

ETHICS CLE • ATTORNEY WELLNESS &
MENTAL HEALTH

Drawing the Line

Setting client boundaries in the digital age

PRESENTED BY

Gregory F. Mitsch, Esquire

Lawyers Concerned for Lawyers of Pennsylvania

A Confidential Lawyer Assistance Program



WHO WE ARE

What Is LCL?



Our mission

To provide a caring peer assistance program to save the lives and restore the health and professional competence of lawyers, members of their families, judges, and law students who are at risk as a result of alcohol and drug use, gambling, depression, or other serious mental illness — carried out through confidential helpline services, volunteer support, and education.

WHAT LCL OFFERS

Free, Confidential Support

All services are free, confidential, non-judgmental, and non-obligatory.

What LCL offers

- Free information and literature
- Free evaluation by a healthcare professional
- Free assistance with interventions
- Peer support and LCL staff support
- Lawyer, judge, and law-student support groups

24/7 CONFIDENTIAL HELPLINE

1-888-999-1941

24 hrs./day · 7 days/week · 365 days/year

Lawyers Concerned for Lawyers of Pennsylvania

www.lclpa.org



LAWYERS CONCERNED FOR LAWYERS — PENNSYLVANIA —

100% Free & Confidential
Mental Health and Substance Use Services
for Legal Professionals and Family Members

Evaluation
Peer Support
Literature & Resources
Support Meetings
Interventions
Staff Support

1-888-999-1941

24/7/365

**You are not alone. We care.
We are here to help.**

Check out the LCL website!

- Free CLE programs
- Self-assessment screens
- Information about LCL services
and much more!



www.lclpa.org

Follow us:



Will LCL Help Paralegals and Non-Lawyer Staff?

Yes — no one is turned away.



Services may differ

Services for non-lawyers may vary due to funding constraints imposed by the Supreme Court — but no one is turned away.



How to get support

Use LCL's confidential helpline for support, health-care referrals, and literature.

Remember — all LCL services are free.

CONFIDENTIALITY

We Protect Your Identity and Information



LCL does **not** report or disclose any identifying information to the Supreme Court, the Judicial Conduct Board, the Disciplinary Board, the Board of Law Examiners, or any other agency of the Supreme Court — nor to the Conference of State Trial Judges, any state or local bar association, or any judicial or law-related organization. We do not report any identifying information to anyone without your prior consent.

You may remain anonymous and still receive LAP services.

Consult the Rules of Professional Conduct in your state.

The Rules Protect Confidentiality

The PA Rules of Professional Conduct provide an exception to the duty to report.



Rule 8.3(c)

“The Rule does not require disclosure of information otherwise protected by Rule 1.6, or information gained by a lawyer or judge while participating in an approved lawyers assistance program.”



Comment 7

Providing for an exception encourages lawyers and judges to seek treatment. Without it, they may hesitate — resulting in additional harm to their careers and injury to clients and the public.

Consult the Rules of Professional Conduct in your state.

What We'll Cover Today

01

The Scope of the Problem

Always-on culture and the toll it takes on lawyers.

02

Wellbeing by the Numbers

What the data says about burnout and mental health.

03

The Ethics Connection

Why wellness is a professional-responsibility issue.

04

Reframing Availability

What the Rules actually require of us.

05

Practical Boundary Strategies

Concrete habits, policies, and client agreements.

06

Building a Sustainable Culture

Firm-level change and a personal action plan.

THE ALWAYS-ON PROFESSION

Responsiveness has become the currency of trust

Smartphones, messaging, and case-management alerts promised efficiency. They also erased the line between work and rest. Clients now expect immediate answers, and many lawyers feel they can never truly log off.

Source: Microsoft Work Trend Index, 2025.



~275

digital interruptions hit the average professional worker every day — likely higher for lawyers.

A Profession Under Strain



19%

of attorneys had
SYMPTOMS of Anxiety



28%

Had SYMPTOMS of
depression — still far above
the general population.



48%

said they felt burned out a
near-majority of the time.



73%

believe their work
environment contributes to
mental-health struggles.

Lawyers also contemplate suicide at roughly 19% — compared with about 4% of U.S. adults. Junior and women associates carry the highest risk.

Sources: ALM Mental Health Survey, 2025; ABA & Hazelden Betty Ford study.

WHERE UNMANAGED STRESS LEADS

From Chronic Stress to Crisis



Burnout & exhaustion

Always-on pressure keeps the body in overdrive until exhaustion, cynicism, and detachment take hold.



