

EXAMINING LAWYER, JUDGE & LAW STUDENT WELL-BEING IN NEBRASKA

Fall 2021

Report by:

**The Nebraska Task Force on Lawyer, Judge
& Law Student Well-Being (2019-2021)**

Table of Contents

- I. Summary
- II. Background
 - A. Well-Being Focus Explained
 - B. Purpose of Task Force
 - C. Composition of the Nebraska Well-Being Task Force
- III. Challenges to Lawyer, Judge and Law Student Well-Being
 - A. Introduction
 - B. Substance Use Disorders
 - C. Mental Health Disorders
 - D. Cognitive Loss
 - E. The Reluctance to Seek or Accept Help
- IV. Nebraska Well-Being Initiatives
 - A. Law Schools
 - B. Nebraska State Bar Association and Other Professional Organizations
 - C. Regulators: Courts, Attorney Services, Admissions and Discipline
 - D. Nebraska Lawyers Assistance Program
 - E. Employers
 - F. Malpractice Carriers
- V. Confronting the Remaining Challenges
 - A. Stigma Associated with Substance Use and Mental Health Disorders
 - B. Financial Resources for Lawyers to seek Treatment
 - C. Resources for Employers to Promote Mental Health
 - D. Legal Regulator policies to promote help-seeking behavior
 - E. Challenging the alcohol-centered nature of the profession
 - F. Resources for Rural Practice Lawyers
- VI. Closing Thoughts

Summary

The following report is provided as a resource to legal professionals, employers, educators, and judges in Nebraska. This work is the culmination of a comprehensive review of the well-being of our lawyers, judges and law students by the Nebraska Task Force on Lawyer, Judge and Law Student Well-Being.

Background

Why is Promoting Well-Being our Focus?

A recent report on the state of lawyer mental health defines well-being as “a continual process of seeking to thrive in each dimension of one’s life: Emotional, Occupational, Intellectual, Spiritual, Physical, and Social.”ⁱ It is important to note that well-being does not merely focus on treating the most severe mental health, substance use and cognitive disorders that affect legal professionals but also focuses on the ability for individuals to improve their well-being regardless of their starting point. We want to promote good personal well-being, not just avoid the most severe mental health impacts.

The focus on lawyer, judge and law student well-being has several motivations. First, we are a profession of people and despite the importance of our work, we should not sacrifice the individual health of our people simply to meet professional demands. Secondly, there is a strong correlation between healthy lawyers and meeting the ethical requirements needed to serve our clients effectively.ⁱⁱ Finally, it is good for legal employers. Healthy lawyers tend to perform better, are less likely to leave their jobs (or the profession) and have more satisfied clients.ⁱⁱⁱ

The Nebraska legal community has been concerned about lawyer well-being issues as early as the 1980’s when the Nebraska State Bar Association (NSBA) formed the Committee on Drugs and Alcoholism. That work intensified with the creation of a formal, staffed program in 1996, called the Nebraska Lawyers Assistance Program (NLAP). As a formal Lawyers Assistance Program, the

Nebraska Lawyer Well-Being Timeline:

1985 – Drug and Alcoholism Committee of the NSBA was formed.

1996 – NLAP was created with a part-time staff. Drug and Alcohol use disorders were still a primary focus, but the mission also expanded to include mental health, other addictions.

2002 – The NLAP Director became a full-time position.

2016 – A comprehensive study of lawyer well-being was published by the ABA and the Hazelden-Betty Ford Foundation.

2016 – A national law student well-being study was released.

2017 – The National Task Force on Lawyer Well-Being was formed.

2018 – A proposal for a Nebraska state level well-being task force was submitted.

2019 – The Nebraska Task Force on Lawyer, Judge and Law Student Well-Being was formed.

2020 – The National Judicial Stress and Resiliency Survey was published.

2021 – The Nebraska Well-Being Task Force published its findings.

mission of NLAP expanded to include assistance in addressing not only substance use disorders but also other conditions that impact our legal professionals, including mental health disorders, stress management, cognitive loss, and gambling addiction.

For decades, limited study was conducted of lawyer and law student well-being. While anecdotal evidence told us that mental health and substance use disorders were impacting lawyers and law students, it was difficult to quantify the frequency and severity of those impacts. However, in 2016, two important studies were released that provided a better understanding of the state of lawyer and law student well-being.

The first study entitled, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, was conducted by the American Bar Association and the Betty Ford/Hazelden Foundation and published in the Journal of Addiction Medicine.^{iv} This study examined data from a comprehensive survey of over 12,800 lawyers in 16 different jurisdictions. This has been the most comprehensive review of lawyer well-being published to date, and this study presented an in-depth review of the rates of chronic stress, depression, anxiety, and alcohol use disorders among attorneys.

Later that same year, *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, was published in the Journal of Legal Education.^v Over 3,400 law students from 19 law schools participated in this anonymous survey of law student well-being. This study also provided insight as to why a significant number of law students were reluctant to seek help when they are affected by a mental health or substance use disorder.

The release of these two studies pushed the well-being conversation forward by providing current, comprehensive data, as well as as a launching point for conversations about how to bring about sustainable, positive change in lawyer and law student well-being. In short order, various national stakeholders within the legal profession formed the National Task Force on Lawyer Well-Being. This task force set out to achieve five primary goals:

- 1) Identifying stakeholders and their roles
- 2) Eliminating stigma
- 3) Emphasizing well-being as an indispensable part of a lawyer's duty of competence
- 4) Educating lawyers, judges, and law students
- 5) Taking incremental steps toward change

The task force then analyzed the data, gathered input from various stakeholders who can bring about positive change and issued a final report with recommendations for the profession. Their work culminated in the release of *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* in August of 2017. That report included 44 recommendations for implementation by the profession, some of which were directed to specific stakeholder groups and others to the entire profession. The National Task Force on Lawyer Well-Being recognized that much of the work to implement their recommendations would happen at the state level.

NLAP then took the initiative to propose a Nebraska state level task force to implement change within our legal community. In the fall of 2018, a proposal to create a state level well-being task force was submitted by NLAP to the Nebraska State Bar Association and the Nebraska Supreme Court. The

proposal garnered strong support, and in the spring of 2019, the *Nebraska Task Force on Lawyer, Judge & Law Student Well-Being* (“Nebraska Well-Being Task Force”) was launched. The Nebraska Well-Being Task Force brought together the primary stakeholders within Nebraska’s legal community with the purpose of sustained improvement in lawyer, judge, and law student well-being within our state. During its existence, the Nebraska Well-Being Task Force reviewed and documented well-being initiatives in the Nebraska legal community and identified additional areas for improvement.

