 1993. He practiced in both large and small firm settings, including a solo practice in Baton Rouge where he focused heavily on domestic litigation. Read more about him at tba.org/Stockwell.

NOTES

1. P.R. Krill, R. Johnson, L. Albert. "The Prevalence of Substance Use And Other Mental Health Concerns Among American Attorneys." *Journal of Addiction Medicine*, 2016 (20% alcohol abuse rate and 30% Depression Rate)
2. B. Buchanan, J. Coyle, et al. "The Path to Lawyer Well-Being Practical Recommendations for Positive Change." ABA National Task Force on Lawyer Well-Being, 2017.
3. The Disciplinary Board of the Supreme Court of Pennsylvania. "Just Ask: How We Must Stop Minding Our Own Business in the Legal World." (June 28, 2021). <https://youtu.be/Q0O3I98jp0I>.
4. Tabitha M. Hochscheid. "The Suicide Of A Lawyer With Depression: Ken's Story." Lawyers with Depression. (Sept. 3, 2011). www.lawyerswithdepression.com/articles/the-suicide-of-a-lawyer-with-depression-kens-story.
5. Rosa Flores, Rose Marie Arce. "Why Are Lawyers Killing Themselves?" CNN. (Jen. 20, 2014). www.cnn.com/2014/01/19/us/lawyer-suicides/index.html.
6. To become certified in QPR, visit <https://qprinstitute.com>.

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