Anxiety & depression

Prolonged stress is a leading driver of the anxiety and depression lawyers report at far higher rates than the public.



Substance use & addiction

Many lawyers self-medicate with alcohol or drugs, turning a coping habit into a substance use disorder.



1 in 5

attorneys qualifies as a problem drinker.

About twice the rate of other educated professionals — and most never seek help.

Source: ABA & Hazelden Betty Ford, 2016.

Anxiety, Depression & Mental Health

Lawyers report mood and anxiety symptoms at rates well above the general public.

28%

Depression

More than one in four attorneys report symptoms of depression - well above population norms.

19%

Anxiety

Anxiety is widespread and often masked by high performance; rates climbed sharply through the pandemic.

23%

Chronic stress

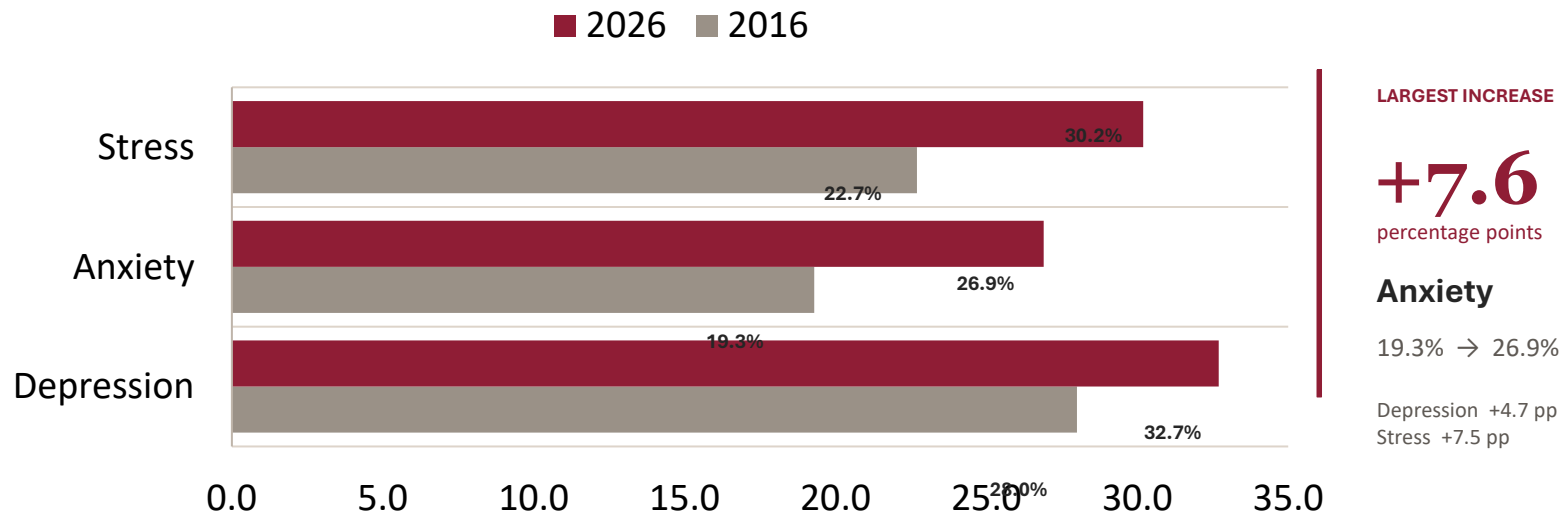
Sustained stress is the common thread that links and amplifies these conditions.

Most never seek help - stigma and confidentiality fears keep too much of this distress hidden.

Source: Krill, Johnson & Albert (2016), *Journal of Addiction Medicine*.