Purpose of Nebraska Well-Being Task Force

Having the benefit of the National Task Force work, the Nebraska Well-Being Task Force developed similar goals and procedures. The Nebraska Well-Being Task Force examined the well-being work that currently existed as well as initiatives that are underway or planned by various stakeholders. Their work is based on the premise contained in the National Task Force Report: If each stakeholder within the Nebraska legal community effectuates consistent, positive change within the stakeholder’s area of influence, then sustainable change will be achieved for the profession.

The legal profession is not going to be revolutionized overnight, but we will continue to push the profession to evolve in a way that benefits, rather than hinders, the well-being of the individuals who work within the legal profession. Further, this work should not be considered complete. We will need to measure the effectiveness of our efforts, adjust course when necessary, and continue to innovate new ways promote healthy, resilient lawyers and provide them the tools to not just survive but thrive within the legal profession.

Composition of the Nebraska Well-Being Task Force

In 2017, NLAP created an *NLAP Advisory Committee* to help provide guidance on how to best help our lawyers, judges, and law students. The *NLAP Advisory Committee* became the foundation for the Nebraska Well-Being Task Force as it already had representation from many of the key stakeholders within the Nebraska legal community. The Nebraska Well-Being Task Force then added representation from legal regulators (discipline, admissions, and attorney services), the NSBA Executive Director (in addition to the NSBA Executive Counsel liaison), and an attorney in rural practice. **While the NLAP Advisory Committee and the Nebraska Well-Being Task Force have been provided general statistical information on NLAP clients, we want to make clear that neither the Task Force nor the Advisory Committee was privy to the identity or any identifying information about the individual lawyers, judges and law students assisted by NLAP. Communication with NLAP is governed by strict confidentiality rules contained in Neb. Ct. R. of Prof. Cond. § 3-501.6(c) (Confidentiality) and § 3-508.3(c) (Duty to Report).**

Nebraska Well-Being Task Force Members:

Judges

Hon. Jeffrey Funke
Nebraska Supreme Court

Hon. Rick Schreiner
District Court – First Judicial District

Hon. Robert C. Wester
County Court – Second Judicial District

NSBA

Liz Neeley
Executive Director of the NSBA

Jason Doelee
Stratton, DeLay, Doelee, Carlson, Buettner &
Stover, P.C., L.L.O.

Attorneys

Joe Kelly (2021-present)
Chief of the Criminal Bureau, Nebraska
Attorney General's Office

Aimee Bataillon (2021-present)
Fiedler Law Firm, PLC

Audrey Sauter (2019-present)
Angle, Murphy & Campbell

Terry Grennan (2019-2021)
Cassem, Tierney, Adams, Gotch & Douglas

Teresa Hampton (2019-2021)
Nebraska Department of Health & Human
Services

Legal Regulators

Mark Weber
Nebraska Counsel for Discipline

Carole McMahon-Boies
Administrator of Nebraska Attorney Services
Division – Nebraska Judicial Branch

Law Schools

Marc Pearce
Assistant Dean of Student Affairs and
Administration
University of Nebraska College of Law

Richard McFayden
Associate Dean for Student Affairs and
Administration
Creighton University School of Law

Mental Health Practitioner

Dr. Stacey DeLanoit (2021 – present)
Complete Behavior Health

Jerome Barry (2019-2021)
Former Director, Independence Center,
Pastoral Care & LifePointe (Bryan Health)

You will note that some members of the Nebraska Well-Being Task Force rotated on and off the Task Force during its existence based on predetermined terms of certain positions. Further, this work is not intended to be the exclusive domain of the Nebraska Well-Being Task Force, and we want to acknowledge that many individuals and organizations are contributing to the effort to improve well-being within the profession. We encourage anyone interested in this work to contact NLAP to facilitate collaboration and share ideas on how to continue implementing positive change within our profession.

Challenges to Lawyer, Judge & Law Student Well-Being

Introduction

The challenges facing legal professionals and law students are not new. While the data from the 2016 ABA/Hazelden Study revealed that the rates of mental health and substance use disorders vary by age, we do not see this as a generational issue. All age groups within the profession have challenges and, in most cases, exceed the average occurrence rates existing within the United States population.

The 2016 ABA/Hazelden Study also revealed that though there are differences in the occurrence rates between men and women as it applies to specific disorders, each gender has its challenges. For instance, the study revealed that male lawyers tend to have higher rates of problem drinking, but female lawyers still have occurrence rates higher than the general population. Similarly, female lawyers tended to screen positive for anxiety more frequently than male lawyers but screen positive for depression less frequently than their male counterparts.

In this section, we will quantify the most significant challenges facing our legal professionals. This discussion is only intended to be a summary and for a more in-depth review, readers are encouraged to read the two studies and the national task force report referenced in the background section.

Substance Use Disorders

NLAP was originally created to provide resources to help treat substance use disorders within our profession. As early as 1990, research suggested that lawyers' struggles with alcohol were an underappreciated problem within our profession.^{vi} Untreated substance use disorders have a significant negative impact on individuals, families, the legal profession, and society. For example, legal regulators have recognized the correlation between ethical violations and substance use disorders. For example, the state of Missouri estimates that in 40-60% of their ethical violations, a substance use disorder was a contributing factor to the lawyer's unethical behavior.^{vii}

When we examine the findings from the 2016 ABA/Hazelden study some alarming trends are revealed. Lawyers were screened for problem drinking, using generally accepted screening questions from the mental health profession. The screening questions not only explore the frequency and quantity of alcohol use but also the continued use of alcohol despite negative impacts alcohol had on the individual (e.g., legal, financial, physical health, and relationships). Problem drinking as used in this study was defined as hazardous with possible dependence. A

concerning 21% of lawyers screened positive for problem drinking, as compared to 7-9% for the general population. Even more alarming is the 32% positive screen for problem drinking among lawyers under the age of 30. There is also the concern that the demands of our profession are a contributing factor in developing alcohol use disorders. The study found that 44% of the individuals who screened positive for problem drinking indicated that they developed their problem drinking after entering the profession.

Lawyers are experiencing alcohol dependency at a rate *three times* the United States adult population.

The instances of problem drinking decline as lawyers age, although all ages of lawyers had higher instances of problem drinking than the general population. Other demographic differences were revealed by gender and type of employment. Male lawyers screened positive 25% of the

time while female lawyer positive screenings were at a 16% rate. Lawyers working in law firms had the highest problem drinking rates (23.4%), compared to lawyers working in government/non-profits (19.2%), solo practice (19%), and corporate in-house law departments (17.8%).

