





STRENGTH *from* ADVERSITY

Emerging from
a Pandemic

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The COVID-19 pandemic has affected the delivery of services by lawyers' assistance programs as well as general clinical providers. This impact has touched on the spectrum of services, from therapeutic interactions to the methods used to build resilience and manage the anxiety and stress inherent in an ongoing pandemic. This shift in the delivery and nature of services provides lessons for practitioners in the future to support and provide aid in helping attorneys maintain sustainable, satisfying, and productive careers. Regardless of any challenges that may arise, there are strategies you can use in the meantime to manage your work and personal life while navigating the pandemic-related obstacles.

CHANGES IN SERVICE DELIVERY

When the COVID-19 pandemic struck Illinois in March 2020, things changed rapidly and dramatically. Our offices at the Illinois Lawyers' Assistance Program (ILAP) were closed due to the lockdowns imposed across the state. Staff began working remotely. It was an extremely stressful time for many lawyers. Besides worrying about the health of themselves and their family, some attorneys were concerned about the effects on their practices. Courts were closed, lawyers were laid off, and many were working remotely. Students began attending classes virtually, and first-year students in the fall of 2020 had the unique experience of starting law school as virtual students. Navigating a virtual bar exam added to the stress. It also became more challenging for many young lawyers to access mentoring and supervision regularly.

We knew that to maintain the health of our staff and our clients, we needed to work remotely. We also knew that the uncertainty, isolation, and stress of the situation would lead to an increase in anxiety, depression, and the potential for substance abuse problems among lawyers and law students. Research done throughout the pandemic has shown a significant increase in these issues among the general population. We had to find ways to continue to connect with our current clients and make it easy for new clients to connect to us.

Initially, we stayed in touch with our clients by email and phone as we scrambled quickly to get up to speed with telehealth platforms and related technologies. We had a platform in place that we used sparingly before the pandemic. We found, however, that it did not work well with groups, so we began using another platform for groups. Clinicians working remotely needed access to these platforms, which required computers and the equipment to talk with clients. While working virtually has become routine, early on, there were many glitches, disconnects, and breakdowns as we, and our clients, learned to access and use the technology effectively.

Though initially skeptical, we have learned that virtual therapy can work. This is consistent with the studies that show that telecounseling is effective. Studies also indicate that telecounseling is viewed positively by both clients and practitioners. While many clients express a desire to return to in-person meetings in the future, they also indicate that they are willing to meet virtually as needed. Some clients state a desire to continue to meet virtually, even after in-person meetings are available. The reasons for these clients' preference for virtual meetings vary. For many, one factor is the convenience of meeting from their own home or office.

The pandemic forced us to realize that remote therapy is an effective way to reach lawyers and law students who would otherwise be too distant to access services regularly in person. Another benefit of virtual therapy is the willingness of some



lawyers or law students to participate in counseling online. These same lawyers state a reluctance to come to a physical office where they could be seen by others who might judge them. Fortunately, this stigma is diminishing, but it persists in the minds of some.

We needed to assure our clients that our communications with them remained private and confidential, even in a virtual therapeutic setting. We inform our clients that the telehealth platforms we use are secure and HIPAA compliant. We remind them that we do not record individual or group sessions. We are diligent in identifying everyone in a virtual group meeting to ensure only the people who belong in the meeting are there. We set up our end of the communication in a place that is secure and private. Clients need to see that the clinician is in a place, such as their office or a separate room at home, where no one can overhear the conversation and third parties are not in the vicinity. Maintaining attention throughout a virtual session can be difficult; we wanted to set up spaces with minimal distractions.

For the client, finding a private space at their end was sometimes challenging. Many clients were living with their families or with roommates. Finding a quiet space where no one would overhear them required some extra planning. In some cases, the client did not want family members or roommates to know they were in a counseling session or group. As therapists, we had to be flexible to plan times that would work and tolerate the occasional last-minute cancellation because a private place for the client would not be available.

