



> CLEs for Physiological and Psychological Wellbeing? Something to Consider

By Allen Mendenhall

Many attorneys suffer from depression, anxiety, stress and drug and alcohol abuse.

Technology has changed client expectations, pressuring lawyers to be available at all hours through constant, instant communication.

Lawyers may feel burned out or fatigued by the demands of their profession, namely “the extreme value placed on competition, self-sufficiency, and abnegating individual emotional needs; the isolated work conditions characteristic of

most law practices; and the effect of the adversarial system on all spheres of professional and personal life.” Lawyers experience mental-health problems at rates higher than those in other professions.

Speaking to the Alabama State Bar Leadership Forum in March, Dr. Steve Walton of the Goizueta Business School at Emory University discussed the effects of stress, anxiety and poor health on workplace productivity. High levels

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of stress, he said, make people less effective on the job, affecting their ability to pay attention, plan ahead, handle large volumes of work, empathize and process information.

Dr. Walton explained that stress and anxiety can lead to serious, long-term health conditions: obesity, diabetes, cancer, high cholesterol, chronic pain and more. The wellness habits of lawyers, he concluded, directly affect the lives of their clients, who depend on lawyers for competent and professional representation.

Something must be done to reverse what appears to be a systemic health issue in the legal community. I propose broadening continuing legal education (CLE) offerings to include fitness and wellness programs. If regular exercise and healthy eating can make you a better lawyer, shouldn't lawyers be incentivizing such activity? Couldn't CLEs be used to nurture our physical and mental wellness, to meet our physiological and psychological needs?

Minnesota was the first state to require CLEs, and other states began instituting them during the 1980s, 1990s and 2000s. They were intended to address complex, ongoing changes in the legal system and to cultivate professionalism and competence among lawyers. Whether they have succeeded in these goals is a matter of debate.

Many lawyers probably view CLEs as just another stressful mandate, a time-consuming responsibility in a field in which time is precious and mechanistically measured. It could be that CLEs compound stress and further impair our ability to perform optimally as counselors and advisers to clients.

CLE hours compete with other hours that could be spent on fulfilling activity: dinner with family, religious services, Little League games, weddings, funerals, reunions and so forth. When our responsibilities are so numerous that they become unmanageable, the last thing we need is another task to manage.

Imagine if you could satisfy at least a portion of your MCLE requirements by enrolling in a six-month program with a personal trainer at a reputable gym, or by participating in a dietary program monitored by a reputable nutritionist. Evidence suggests that workplace health promotion programs work and even generate savings on healthcare. Why not try them in our profession?

If you can't take care of yourself, you'll have trouble taking care of others. If you can't meet your own needs, you're less likely to meet the needs of others. I'll leave it to experts to determine what a health and wellness CLE program would look like, but the need for one seems plain. <

Endnotes

1. See generally Patrick Krill, Ryan Johnson and Linda Albert. "The Prevalence of Substance Use and Other Mental Health Concerns among Attorneys." 10 J. ADDICTION MED. 46-52 (2016).
2. Jon M. Garon. "The Once and Future Profession: Autonomy, Intellectualism, and Obligation." 48 U. Tol. L. Rev. 253, 259 (2017).
3. Lee Norton, Jennifer Johnson and George Woods. "Burnout and Compassion Fatigue: What Lawyers Need to Know." 84 UMKC L. Rev. 987 (2016).
4. Pamela Bucy Pierson, Ashley Hamilton, Michael Pepper and Megan Root. "Stress Hardiness and Lawyers." 42 J. LEGAL PROF. 1, 11-12 (2017).
5. Cheri A. Harris. "MCLE: The Perils, Pitfalls, and Promise of Regulation." Val. U. L. Rev. 361-62 (2006).
6. See generally Joint Committee on Continuing Legal Education of the American Law Institute and the American Bar Association, Continuing Legal Education for Professional Competence and Responsibility: The Report on the Arden House Conference (1959).
7. See generally Deborah L. Rhode and Lucy Buford Ricca. "Revisiting MCLE: Is Compulsory Passive Learning Building Better Lawyers?" 22 No. 2. Prof. Law. 2 (2014).
8. Ron Z. Goetzl, Rachel Mosher Henke, Maryham Tabrizi et al. "Do Workplace Health Promotion (Wellness) Programs Work?" 56 J. OCCUPATIONAL AND ENVTL. MED. 927 (2014).
9. See generally Katherine Baicker, David Cutler and Zirui Song. "Workplace Wellness Programs Can Generate Savings." 29 HEALTH AFFAIRS 1 (2010).

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