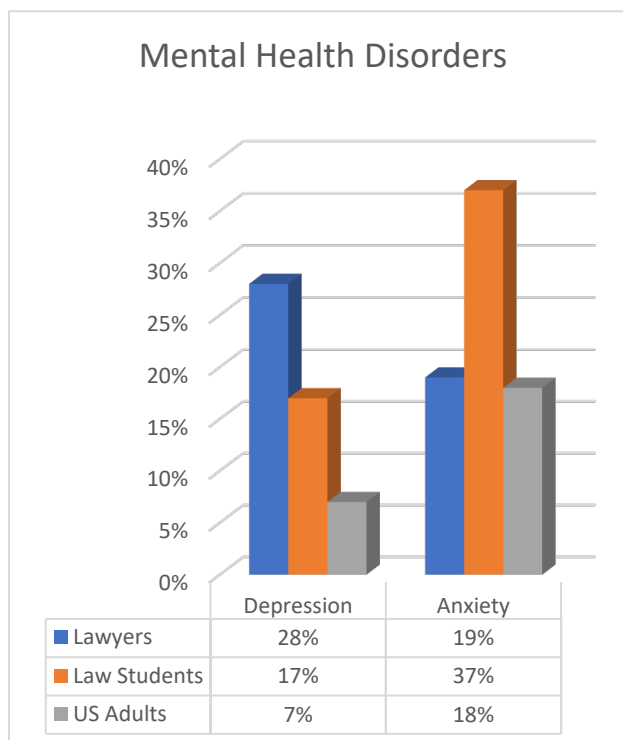
Mental Health Disorders

A variety of mental health disorders affect our lawyers, judges, and law students. The two most prevalent in the legal profession are depression and anxiety. In the two studies cited above, lawyers and law students were screened for risk of depression and anxiety utilizing screening tools from the mental health profession. While screening tools are not a substitute for a mental health assessment, the screening tools do indicate if someone is experiencing symptoms and may be at high risk for a particular disorder.

The Hazelden/ABA study found that 28% of lawyers were experiencing symptoms of depression. Though the Suffering in Silence law student study found that law students' risk of depression disorders was notably lower at 17%, it was still more than twice the rate in the U.S. adult population.

In screening for symptoms of anxiety, 19% of lawyers had concerning symptoms. Comparatively, in the Suffering in Silence study, an alarming 37% of law students had symptoms of anxiety. When law students' anxiety disorders were scaled based on severity, 23% of those law students had mild to moderate anxiety and 14% had severe anxiety.

In conjunction with the mental health screening questions which identified high risk individuals, the study also asked participants about their perception of their own mental health. When asked about concerns regarding depression, 46% of lawyers stated that at some point during their career they had a concern they might be depressed. Similarly, when



asked about anxiety, that number rose to 61% indicating a concern about anxiety at some point during their career.

The two studies cited above also revealed that 12% of lawyers had contemplated suicide during their legal careers and 6% of law students seriously consider suicide during law school. The mental health profession has recognized a correlation between untreated depression and substance use disorders and suicide attempts.

The Hazelden/ABA study also found that 23% of lawyers were experiencing problematic levels of stress. Stress is not necessarily bad. However, high levels of stress which persist over time puts lawyers at increased risk for physical health impacts (e.g., heart disease, high blood pressure, diabetes, and reproductive disorders) and mental health impacts (e.g., increased risk of depression and anxiety). There is also a correlation between poorly managed stress and increased risk of substance use disorders. According to the National Institute on Drug Abuse, in 38% of patients with a substance use disorder, the patient has a co-occurring mental health disorder.^{viii} It is important that both disorders are diagnosed and treated concurrently to achieve the best outcomes.^{ix}

Cognitive Loss

Another significant issue is cognitive loss that is often associated with age. Data indicates that of Americans aged 65 and over, 20-25% experience mild cognitive impairment and 10% suffer from some form of dementia. This data is particularly concerning as our attorney population has aged. The average age of a lawyer has increased over the past two decades. Now 13% of lawyers are aged 65 and older, which is a 44% increase since 2011. We are not suggesting that lawyers should not practice after reaching a predetermined age. While various forms of dementia do affect Nebraska lawyers, and in particular older lawyers, we want to emphasize that it is only a minority. It should also be noted that mild cognitive loss is not necessarily an issue that requires a lawyer to exit the profession, but it may require some modification in work.

Data indicates that of Americans aged 65 and over, 20-25% experience mild cognitive impairment and 10% suffer from some form of dementia.

Unlike mild cognitive loss, the cognitive issues accompanying moderate to severe dementia can have a significant impact on the lawyer's personal and professional life. The two leading causes of dementia are Alzheimer's disease and vascular disease (e.g., stroke). By 2025, it is estimated that 40,000 Nebraskans will be diagnosed with Alzheimer's disease.

The Reluctance to Seek or Accept Help

Compounding the high levels of mental health and substance use disorders within the legal profession is the reluctance of lawyers and law students to seek help. In the Hazelden/ABA study, the participants who were screened as high risk for alcohol or drug dependency were asked if they had ever received any type of alcohol/drug treatment. Only 7% answered in the affirmative. Similarly, of the lawyers who self-identified as having anxiety or depression, only about one-third had ever received any mental health treatment. Studies of law students paint a similar picture.

The reasons for not seeking treatment are many. Both within the legal profession, as well as society generally, there still exists a stigma around mental health. We often view and judge mental health

disorders differently than most physical health ailments. The cost of treatment can be a barrier as well. Lawyers also fear that information about their mental health will impair their reputation, affect their employment, lead to professional disciplinary action, and chase away clients. Additionally, when it comes to substance use disorders, denial is a symptom of the disease. A lawyer simply may not recognize how significantly drugs or alcohol are negatively impacting his or her life. While the reasons are many, we believe that the legal profession can transform from a help-reluctant to a help-seeking profession. Change will require intentional, persistent action by all stakeholders who can influence positive change.

Nebraska Well-Being Initiatives

Introduction

When the National Well-Being Task Force was created, its members acknowledged that much of the governance and policy that affects our lawyers, judges and law students occurs at the state level. Their recommendations were offered in part as a starting point for state-initiated task forces. Part of the work undertaken by the Nebraska Well-Being Task Force was to review the recommendations offered by the National Well-Being Task Force and determine their applicability in our state. We did not take the position that stakeholders must adopt the National Task Force recommendations or that all would be applicable in our state. Rather, we used the national recommendations as a guide and discussion points. We also discussed initiatives that may not be directly covered by the National Task Force recommendations but were identified by the Nebraska Well-Being Task Force as useful to improve lawyer well-being. For example, we discussed resources that would be beneficial to NLAP clients who were victims of domestic violence. **Appendix A** contains a summary of the National Task Force Recommendations.

Law Schools

When assessing how to promote resiliency and personal well-being within the legal profession, we need to start with how we educate our lawyers. We were fortunate that both law schools located in the state of Nebraska were represented on the Nebraska Well-Being Task Force. Our review of programs, policies and initiatives within the law schools have identified a commitment by our law schools to address the mental health of our law students as a necessary component of legal education.