While more research about the effectiveness of virtual therapy with various groups and using various methods is needed, it appears that virtual therapy is here to stay. It is effective. It provides better access and convenience for clients. For some, it provides a desirable level of decreased visibility that makes therapy more comfortable. Clients are used to the technology. When it is possible to return to in-person meetings regularly, virtual therapy will likely remain an essential part of our services.

MANAGING WORK AND PERSONAL LIFE IN COVID TIMES

Last year, at a return-to-work summit, local leaders addressed how employees should return to the workforce. One local leader stated, "We are going back to normal, and I refuse to accept or embrace a new normal." This statement highlighted the lack of understanding of how much the world has changed during the pandemic. The statement also did not reflect the feelings of the workforce. Instead, it reflected the desire of the head of a major institution not to adapt, change, or recognize the long-term nature of how employees have changed during this unrelenting pandemic. In this shifting, uncertain landscape, there are many strategies you can use to manage your work and personal life as the workforce recognizes and implements these changes.

STRATEGIES TO MITIGATE OUR ANXIOUS THOUGHTS AND EMOTIONS IN UNCERTAIN TIMES

Many of us will develop a habit of practicing and rehearsing anxious thoughts until we become accomplished at generating them. To counter this, we need to devote some time practicing non-anxiousness and focus more on relaxing thoughts. Download audio files from ILAP's website to help develop the "relaxation response" through mindful meditation (<https://illinoislap.org/mental-health-resources/mental-health-videos>).

"Mindful meditation" can help stimulate the longest nerve in the human body: the vagus nerve complex. This nerve signal pathway only travels in one direction—from the diaphragm up to the brain. This deep and relaxed breathing meditation can stimulate the vagus nerve and send a calming signal to the brain. Research has demonstrated a helpful feedback loop between vagal stimulation, positive emotions, and good physical health (Bajbouj et al., 2010). Try it!

STRATEGIES TO CHALLENGE OUR THINKING AND SEPARATE THOUGHTS/FEARS FROM FACTS

In stressful situations that evoke high-salient emotions like fear or anger, we can conflate thoughts or emotions with facts. What we are worried about may loom large enough in our minds that it induces us to make an automatic assumption that it will happen (i.e., become a fact or forgone conclusion). ILAP has successfully used a method referred to as I C E-ing the thoughts to deflate some of these strong emotions and help attorneys separate thoughts from fact (Pacione, 2003).

I = Identify the Thought
C = Challenge the Thought
E = Evaluate the Thought

1. **Identify** a thought that keeps reoccurring and is associated with strong emotions. For example, "My practice will suffer irreparable harm from the pandemic." Then rate how strongly you believe this thought to be mostly true, say, 75 percent.
2. **Challenge** the thought (like any good attorney would do) and list the evidence for the thought being "mostly true" and the evidence "against the thought being mostly true."
3. **Reevaluate** the original thought:
 - Rerate how strongly you believe this thought to be mostly true, say 45 percent this time.
 - How would you reword the original thought to make it more truthful/evidence based? "Like most businesses and people, I will suffer some economic hardship, but with support and my hard work, I will most likely survive as I've done before."



STRATEGIES THAT CULTIVATE RESILIENCY AND INCREASE ABILITY TO OVERCOME OBSTACLES

Resiliency is characterized as meeting goals despite obstacles or adversity, sustained effort and competency under stress, and the ability to recover from setbacks (Masten, 2014). Resiliency can be developed by increasing self-efficacy (SE) and focusing on the aspects of stressful situations that you have some control over.

Increasing our sense of SE creates both a willingness and a skill set to face unknown or stressful situations with curiosity and intrepidity. SE is a personal judgment on how well an individual can cope with the circumstances they face (Bandura, 1977, 1994). A person with high SE views challenges as things that are supposed to be, or can be, mastered rather than threats to avoid. Conversely, an individual with low SE views difficult tasks as personal threats and avoids them. Developing and increasing confidence in your problem-solving abilities, maintaining focus on accomplishing goals, and demonstrating a willingness to invest in the effort will increase your sense of SE.