Depression, anxiety and stress all increased

National lawyer survey benchmarks | 2016 vs. 2026



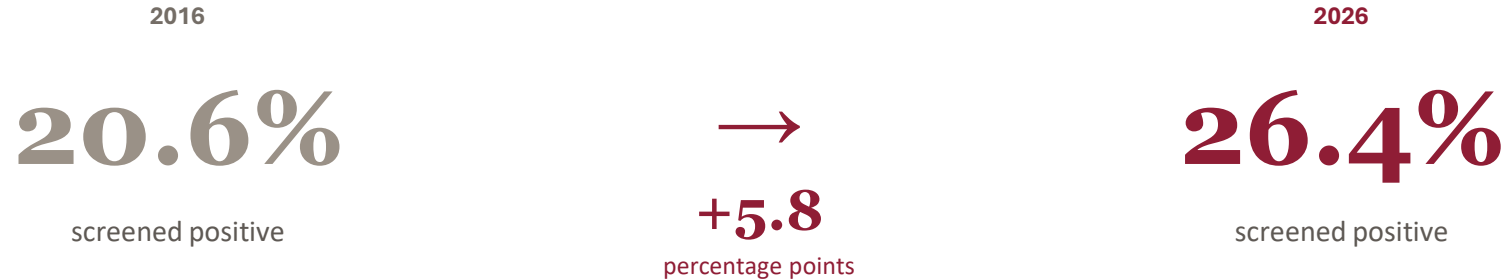
Percent of respondents with at least mild symptoms (DASS-21).

Benchmark comparison, not a longitudinal cohort: sampling shifted from voluntary (2016) to random and weighted (2026).

Sources: Krill, Johnson & Albert, J Addict Med 10(1), 2016; Krill & Anker, J Affect Disord 415, 2026 (DOI 10.1016/j.jad.2026.122479); ABA CoLAP, Sept. 2026.

Hazardous drinking rose to more than one in four lawyers

National lawyer survey benchmarks | 2016 vs. 2026



By 2026, the benchmark exceeded one in four lawyers.

Percent screening positive for hazardous drinking at the studies' higher-risk thresholds.

Benchmark comparison, not a longitudinal cohort: survey instruments and sampling methods differed between 2016 and 2026.

Sources: Krill, Johnson & Albert, *J Addict Med* 10(1), 2016; Krill & Anker, *J Affect Disord* 415, 2026 (DOI 10.1016/j.jad.2026.122479).

The profession is taking a measurable personal toll

2026 national lawyer well-being survey

41.1%

said time in the profession has
been detrimental to their mental
health

27%

considered leaving the profession due to
mental health, burnout or stress

20.5%

attributed increased alcohol or drug use to
work-related stress

Percent of surveyed lawyers reporting each professional or behavioral impact.

Self-reported survey findings describe association and attribution; they do not establish clinical causation.

Source: ABA CoLAP–Krill Strategies Survey of Lawyer Well-Being, Sept. 2026; Krill & Anker, J Affect Disord 415, 2026.

Confidentiality and career concerns deter help-seeking

Barriers reported by lawyers | 2026 national survey

53%

CONFIDENTIALITY

expressed concern that seeking help would not remain confidential

49%

PROFESSIONAL CONSEQUENCES

expressed concern about reputation or career consequences

34.5%

TIME

reported they did not have time to get help

Percent of surveyed lawyers identifying each barrier to seeking help.

Respondents could identify more than one barrier; percentages therefore are not intended to total 100%.

Source: ABA CoLAP–Krill Strategies Survey of Lawyer Well-Being, Sept. 2026.

WHO CARRIES THE HEAVIEST LOAD

The Youngest Lawyers, the Highest Risk

For attorneys early in their careers, the toll runs from problem drinking to thoughts of suicide.

32%

of lawyers under 30 are problem drinkers

The highest rate of any age group — problem drinking eases steadily as attorneys grow older.

2×

as likely to contemplate suicide as the general public

An estimated 10–12% of lawyers report suicidal thoughts vs. 4.2% of U.S. adults — high stress raises the risk up to 22-fold.

Source: Krill, Johnson & Albert (2016) and Krill et al. (2023), *Journal of Addiction Medicine / Healthcare*; CDC.

My happy
place...the Friday
keg!



NOT my
proudest
moment!

SENIOR MOST LIKELY TO...

Have a legal advertisement on TV
Have his/her portrait on the walls of DSL
Run for political office
Become a U.S. Supreme Court Justice
Be first to try a case before the U.S. Supreme Court
Own a bar in Carlisle
Become a DSL Professor
Do stand-up comedy
Run his/her own psychic hotline
Yell at a jury
Be held in contempt of court
Be first to charge a jury
Become a public defender
Become a district attorney
Start his/her own bar review course
Start a public interest law firm
Replace Judge Wapner
Host a talk show
Write a book on the OJ Simpson trial
Replace Greta & Roger on CNN's "Burden of Proof"
Skip the bar & go backpacking across Europe
Be the first member of our class to own a "Beemer"

GREGORY MITSCH

SENIOR YOU WOULD MOST LIKE TO...

Easter 2014

30 years of drinking...living in a two-story house



The ACE questionnaire: ten questions

Before your 18th birthday... count one point for every “yes.” This is a private reflection to build awareness — not a diagnosis, and nothing you need to share.