The Nebraska Well-Being Task Force identified the following policies, programing and initiatives offered by our two law schools:

- **Law School Orientation.** During law school orientation, both law schools discuss the importance of healthy stress management, addressing any mental health concerns and professional resources available to students.
- **Well-Being Programing.** Similarly, both law schools offered a multi-session first-year law student program, which includes a discussion of mental health, alcohol use, drug use, and healthy stress management. Several individual professors from each law school have also fostered discussion of well-being issues as part of their curriculum.

- **On-Site Professional Resources.** Both law schools have on-campus, free counseling services through the university counseling office.
- **On Campus Support Groups.** Both law schools offer on-campus support groups for students. Examples of this resource include groups focused on victims of sexual violence, grief, relationships, and 12-step meetings for students affected by alcohol or drug use disorders.
- **NLAP Referrals.** The law schools have referred students to NLAP when the student may benefit from interaction with NLAP and its volunteers. This also creates the opportunity to bridge support for these students when they graduate law school and enter the legal profession.
- **NLAP Presentations in the Law School.** NLAP frequently presents on topics in both law schools, including first-year wellness programs, professional responsibility classes and townhalls.
- **Participation in Profession-Wide Well-Being Efforts.** Law school administrators have demonstrated a commitment to law student and lawyer well-being through their participation in profession wide efforts, including participation on the NLAP Advisory Committee and the Nebraska Well-Being Task Force.

Nebraska State Bar Association and Other Professional Organizations:

The Nebraska State Bar Association (NSBA) is uniquely situated to provide volunteer opportunities, collaboration, and education on well-being topics. The following well-being programming and resources offered by the NSBA were identified by the Nebraska Well-Being Task Force:

- **Well-Being Inspired Policies.** The NSBA is one of the few bar associations that has adopted a hospitality policy to promote responsible alcohol consumption at NSBA sponsored events. The policy was put in place in 1997 and revised in 2019.
- **NLAP Financial and Administrative Support.** The NLAP is housed within the Nebraska State Bar Association, which provides financial support, administrative services, IT support and office space to NLAP.
- **NLAP Education Support.** The NSBA provides NLAP a mechanism for educating and communicating with Nebraska lawyers through the NSBA social media accounts, *The Nebraska Lawyer* magazine, CLE platforms (live and on-demand), and section and committee activities.
- **NLAP Volunteer Support.** The NSBA provides a mechanism to recruit and organize the NLAP volunteer committee.
- **Well-Being Leadership.** NSBA leaders have utilized their position to speak about NLAP and issues related to attorney well-being. For example, several NSBA presidents have utilized the president's column in *The Nebraska Lawyer* magazine to discuss NLAP related topics. NLAP was originally created by NSBA leaders who petitioned to create a formal lawyers assistance program.
- **Health Insurance Consortium.** Paying for treatment can be a challenge without health insurance. The NSBA created the NSBA Health Insurance Consortium to allow law firms an additional option to provide affordable health insurance.
- **Participation in Profession-Wide Well-Being Efforts.** The NSBA Executive Director is a member of the Nebraska Well-Being Task Force. A member of the NSBA Executive Council is also a member of the Nebraska Well-Being Task Force and a permanent member of the NLAP Advisory Committee.

- **Funding for Treatment.** The Nebraska State Bar Foundation administers the Daniel J. Gross Fund, which provides financial assistance to lawyers in financial need. This fund has provided financial assistance to lawyers who have sought treatment for mental health or substance use disorders.

Regulators: Courts, Attorney Services, Admissions & Discipline

The Judiciary, including the Nebraska Supreme Court, individual judges, the Attorney Services Division, and the Counsel for Discipline have recognized the need to provide resources to address occurrences of mental health and substance use disorders within the profession. This support has come in a variety of avenues as discussed below:

- **Referrals to NLAP by the Counsel for Discipline.** The Counsel for Discipline has a rule that allows that office to make a referral to NLAP whenever there is a concern about a lawyer's well-being. Numerous referrals are made each year by the Counsel for Discipline to NLAP and are made with the understanding that any communication between NLAP and the lawyer will be subject to NLAP confidentiality rules.
- **Informal Disciplinary Diversion Program.** In 2019, Disciplinary Counsel began sending letters to lawyers charged with first offense driving while intoxicated. While not mandatory, the communication encouraged those lawyers to contact NLAP to discuss their situation. Since its inception, all lawyers receiving this letter have contacted NLAP and utilized this resource.
- **Conditional Admission.** In 2013, the Nebraska Supreme Court adopted a rule allowing for conditional admission to the practice of law. This rule provides that bar association applicants may be admitted to the practice of law with conditions when it is determined that the protection of the public requires the imposition of conditions and the temporary monitoring of the applicant in question for compliance with those conditions. In the case of substance use or mental health disorders, NLAP provides monitoring and support of applicants admitted through conditional admission. See Neb. Ct. R. § 3-311.
- **Disability Inactive Status.** The Nebraska Supreme Court adopted a rule allowing lawyers to request disability inactive status when the lawyer is incapacitated due to a physical or mental health condition. If granted, the lawyer's obligation to pay mandatory assessments and complete mandatory CLE are suspended. When the disability is removed, the lawyer may apply for reinstatement to active status. See Neb. Ct. R. § 3-308(B)(4).
- **Bar Commission Referrals to NLAP.** The Nebraska State Bar Commission has adopted procedures to allow the referral of applicants to NLAP when evaluating applicants with current substance use or mental health concerns. See Neb. Ct. R. § 3-316(F). These referrals are done in a manner to respect the NLAP confidentiality rules.
- **Mandatory CLE Rules regarding Well-Being.** Mandatory CLE rules have been modified to provide that CLE programs that educate lawyers on recognizing and addressing substance use disorders and mental health issues in the legal profession qualify for professional responsibility credit. See Neb. Ct. R. § 3-401.2(J).
- **NLAP Funding.** The Nebraska Supreme Court has provided partial funding to NLAP through a Memorandum of Understanding with the NSBA.

- **NLAP Referrals by Individual Judges.** Individual judges have made referrals to NLAP when the judge has a concern about the mental well-being of a lawyer.
- **Participation in Profession-Wide Well-Being Efforts.** Members of the Nebraska Supreme Court, District Court and County Court participate as members of the Nebraska Well-Being Task Force, as well as the NLAP Advisory Committee.
- **Well-Being Education and Leadership.** The Attorney Services Division has provided a platform for NLAP to conduct well-being related CLE as part of court sponsored events. The judiciary has provided well-being related topics to judges through Judicial Branch Education. Individual judges have stressed the need for well-being resources and discussed well-being related topics at Court sponsored CLE programs and within legal related organizations (e.g., Inns of Court).

Nebraska Lawyers Assistance Program (NLAP)

NLAP was established in 1996 and its services are available to all Nebraska lawyers, judges, and law students. As discussed previously in this report, communication with NLAP is protected by court rule.

