

# 2020: Ethics & Mental Health

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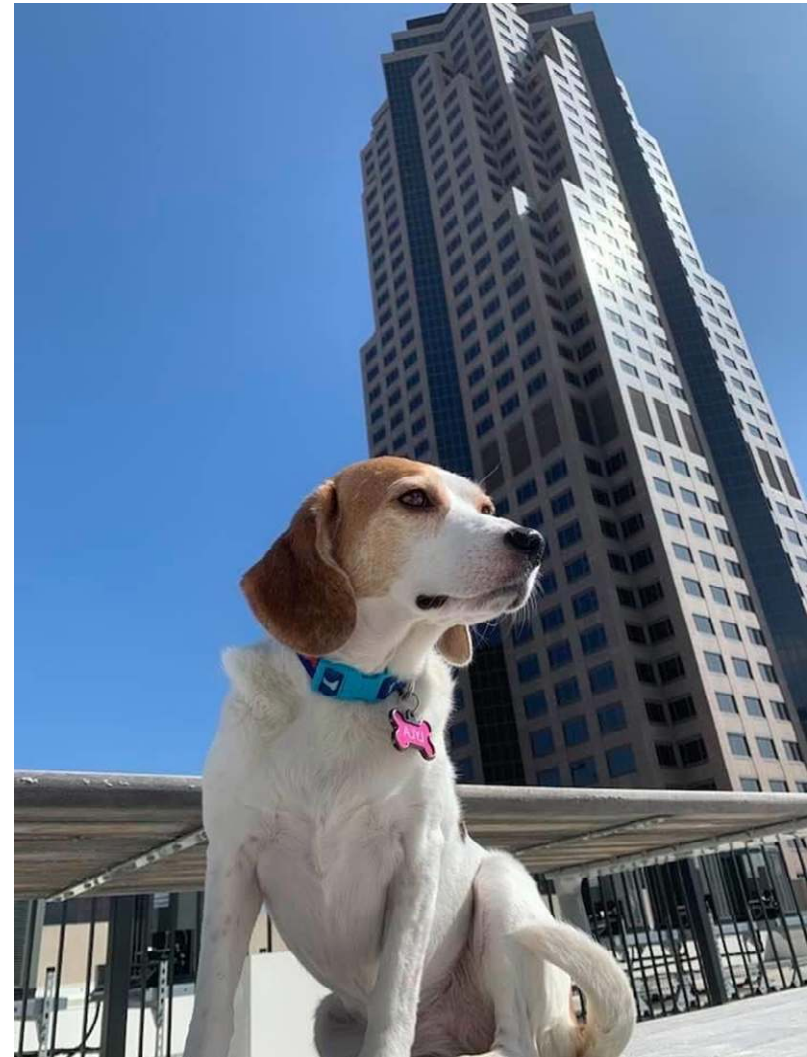


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# About me

- Dog dad to Lyla (pictured right)
- Attorney at Whitfield & Eddy Law
- Practice in the following areas:
  - Divorce law
  - Family law
  - Mental health law
    - Advise mental health professionals
    - Litigation concerning mental health records and testimony



# Presentation

- Part One: Ethics overview in light of COVID-19
- Part Two: Mental health
- Part Three: Questions



# Our basic duties as lawyers

- “In all professional functions a lawyer should be competent, prompt, and diligent.”
  - Iowa Rules of Professional Conduct, Preamble: A Lawyer’s Responsibilities, Section 4.
- Our lack of self-care and attention to our mental health can cause us to not meet our basic duties as lawyers



# Continuity & COVID: Diligence

- Iowa Rules of Professional Conduct
  - 32:1.3: Diligence
    - A lawyer shall act with reasonable diligence and promptness in representing a client
      - [1] A lawyer should pursue a matter on behalf of a client despite opposition, obstruction, or personal inconvenience to the lawyer, and take whatever lawful and ethical measures are required to invoke a client's cause or endeavor
- Lesson: We must adapt using technology and other means to be sure we act with diligence and promptness despite the pandemic. Our clients deserve nothing less.



# Continuity & COVID: Communication

- Iowa Rules of Professional Conduct
  - 32:1.4: Communication
    - A lawyer shall:
      - Promptly request for client’s informed consent before decisions are made;
      - Consult with clients about achieving objectives;
      - Keep client informed about case status;
      - Comply with reasonable requests for information;
      - Consult with client regarding limitations;
      - Provide enough explanation to the client so he/she is able to make informed decisions regarding representation.
- Lesson: We can do all these things through Zoom, telephone, and e-mail. Keep a log through billing records of your efforts.



# Working Remotely: Iowa Rules of Professional Conduct

- 32:1.1: A lawyer shall keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology
  - Lesson: You must know how to operate a computer so you can fully utilize EDMS, Westlaw, and other tools now likely only available via the internet
    - Tip: The time for change is now – rapid implementation is possible!