Abuse & neglect

- 1 **Emotional abuse** — Recurrent insults, humiliation, or threats
- 2 **Physical abuse** — Hit, grabbed, or injured by a caregiver
- 3 **Sexual abuse** — Unwanted sexual contact by an older person
- 4 **Emotional neglect** — Feeling unloved, unsupported, or not close
- 5 **Physical neglect** — Unmet basic needs; no one to protect you

Household dysfunction

- 6 **Substance misuse** — Lived with problem drinking or drug use
- 7 **Mental illness** — A household member ill or attempting suicide
- 8 **Violence at home** — A caregiver threatened or physically harmed
- 9 **Separation or divorce** — Parents separated or divorced
- 10 **Incarceration** — A household member went to prison

Your ACE score = the number of “yes” answers (0–10). A score of 4 or more is linked to markedly higher risk of depression, substance use, and chronic illness. It signals where support helps — it is not destiny.

Imposter Syndrome

The persistent feeling that your success, achievements, or qualifications are undeserved despite evidence of competence.

The Iceberg Effect

What others see

Success, competence, confidence

What stays hidden

Self-doubt, fear of being found out, perfectionism, overworking, constant comparison

Common Symptoms

- Constant self-doubt
- Attributing success to luck
- Fear of being “found out”
- Difficulty accepting praise
- Perfectionism
- Overworking to prove worth
- Comparing yourself to others



• Easter 2025...We are living the SAME story!

Why Constant Connectivity Hurts Our Work



Fractured attention

It takes roughly 23 minutes to regain deep focus after a single interruption — a heavy tax on drafting and analysis.



Cognitive fatigue

Reacting all day instead of reflecting drains the judgment and empathy that legal work demands.



Digital presenteeism

Being constantly available but mentally exhausted erodes accuracy on exactly the high-stakes work that matters most.



23 min

to fully refocus after each ping.

Add case alerts, email, and chat, and lawyers can lose hours each day to context-switching.

Source: Mark et al., UC Irvine.

How Boundaries Quietly Erode

“Boundary creep” rarely happens in one decision. It accumulates — a late-night text here, an unbilled emotional call there — until availability becomes an unspoken expectation.



Answering routine messages at all hours

Conversations that could wait until 9–5 migrate into evenings and weekends.



Responding instantly, every time

Clients learn to expect an immediate reply, then treat it as the standard.



Over-identifying with the client

Emotional over-investment and compassion fatigue blur the professional line.



Work that goes unbilled — and unbounded

Off-hours availability becomes invisible labor that fuels resentment and burnout.

Wellness is not separate from ethical lawyering — it is essential to it



Competence — Pa.R.P.C. 1.1

Exhaustion and digital overload impair the very judgment competent representation requires.



Diligence — Pa.R.P.C. 1.3

Burnout breeds missed deadlines, procrastination, and neglected matters.



Impairment & supervision

Untreated stress and digital addiction can rise to the level of an ethical impairment.

WHAT THE RULES ACTUALLY REQUIRE

“Reasonable” Does Not Mean “Instant”

Pa.R.P.C. 1.4 requires lawyers to keep clients reasonably informed and to respond promptly to reasonable requests. Nothing in the Rule equates “prompt” with “immediate,” or “reasonable” with “24/7.”

The comments even contemplate acknowledging a request and advising the client when a fuller response can be expected — a built-in invitation to manage expectations.

THE MYTH

“A good lawyer is always reachable and answers within minutes — day or night.”

THE RULE

Communicate reasonably, respond promptly, and set clear expectations about how and when you'll be in touch.

The Duty of Technological Competence

Most jurisdictions now read the duty of competence to include the benefits and risks of relevant technology. That duty supports boundaries rather than undermining them.



Understand the tools

Know how your communication and case-management systems actually work — and where they create noise.



Control the channels

Competence includes configuring notifications, not letting them configure you.



Protect confidentiality

After-hours replies on personal devices and apps raise real privilege and data-security risks.

Set Expectations Before They Set You



Put it in the engagement letter

Spell out communication channels, business hours, and realistic response windows from day one.



Have the conversation

Walk new clients through what “urgent” really means and how emergencies are handled.



Designate the channels

Route work through firm systems — not personal texts — so communication stays bounded and protected.



Define response times

“Within one business day” is a promise you can keep; “instantly” is not.

Practical Boundary Strategies



Time-block deep work

Protect distraction-free hours for drafting and analysis.