NLAP has a three-pronged mission. First, to help lawyers, judges and law students who need assistance with mental health, substance use disorders, cognitive loss, gambling addiction, stress management or other types of mental health conditions. Second, to help employers, co-workers, friends, and family who want to help a lawyer, judge or law student who may be struggling. Third, to provide education and outreach on NLAP related topics, including tools for lawyers to be proactive about their mental health and resiliency.

NLAP provides the following services to the profession:

- **NLAP Helpline.** NLAP operates a helpline for individuals to call to get information. The helpline is available seven days a week.
- **Resource Identification.** NLAP monitors and reviews professional mental health resources and support groups within Nebraska, as well as out-of-state facilities. Individuals can call NLAP to get recommendations for therapists, psychologists, psychiatrists, and treatment centers.
- **Coordination of Long-Term Support.** Recovery from mental health or substance use disorders often require a long-term approach. NLAP, through the Director and its volunteers, provide on-going support to individuals working through the treatment process.
- **Education to lawyer and Judges.** NLAP typically conducts 10-15 CLE programs a year on well-being related topics, including a free, two-hour presentation at the NSBA Annual Meeting that averages over 500 attendees.
- **Education and Outreach to Law Students.** Annually, NLAP conducts multiple educational programs within each law school, including information provided during orientation, first-year law student wellness programming and professional responsibility classes.
- **NLAP publications.** NLAP publishes the *Wellness Brief* in each issue of *The Nebraska Lawyer* magazine. NLAP utilizes social media, email and the NLAP webpage to provide information regarding lawyer, judge, and law student well-being related topics.
- **Guidance and Coaching.** NLAP provides guidance and coaching to people who call NLAP because they are concerned about a lawyer, judge or law student. This service may include coaching on

how to start a difficult conversation with a person who is struggling, resource identification, or a request by someone that NLAP reach out directly to offer help.

- **Monitoring Support Services.** When a lawyer has been identified as having a mental health, cognitive or substance use disorder that contributed to his or her violation of the Nebraska Rules of Professional Conduct, the Court may require the lawyer to be monitored by NLAP to ensure the lawyer continues to treat his or her condition upon reinstatement to the practice of law. Similar services are provided as part of conditional admission, as discussed above.
- **NLAP Usage Data.** NLAP publishes a quarterly report regarding NLAP usage. A copy of the 2020 year-end report is attached as Appendix 2.
- **Well-Being Leadership.** NLAP coordinates the NLAP volunteer committee to assist colleagues in need. The NLAP Director and NLAP volunteers conduct extensive education and outreach within the profession. The NLAP Director initiated the process to begin the Nebraska Well-Being Task Force.
- **Participation in Profession-Wide Well-Being Efforts.** The NLAP Director and several NLAP volunteers are members of the Nebraska Well-Being Task Force. The NLAP Director also coordinates the NLAP Advisory Committee.

Legal Employers

The most challenging group to engage in this process was legal employers. This is a diverse group, with various employer types, practice areas, sizes, and locations. The approach to lawyer well-being can also vary significantly based on personal experiences and attitudes toward topics like mental health and alcohol/drug use within the profession. Finally, unlike many of the other stakeholder groups, there is not a single governing entity to issue policies or drive change.

Some firms have adopted specific policies and practice structures to promote lawyer well-being. Others have discussed or contemplated promoting employee well-being but, in practice, little change may have been implemented. A lack of resources, cost, employee privacy, and having enough time to focus on this issue are frequently cited by employers as challenges to reaching their goal. The following are examples from specific employers on initiatives to promote employee well-being:

- **Policies on Vacation and PTO.** Firms have adopted policies that allow employees to take breaks from work and then structure work to allow the employees the ability to take advantage of this benefit without fear that it will be viewed negatively by their employer. Some firms provide for a sabbatical benefit that allows lawyers to take a one-time extended break from work to pursue other interests.
- **Parental Leave Policies.** Firms offer paid parental leave to focus on family after the birth of a child, in some cases 12-16 weeks.
- **Working from Home.** Firms allow employees to work from home periodically. This allows employees a break from the office, the ability to care for a sick child/parent/spouse, and to spend more time with family by foregoing commuting time.
- **Adopting Mental Health Treatment Policies.** Some firms have adopted policies on leave to allow a lawyer the flexibility to address a mental health condition, ensuring it is in parity with leave for physical health.

- **Billing Requirements and Profit Structure.** Some firms have modified billing requirements to promote better life-balance and to reward employees based on value to the client, not just hours billed. Similarly, other firms have modified profit sharing structures to reward value other than just hours billed, or time spent in the office.
- **Open discussions about Mental Health.** Some firms encourage periodic, open discussions about mental health as part of firm and manager/employee communications.
- **Policies on After-Hours/Weekend Communication.** A few firms have adopted policies that discourage non-urgent communications during evenings and weekends. The expectation is that if a matter is not urgent, then communication is sent only during work hours. This alleviates employee's belief that they need to constantly monitor and respond to e-mail during non-work hours.
- **Providing Mental Health Training.** Firms have provided managers and employees training to recognize the warning signs for mental health distress and instruction how to encourage employees to seek help.
- **Providing Free Access to External Counselors.** Some firms have provided free access to external mental health professionals.
- **Modeling Behavior.** Managers within the firm are held accountable for modeling the correct behavior when it comes to employee well-being. Statements and policies mean little unless the leaders of the firm demonstrate their commitment through their actions.

Malpractice Carriers

Legal malpractice carriers recognize that a healthy lawyer carries less risk. Conversely, untreated alcohol, drug and mental health disorders correlate to a higher risk of malpractice claims. Our discussions with legal malpractice carriers indicate that some have begun to devote resources to lawyer well-being initiatives. Malpractice carriers can motivate legal employers to dedicate resources to lawyer well-being through their underwriting and pricing of legal malpractice insurance. They also can use their contact with policy holders to promote a healthier profession.

- **Education.** Some legal malpractice carriers offer lawyer well-being education and resources on their websites and through direct communication with policy holders.
- **Financial support of Lawyer Assistance Programs.** Some legal malpractice carriers provide direct donations to help fund lawyer assistance programs. For example, Minnesota Lawyers Mutual donates annually to NLAP and other state lawyer assistance program to help fund well-being programming.

Confronting the Remaining Challenges

Stigma Associated with Mental Health and Substance Use Disorders

The stigma surrounding the diagnosis, treatment or even public acknowledgement of a mental health or a substance use disorder is often cited as a barrier to lawyers seeking help for these types of conditions. While this stigma is not limited to the legal profession, it certainly influences lawyers' help-reluctant behavior. We frequently treat mental health differently than physical health. Often acknowledging depression, anxiety, alcohol, or drug disorders results in judgment by others rather than viewing those disorders as medical conditions, which can and should be treated.

Though there is no quick fix to eliminate the stigma associated with acknowledging a mental health or substance use disorder, creating positive change is possible. Frequent conversations by leaders in our profession (e.g., judges, law firm partners, bar association leadership, and law school administrators) on well-being related topics are necessary.