# Working Remotely:

## Iowa Rules of Professional Conduct

- 31:1.6(d): A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client
  - Lesson: Keep paper files locked; change your passwords, use a virtual private network, and be sure you take precautions to protect client security
    - Tip: Now is the time to explore new systems including cloud billing and cloud-based practice management systems.





# Too much stress?

## Modify your case load.

- Iowa Rule of Professional Conduct 32:1.1.16 requires lawyers to decline or withdraw from representation if the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client.
  - Comment [1]: A lawyer should not accept representation in a matter unless it can be performed competently, promptly, without, improper conflict of interests, and to completion.
- Lesson: While we want to help everyone, sometimes helping the clients you have now is your best choice.



# CDC Primer: Mental Health

- Definition: includes our emotional, psychological, and social well-being; affects how we think, feel, and act; helps determine how we handle stress, relate to others, and make choices



# CDC Primer: Mental Illness

- Definition: conditions that impact a person's thinking, feeling, mood, or behavior; can be chronic or occasional; affect a person's ability to relate to others and function each day
- Examples: depression, anxiety, bipolar disorder, and schizophrenia



# CDC Statistics as of 2018

- More than 50% of Americans diagnosed with a mental illness or mental disorder at some point in life
- Each year, 1 in 5 Americans will experience a mental illness
- At some point in life, 1 in 5 children will experience a seriously debilitating mental illness
- 1 in 25 Americans lives with a serious mental illness such as major depression, bipolar disorder, or schizophrenia



# What our clients face

- Anonymized examples from friends throughout the state
- Clients face:
  - Foreclosures
  - Divorces
  - Involuntary commitments
  - Insolvency of multi-generational family businesses
  - Layoffs
  - Failed business mergers
  - Employee-employer violence
  - Multi-year litigation



# What we face

- Anonymized examples from friends throughout the state
- Lawyers face:
  - Mental health issues including depression and anxiety
  - Marital strife
  - Extended family financial obligations
  - Overextension of professional responsibilities to clients
  - Childrearing issues
  - Displeasure with law practice areas



# Do we truly care about ourselves and our mental health?

- Truly: Do we care about ourselves and our mental health?
  - Regular checkups (primary care physician)?
  - Regular mental health check-ins (therapist/psychologist)?
  - Time set aside for ourselves (only us – no one else!)
    - Hobbies
    - Reading
    - Walking
    - Being alone



# There for us?

- Who is there for us when we are in need?
  - Clients? No.
  - Colleagues? Some.
  - Family? Some.
  - Friends? Some.
  - Ourselves? **MUST.**
    - We must continuously check with ourselves and ask:
      - How am I? (No, really, how am I?)
      - What can I do for myself? (Time for myself away from work and others)





# So, what do we do?



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# Watch for burn-out

- World Health Organization defines burn-out as a syndrome resulting from chronic workplace stress that has not been successfully managed.
  - Characterized by three dimensions:
    - Feelings of energy depletion or exhaustion;
    - Increased mental distance from one's job, or feelings of negativism or cynicism related to one's job; and
    - Reduced professional efficacy.
- Note: Burn-out is in the International Classification of Diseases, but is not classified as a medical condition.



# Avoiding burn-out

- In the legal field, we are entrepreneurs
- We get to have *some* fun!
- Examples of what I have done to connect what I do with humor while working from home during the pandemic



# Find humor in my practice area



# Mix my love of dogs with my love of divorce law



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# How to *Thrive*: Meaningful Work

- Anne Brafford – “A Big Idea for Thriving Lawyers: Meaningful Work”
- Biggest driver of work engagement = meaningful work
- What is meaningful work?
  - Work that is significant to us
  - Work that facilitates personal growth
  - How we treat others
  - How others treat us



# How to Make Work Meaningful

- Anne Brafford – “A Full Life”
- *Prioritize positivity*: Plan your day to work toward a smooth workflow that allows you to find meaning
- *Experiment*: Practice law in a way that is authentic to you
- *Value high-quality relationships*: Make sure others know they matter and make sure they recognize that you matter
- *Continuously learn*: Take opportunities to learn more about your area of law
- *Appreciate your positive impact*: Know that you help others



# Anxiety and Stress: Coping Strategies

- Anxiety and Depression Association of America – “Tips to Manage Anxiety and Stress”
- Time-Out: Give yourself time to move away from conflict
- Sleep: Get enough
- Do your best: We are humans, which means perfection is not possible
- Humor: A good laugh goes a long way
- Positive Attitude: Even during the darkest times, think of positives





# Summary

- You are not alone
- Just because we are lawyers does not mean we are superheroes
- Ask for help
- Routinely see your primary care physician
- Therapy is a great tool for personal growth
- Do not be afraid



# Questions/Comments?



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*Contact me with questions or comments:*

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