

YOUNG LAWYERS DIVISION

Race from the Heat to Help a Good Cause

By Ariana Byrd, Thompson Law Firm

"It's a dry heat," they said, as temperatures soared north of 110 degrees in the Valley. We are in the "just get through it" month, as I call it. It feels like the folks in the Valley will never experience cooler weather again, unless, of course, you've escaped up north to the mountains or west to the beach. And, of course, it's Bar Exam month (best of luck to the examinees!). So yes, it is the "just get through it" month of the year for us in the Valley.

Nonetheless, cooler temperatures will come (eventually) and everyone will head back outside without melting. That's why our members need to start preparing for Race Judicata. On October 26, the Young Lawyers Division and Maricopa County Bar Association will be hosting the 15th Annual Race Judicata. I encourage everyone to at least purchase a ticket to attend and socialize with other MCBA members and their families. The Race will be held from 6 a.m. to 11 a.m., with an official start time of 7:15 a.m., at Sister Cities Garden at Kiwanis Park in Tempe. There will be a 5K race and a one-mile fun run. There will be food, music, and prizes for runners in all age categories.

Even if you don't consider yourself a runner, walker, or outdoorsy person, I encourage everyone to attend the Race not only to socialize with other MCBA members and their

families, but also because the ticket proceeds go to such great causes—the Chrysalis Shelter Necessities Drive and other Young Lawyer Division Community Service Programs. Tickets can be purchased through the MCBA's website (maricopabar.org) under the "CLE & Events" tab. Tickets for adults are \$25 and children (aged 5-17) can attend for \$15. Children under the age of 5 may attend for free.

What is the Chrysalis Shelter? The Chrysalis Shelter is a local domestic violence shelter. Its services include emergency shelter, offender treatment, victim advocacy, counseling, community education, and transitional housing. The Shelter is "focused on helping individuals and families break free of relationships riddled with fear and violence, and discover confidence, resilience, and hope." Chrysalis has been operating for thirty-seven years and has helped countless families recover from abuse. The proceeds collected from Race Judicata will support the Chrysalis Shelter Necessities Drive, and the Young Lawyers Division and MCBA will use the ticket proceeds to purchase items to donate to the Drive. To find out more information on the Chrysalis Shelter and how you can help, please visit their website at noabuse.org.

The Sister Cities Garden at Kiwanis Park is located at 5500 S. Mill Avenue, Tempe AZ 85283. ■

Q&A

LAWYER LIABILITY AND ETHICS



Attorney Mental Health—Not to be Ignored

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Although many attorneys are what people would call high-functioning, they are not immune from depression. Attorneys are actually 3.6 times more likely to suffer from depression than non-attorneys, according to the American Psychological Association. It's almost certain that you or another attorney you know is one of the nearly 30 percent in our profession who experience depression. So, what can attorneys and law firms do to help manage this mental health challenge?

There is no easy answer. In late 2018, the American Bar Association launched a campaign addressing mental-health and substance-abuse issues. The campaign, which includes a seven-point framework for building a better future, stemmed from reports that attorneys have the highest rate of problematic drinking of all professions. The framework asks firms to provide mental health education; break from the status quo of drinking-based events; develop visible partnerships with outside mental health resources; provide confidential access to mental health experts and free in-house assessments; create policies to support treatment of substance abuse and mental health problems; consistently demonstrate that help-seeking and self-care are core cultural values; and to highlight the adoption of the well-being framework to attract and retain the best lawyers and staff. To date, forty of the nation's largest two hundred firms have signed a pledge adopting the framework.

Some of the risk factors that contribute to depression, anxiety, and substance abuse within the profession are common among those individuals drawn to the profession and likely are not completely avoidable. Several surveys indicate attorneys are among the highest scorers in pessimistic thinking. Attorneys are required to scrutinize situations and think critically about all possible problems. To go along with this, the legal profession creates competition among attorneys. During law school, students are told that professional success requires the highest grades. Practicing attor-

neys regularly try to outperform each other, as much of the legal practice is adversarial. These professional pressures combined with certain personality traits can lead to problems with mental health.

Left unaddressed and untreated, mental-health problems such as depression and anxiety can have adverse effects on an attorney's practice and that attorney's ability to represent a client with competence (as required by Arizona Ethical Rule 1.1). Attorneys suffering from mental health problems or substance abuse are likely to negatively affect client relationships, as up to 80 percent of alcohol abusers experience cognitive impairment that is most severe in executive functions such as planning, organizing, and problem-solving. One study suggests that up to 70 percent of disciplinary proceedings and malpractice claims against lawyers involve substance abuse, other mental health problems, or some combination of both. Moreover, failure to address these problems presents a risk to the attorney's license to practice and the firm's bottom line.

In 2016, the ABA's Commission on Lawyer Assistance Programs, in conjunction with the Hazelden Betty Ford Foundation, published a study focusing on attorney well-being of nearly 13,000 practicing attorneys. Among their findings was that up to 36 percent of attorneys experienced problems with drinking, while 28 percent experienced some level of depression. Based on the findings, the Commission encouraged firms to take action, as lack of well-being is a key contributor to high turnover rates. The study found that over 40 percent of attorneys reported they were "likely or very likely" to leave their current law firms within the following year. The study estimated that the turnover could cost larger firms \$25 million every year.

Some firms have recognized the stresses attorneys face and have made strides toward addressing mental health, including the implementation of comprehensive wellness programs, deemphasizing alcohol, providing mental-health coaching, and allowing for mediation and mindfulness at work. However, there is still room for improvement, and for the sake of the profession and each other, we must all continue to make these efforts. ■

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