A lack of information or misunderstanding is another contributor to stigma. The Nebraska Well-Being Task Force believes that granting professional responsibility credit on wellness related CLEs was a significant step forward to bringing accurate information to our profession. We would urge all lawyers to take advantage of this opportunity; to understand how to better care for ourselves and to help each other. The profession should also continue to obtain guidance from mental health professionals when determining how to best educate our lawyers, judges, and law students.

Financial Resources for Lawyers to Seek Treatment

Another common barrier to lawyers seeking professional help for an alcohol, drug, mental health, or cognitive disorder is the cost of treatment. Lawyers who are struggling may not have health insurance, or it often carries a large deductible if they do have health insurance. In those situations, paying for treatment can be a challenge and a deterrent to staying engaged with the treatment process for sufficient time to make sustained progress. Health insurers may also set significant limitations when mental health services will be covered.^x These limitations include inadequate provider networks, which lead to longer waiting periods to begin treatment, greater travel distances to see an in-network provider and unreasonable criteria to qualify for coverage. Further, coverage is often focused on alleviating acute symptoms rather than addressing underlying causes. Finally, insurance coverage does not typically cover proactive treatment sought prior to the onset of more debilitating symptoms.

One option utilized in the past to assist lawyers paying for treatment is the Daniel J. Gross Fund, which is administered by the Nebraska State Bar Foundation. The Gross Fund was established to *"aid the charitable and welfare purposes of active practicing Nebraska lawyers and their families through the relief of the poverty of such lawyers and their families."* NLAP has encouraged lawyers to apply to the Gross Fund when lawyers have indicated an inability to pay for therapy or drug/alcohol treatment. This fund has been responsive to these types of applications. However, this fund has its limits (e.g., not available to

lawyers who have inactive licenses or who are suspended) and was not created solely for the purpose of providing funds to make mental health treatment available to a wider range of lawyers. Also, the requirement that lawyers submit information to prove they meet financial criteria is sometimes a deterrent.

A limited number of other jurisdictions have funding mechanisms to provide access to therapy or other types of mental health treatment. Some of these programs limit payment to services not covered by insurance or prior to the lawyer meeting his or her deductible. Others provide up to a specific number of therapy sessions annually to any lawyer who needs them, regardless of insurance coverage. Finally, several jurisdictions provide treatment through licensed mental health practitioners who are employees of the lawyer assistance program.

The Nebraska Task Force recommended that NLAP investigate treatment funding options available in other jurisdictions and report back to the NLAP Advisory Committee to determine if any of those options would be recommended for implementation in Nebraska.

Resources for Employers to Promote Mental Health

As noted above, assisting employers in establishing policies and practices to promote lawyer well-being and a help-seeking culture has several challenges. Employers have varying resources, mental health training, attitudes, experiences, and motivations when it comes to lawyer well-being. Often employers voice a desire to promote a mentally healthy workforce but lack the practical guidance to implement change.

First, the Nebraska Well-Being Task Force recommends providing firms with sample policies and guidance for legal employers to address the well-being of their employees. The sample policies and guidance should focus on two primary goals: (1) helping employers promote good employee mental health, creating a help-seeking culture and providing opportunities for employees to engage in healthy stress management; and (2) to assist employees who may be suffering from a current mental health, cognitive or substance use disorder and need professional help to address their condition. Examples for this type of resource include policies on vacation, sick leave, returning to the workplace after treating a condition, working from home, and providing firm sponsored healthy stress management opportunities.

Second, we recommend providing training opportunities for private and public employers to educate their lawyers and staff on how to recognize, inquire and respond to mental health, cognitive and substance use concerns existing within their workforce. This training should be considered essential for management and anyone who regularly manages other employees of the firm or organization. This training could also include utilizing self-assessments to provide employees with insight on their risk level for burnout, mental health, or substance use disorders, as well as recommendations for strengthening their resilience.

Finally, while the judiciary has previously provided well-being related education for its judges and staff, we would encourage the Office of Judicial Branch Education to continue to offer a variety of opportunities for judges and staff to promote their own well-being, as well as recognizing when fellow judges, staff or lawyers may need help.

Legal Regulator Policies to Promote Help-Seeking Behavior

Beyond legal employers, the Nebraska Well-Being Task Force discussed the need for other stakeholders to continue to identify and implement policies to create a healthier profession. Legal regulators are in a unique position to establish policies that promote help-seeking behavior and earlier treatment of mental health and substance use disorders. As discussed above, Nebraska Counsel for Discipline has adopted policies to implement proactive management-based regulation, including policies promoting early detection and evaluation of possible mental health or substance use disorders.

The Counsel for Discipline indicated that he is considering the option to provide a self-assessment tool for lawyers to evaluate the current state of their practice and this evaluation would include a well-being module. The data entered during the assessment and feedback the lawyer receives would be confidential and not shared with Counsel for Discipline. The purpose of the tool would be to identify areas for improvement, not document violations.

Additionally, Counsel for Discipline discussed the desire to add specific language in the disciplinary rules to emphasize the correlation between being a healthy lawyer and a competent lawyer. This language would not alter a lawyer's duty of competence but acknowledges the role that untreated mental health, substance use or cognitive disorders can play in impairing a lawyer's ability to meet his or her ethical duties.

Finally, work still needs to be done to convince law students that seeking help for a mental health or substance use disorder during law school will not disqualify that person from obtaining a law license upon graduation. While rule changes have been implemented to encourage rather than discourage help seeking behavior among law students, misinformation or distrust of the licensing system is still a common barrier to treatment. Further education of law students by the Nebraska State Bar Commission, law school administration and faculty, and NLAP is needed to further promote a seeking culture within the law schools.

Challenging the Alcohol-Centered Nature of the Profession

The legal profession has long been an alcohol centered profession. A common assumption is that all lawyers drink and it's a rite of passage to the profession. It's not just a culture where drinking alcohol is accepted but is often expected. Because we work in a stressful and challenging profession, some lawyers may also turn to alcohol to deal with stress, anxiety, or other mental health challenges. The alcohol centered culture within the legal profession may lead to increased instances of unhealthy use, dependency or negative consequences for the individual, employers, courts, clients, and family of the lawyer.

Lawyers, judges, and law students may choose not to drink for a variety of reasons—health, pregnancy, religion, medical conditions, to avoid interactions with medications, or because drinking alcohol has created problems in the past. Whether and when a lawyer chooses to drink alcohol should be a personal decision, free of influence from co-workers, employers, and colleagues.

While research indicates that most lawyers do not have alcohol dependency, a significant minority are exhibiting signs that their use of alcohol has moved beyond social consumption to harmful and dependent use. The Nebraska Well-Being Task Force is not suggesting that lawyers do not consume alcohol, but it did discuss the need for legal employers and professional organizations to shift the legal profession culture from being alcohol centered.