Studies have shown that individuals with a more optimistic outlook in life are also considered to have a more internal locus of control (ILC). An ILC is correlated to a higher sense of SE. Individuals with an ILC believe that they are responsible for their own outlook on life and their achievements, rather than external events dictating their fate in life. Those with an external locus of control assume that external events are primarily responsible for their relative success or failures and thus tend to be more pessimistic.

Other well-researched theories to increase resiliency include Prioritizing Positivity and Social Connectedness. Prioritizing Positivity (Catalino et al. 2014) has demonstrated that engaging in certain activities or seeking certain places associated with positive emotions improves your outlook on life (optimism) while managing stress and anxiety. Other research has shown that those individuals with an active social support network can overcome obstacles and impediments in their daily lives (Thoren, 2014; Chio et al., 2020; Van Doran et al., 2020).

COVID AND BEYOND RETURN TO WORK AND THE WORKPLACE—WHAT ARE THE CHALLENGES AND HOW TO MEET THEM?

Before the pandemic, women were achieving more parity and equity in many areas—including the law—which had primarily been a male-dominated-and-driven field in the past. Globally, women's earnings before the pandemic were less than their male counterparts, and women earned 81 cents for every dollar earned by a man. The pandemic, which included the necessity of working from home unless you were an essential worker, increased the recognition that this model no longer works for the modern workforce, despite its resistance to change.

Profile of the Legal Profession

In an ABA study from 2020 called "Profile of the Legal Profession," in 2010, 69 percent of lawyers were male, and 31 percent were female. By 2020, 63 percent of lawyers were male, and 37 percent were female. This is a significant 6 percent increase in 10 years. Additionally, they identified that 44 percent of the profession was between 25 and 44 years of age. This age group is also when people are forming significant relationships, parenting becomes part of the equation, and paying off student loans must be accomplished and managed.

Work-Life Balance Is Critical

Work-life balance has never been more critical than now. Due to the global pandemic, the opportunity to work remotely has highlighted many problems in non-flexible, often male-dominated workforces, with no accommodations or adjustments made for women, minorities, or parents. Creating cultures that support young lawyers, women, parents, and minorities to succeed results in a more productive and motivated workforce with less attrition. Eliminating inequities, whether based on age, gender, minority status, sexual identity, or other categories of discrimination, is critical in the new normal. The pandemic highlighted what is wrong with some of the cultures of many legal institutions. When employers hold unreasonable standards with no flexibility, they lose valuable workers who refuse to comply and follow the old expectations.

Many of the young lawyers on our caseload share that they are worn out by the unreasonable burden of high billable hours, low pay, and inability to take time off or vacation because of discouragement from partners and management not making work-life balance a priority. Additionally, unreasonable expectations

related to being available at all times of the day and night have increased during the pandemic, with blurred lines about when work starts and ends.

Reevaluating Workplace Culture

The global pandemic allows employers to determine if the previous culture they adhered to has adapted and evolved enough to meet the needs of the changing workforce and has emphasized new and diverse ways of creating employment opportunities. This may include flexible work schedules, part-time work, job-sharing opportunities, remote work, satellite offices for less commuting, and other changes. Diversity within the top-tiers of the profession is also necessary, including partners, management, and other vital roles so that all members of the workforce are represented and then considered when making decisions that affect the majority of the workforce not in these positions. Now is the time to reinvent workforces that are no longer working and start over, with a model that reflects the changing times, the changing workforce, and prioritizing the desire to have happy, healthy, and productive employees.

We have learned many lessons during the pandemic. We hope to use this learning to enhance the well-being of young lawyers and law students. One of our goals is to help lawyers have sustainable, satisfying, productive careers that benefit them, their families, and the community.

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