For example, holding firm events like a wine tasting emphasizes the importance that alcohol plays in the event. The firm is signaling that those who do not drink are not welcome at this event. This could be contrasted to a golf event where alcohol may be consumed, but it is not the primary purpose of attending the event and non-drinkers may feel welcome. Another example would be for a firm to have a tradition that associates, and their boss have drinks after work each Friday. An associate may feel pressure to attend and drink alcohol to fit in with the firm, even if he or she does not wish to drink.

Shifting away from our alcohol focused culture begins with how we educate the next generation of lawyers. Our law schools have worked to create a culture with less of an alcohol focus at law school sponsored social events. However, student clubs and organizations are slow to follow, as law students report that many still center their events around alcohol. Similarly, when law firms conduct open houses and recruiting events, they are also still frequently centered around alcohol. Again, we are not suggesting an alcohol-free profession, but one that places less focus on alcohol consumption as the primary and most frequent social outlet for lawyers and law students.

Resources for Rural Practice Lawyers

Rural practice can present some unique challenges when addressing attorney well-being. The Nebraska Well-Being Task Force identified the lack of availability of mental health resources in some rural areas, privacy challenges when living in a smaller community and the prevalence of small and solo practice firms, with less resources to dedicate to well-being initiatives.

While the increased availability of telehealth and other technology has expanded access to mental health resources in rural areas (a positive consequence of the pandemic), the Nebraska Well-Being Task Force believes that additional study of this issue would be beneficial. NLAP suggested a subcommittee of NLAP volunteers from rural practice areas should be formed to provide greater insight on how NLAP can better serve them. The Nebraska Well-Being Task Force agreed that NLAP's proposal should be implemented.

Closing Thoughts

The ongoing efforts to improve lawyer, judge and law student well-being is important to the people who work within the legal profession, as well as the clients they serve. We emphasize that this report is not intended to be the finish line for this work, but a launching point for further well-being initiatives. While this report documents progress, much work is still needed to create a healthier legal profession. We now look to the broader legal community to join us in this effort. If you have questions or want to join our efforts, please contact the Nebraska Lawyers Assistance Program (NLAP) at [ag(402) 475-6527 or visit www.nebar.com/NLAP.

ⁱ National Task Force on Lawyer Well-Being, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* (2017) (ABA Report), cover letter by Task Force cochairs Bree Buchanan, Esq., Director, Texas Lawyers Assistance Program, State Bar of Texas, and James C. Coyle, Esq., Attorney Regulation Counsel, Colorado Supreme Court.

ⁱⁱ *Id.*

ⁱⁱⁱ *Id.*

^{iv} P. R. Krill, R. Johnson, & L. Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46 (2016).

^v M. Organ, D. Jaffe, & K. Bender, *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. LEGAL EDUC. 116 (2016).

^{vi} Benjamin GA, Darling E, Sales B. *The Prevalence of depression, alcohol abuse, and cocaine abuse among United States lawyers*. *Int J Law Psychiatry*; 13:233-246 (1990).

^{vii} Chambers, A. Y McDonald, A., *Substance and Other Addictions in the Legal Profession*, <https://mobar.org/site/content/Articles/Addiction/Addictions.aspx>, site visited 09/10/2021.

^{viii} National Institute on Drug Abuse, *Comorbidity: Substance Use and Other Mental Disorders* (2018), <https://www.drugabuse.gov/drug-topics/trends-statistics/infographics/comorbidity-substance-use-other-mental-disorders>, site visited on 9/10/2021.

^{ix} Substance Abuse and Mental Health Services Administration, *The Case for Screening and Treatment of Co-Occurring Disorders* (2021), <https://www.samhsa.gov/co-occurring-disorders>, site visited 9/10/2021.

^x National Institute on Mental Health, *Health Insurers Still Don't Adequately Cover Mental Health Treatment* (2020), <https://www.nami.org/Blogs/NAMI-Blog/March-2020/Health-Insurers-Still-Don-t-Adequately-Cover-Mental-Health-Treatment>, site visited on 9/10/2021.

Appendix A

National Well-Being Task Force Recommendations

RECOMMENDATIONS FOR ALL STAKEHOLDERS

1. Acknowledge the Problems and take responsibility
2. Use this report as a launch pad for a profession-wide action plan
3. Leaders should demonstrate a personal commitment to well-being
4. Facilitate, Destigmatize, and encourage help-seeking behaviors
5. Build relationships with lawyer well-being experts
 - 5.1. Partner with Lawyer Assistance Programs
 - 5.2. Consult Well-Being Committee and Other Types of Well-Being Experts
6. Foster collegiality and respectful engagement throughout the profession
 - 6.1. Promote Diversity and Inclusivity
 - 6.2. Create Meaningful Mentoring and Sponsorship Programs
7. Enhance lawyer's sense of control
8. Provide high quality educational programs about lawyer distress and well-being
9. Guide and support the transition of older lawyers
10. De-emphasize alcohol at social events
11. Utilize monitoring to support recovery from substance abuse disorders
12. Begin a dialogue about suicide prevention
13. Support a lawyer well-being index to measure the professions progress

RECOMMENDATIONS FOR JUDGES

14. Communicate that well-being is a priority
15. Develop policies for impaired judges
16. Reduce the stigma of mental health and substance abuse disorders
17. Conduct judicial well-being surveys
18. Provide well-being programming for judges and staff
19. Monitor for impaired lawyers and partner with lawyer assistance programs

RECOMMENDATIONS FOR REGULATORS (DISCIPLINARY COUNSEL AND ADMISSIONS)

20. Take actions to meaningfully communicate that lawyer well-being is a priority
 - 20.1. Adopt Regulatory Objectives That Prioritize Lawyer Well-Being
 - 20.2. Modify the Rules of Professional Conduct to Endorse Well-Being as Part of a Lawyer's Duty of Competence
 - 20.3. Expand Continuing Education Requirements to Include Well-Being Topics
 - 20.4. Require Law Schools to Create Well-Being Education for Students as an Accreditation Requirement
21. Adjust the admissions process to support law student well-being

- 21.1. Re-Evaluate Bar Application Inquiries About Mental Health History
- 21.2. Adopt Essential Eligibility Admission Requirements
- 21.3. Adopt a Rule for Conditional Admission to Practice with Specific Requirements and Conditions
- 21.4. Publish Data Reflecting Low Rate of Denied Admissions Due to Mental Health Disorders and Substance Use
- 22. Adjust lawyer regulations to support well-being
 - 22.1. Implement Proactive Management-Based Programs that Include Lawyer Well-Being Components
 - 22.2. Adopt a Centralized Grievance Intake System to Promptly Identify Well-Being Concerns
 - 22.3. Modify Confidentiality Rules to Allow One-Way Sharing of Lawyer Well-Being Related Information from Regulators to Lawyer Assistance Programs
 - 22.4. Adopt Diversion Programs and Other Alternatives to Discipline That Are Proven Successful in Promoting Well-Being
- 23. Add well-being related questions to the MPRE

RECOMMENDATIONS FOR LEGAL EMPLOYERS

- 24. Establish organizational infrastructure to promote well-being
 - 24.1. Form a Lawyer Well-Being Committee
 - 24.2. Assess Lawyer's Well-Being
- 25. Establish policies and practices to support lawyer well-being
 - 25.1. Monitor for Signs of Work Addiction and Poor Self-Care
 - 25.2. Actively Combat Social Isolation and Encourage Interconnectivity
- 26. Provide training and education on well-being, including new lawyer orientation
 - 26.1. Emphasize Service-Centered Mission
 - 26.2. Create Standards, Align Incentives, and Give Feedback

RECOMMENDATIONS FOR LAW SCHOOLS

- 27. Create best practices for detecting and assisting students experiencing psychological distress
 - 27.1. Provide Training to Faculty Members Relating to Student Mental Health and Substance Use Disorders
 - 27.2. Adopt a Uniform Attendance Policy to Detect Early Warning Signs of Students in Crisis
 - 27.3. Provide Mental health and Substance Use Disorder Resources
- 28. Assess law school practices and offer faculty education on promoting well-being in the classroom
- 29. Empower students to help fellow students in need
- 30. Include well-being topics in courses on professional responsibility
- 31. Commit resources for onsite professional counselors
- 32. Facilitate a confidential recovery network

- 33. Provide education opportunities on well-being related topics
 - 33.1. Provide Well-Being Programing During the IL Year
 - 33.2. Create A Well-Being Course and Lecture Series for Students
- 34. Discourage alcohol-centered social events
- 35. Conduct anonymous surveys relating to student well-being

RECOMMENDATIONS FOR BAR ASSOCIATIONS

- 36. Encourage education on well-being in coordination with LAP
 - 36.1. Sponsor High-Quality CLE Programming on Well-Being Related Topics
 - 36.2. Create Educational Materials to Support Individual Well-Being and “Best Practices” for Legal Organizations
 - 36.3. Train Staff to be Aware of Lawyer Assistance Program Resources and Refer Members
- 37. Sponsor empirical research on lawyer well-being as part of annual survey
- 38. Launch lawyer well-being committee
- 39. Serve as an example of best practices relating to lawyer well-being at bar events

RECOMMENDATIONS FOR MALPRACTICE CARRIERS

- 40. Actively support LAP
- 41. Emphasize well-being loss prevention programs
- 42. Incentivize desired behavior in underwriting law firm risk

RECOMMENDATIONS FOR LAWYER’S ASSISTANCE PROGRAMS

- 43. Collect data when lawyer impairment is a contributing factor to claims activity
- 44. LAP programs should be appropriately funded
 - 44.1. Pursue Stable, Adequate Funding
 - 44.2. Emphasize Confidentiality
 - 44.3. Develop High-Quality Well-Being Programing

Appendix B
NLAP 2020 Year-end Report

See attached

Nebraska Lawyers Assistance Program

**Advisory Committee Yearly Report
2020**

Submitted by:

Chris Aupperle

Director

Nebraska Lawyers Assistance Program

402-475-6527

caupperle@nebar.com

www.nebar.com/NLAP

NLAP CLIENT STATISTICS Jan - Dec 2020

Clients	Q1	Q2	Q3	Q4	# YTD
Lawyers	11	17	22	18	68
Law Students	4	7	2	1	14
Judges	1	0	1	0	2
Total =	15	26	25	19	84

Area of Practice	% YTD
Solo	26%
Law Firm	39%
Government	5%
Other/Retired/Unemployed	7%
In-house	4%
Law Students	17%
Courts	2%

Gender	% YTD
Male	62%
Female	38%

Primary Condition	% YTD
Substance Use Disorder	30%
Mental Health	23%
Dual Diagnosis (SU + MH)	7%
Physical Health	4%
Cognitive Decline	7%
Stress - Work/Life Balance	29%

Whether Clients pay NSBA Voluntary Dues	% YTD
Yes	48%
No	27%
Law Students	18%
Unknown	6%

Contacts by Non-Clients Jan - Dec 2020

New contacts to get help for someone else	Q1	Q2	Q3	Q4	YTD
Lawyers	8	4	7	7	26
Law Students	2	0	0	1	3
Judges	0	1	1	1	3
Family Member (non-lawyer)	0	0	0	0	0
Counsel for Discipline/ASD	4	4	5	3	16
Employer/Co-Worker/Friend (non-lawyer)	1	0	0	1	2
NLAP Committee Member	6	2	3	2	13
Total =	21	11	16	15	63

Other Contacts*	YTD
General NLAP Related Info	14
NLAP Educational Requests	13
Total =	27

*Excludes communication with NSBA, Attorney Services, Discipline, NLAP Committee and Law Schools.

NLAP Committee

69 lawyers and judges who volunteer their time to assist NLAP

Finalizing NLAP handbook for NLAP committee volunteers to utilize when assisting NLAP

Joe Dowding & Jon Jabenis 2020 Committee Co-Chairs

Provide peer-to-peer support of fellow lawyers, judges and law students

Assist with education and outreach

Education & Outreach

- ✓ Annual meeting Virtual CLE viewed by over 350 Lawyers
- ✓ On-Demand Programs viewed by 532 Lawyers
- ✓ Presentations in both law school to 1L and 3L students on multiple occasions.
- ✓ Successful Lawyer Well-Being Program in May
- ✓ Pivoted support groups to Zoom

2020 Highlights

- **Nebraska Task Force on Lawyer Well-Being:** Continued working with the Nebraska Task Force on Lawyer, Judge and Law Student Well-Being to review and documented wellness initiatives by various stakeholders within the Nebraska legal community. Publicized Task Force through education and outreach opportunities. Task Force is working on identifying gaps in well-being policies, programing and tools available within the Nebraska legal community.
- **NLAP Annual Meeting CLE:** Conducted CLE on how to encourage other to accept help. Utilized an experts from the mental health profession and alcohol treatment fields to assist in presenting the program via Webinar. The program the was viewed by over 500 lawyers.
- **Pandemic Response.** NLAP worked to identify resources for clients who were affected by the pandemic. This work included a shift of support groups to a Zoom platform, identifying treatment options when pandemic restrictions limited access and working with providers who were able to conduct tele-therapy through secure platforms. NLAP also monitored data and research during the pandemic to identify possible areas to need and demographics within the legal community who may require support.
- **Law School Connection:** Continue to work with law school representatives on law student outreach and programs designed to reduce the stigma associated with asking for help. NLAP was able to maintain this programing throughout the pandemic by shifting to virtual presentations when necessary.