Use auto-responses

Acknowledge after-hours messages and set the next-response time.



Schedule do-not-disturb

Silence non-urgent alerts on nights and weekends.



Tame notifications

Turn off badges and pings you don't truly need to see.



Separate work from life

Keep client communication off personal devices and apps.



Build in recovery

Plan real breaks — movement, sleep, and time fully offline.

Boundaries Are a Team Sport



Leaders set the tone

When partners email at midnight, associates feel they must answer. Model the behavior you expect.



Normalize the conversation

Make response-time norms and coverage plans explicit — not something whispered about.



Watch for warning signs

Train teams to notice withdrawal, exhaustion, and overload in colleagues, and to respond without stigma.

MAKE IT PERSONAL

Your One-Week Boundary Plan

- 1 Audit your alerts** List every app that pings you. Turn off everything that isn't truly urgent.
- 2 Set your hours** Choose a daily “client-facing” window and a firm shut-down time — and write it down.
- 3 Draft one auto-reply** Create an after-hours message that acknowledges receipt and sets the next response time.
- 4 Tell one client** Practice setting an expectation out loud with a client or colleague this week.
- 5 Protect one focus block** Reserve a recurring, distraction-free hour for your most demanding work.



Small, repeatable
steps reset
expectations far
better than one
grand gesture.

Key Takeaways



Wellbeing is an ethics issue

Burnout and digital overload directly threaten competence, diligence, and judgment.



The Rules don't demand 24/7

“Reasonable” and “prompt” leave ample room to set humane expectations.



Boundaries start at intake

Engagement letters and early conversations prevent boundary creep before it starts.



Sustainability is a practice

Daily habits and a supportive culture protect both lawyers and clients.

THANK YOU

Set the boundary. Protect the lawyer.

In the digital age, boundaries aren't a retreat from client service — they're what make sustainable, ethical, high-quality representation possible.



Need support?

Lawyers Concerned for Lawyers of Pennsylvania offers free, confidential help — 24/7 at 1-888-999-1941.



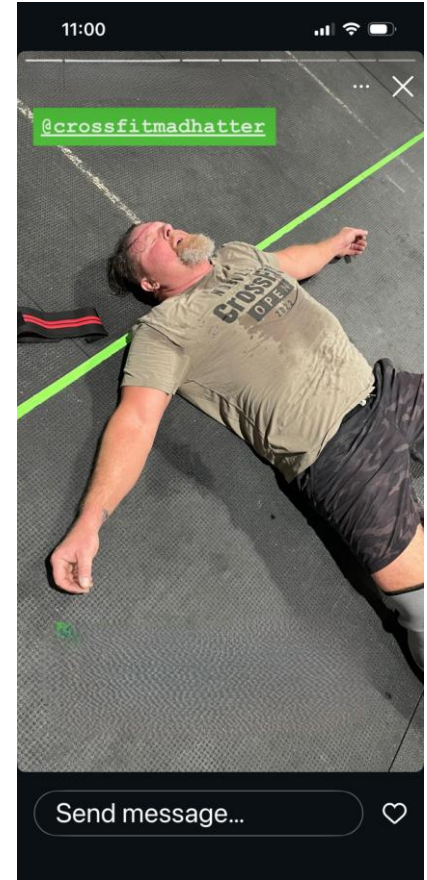
Questions & Discussion



2014



2025



Colleague distress is visible—and raises practice concerns

Observations reported by lawyers | 2026 national survey

REGULARLY OBSERVED

57.6%

**mental health or substance-use
problems among colleagues**

IN THE LAST 12 MONTHS

30.8%

**encountered a colleague whose well-being
raised concerns about fitness to practice**

Percent of surveyed lawyers reporting each experience involving a colleague.

Self-reported observations reflect respondent perceptions and do not constitute clinical or disciplinary findings.

Source: ABA CoLAP–Krill Strategies Survey of Lawyer Well-Being, Sept. 2026.

TOGETHER

We're all in this together.

Looking out for our own wellbeing — and for one another — is how this profession stays healthy. No one should have to carry the pressures of practice alone.



Look out for each other

Check in on a colleague. Ask for help when you need it — and offer it when you can.



Stronger together

CONFIDENTIAL · FREE · AVAILABLE 24/7

Lawyers Concerned for Lawyers of Pennsylvania

A confidential lawyer assistance program for Pennsylvania's lawyers, judges, and law students.

24/7 CONFIDENTIAL HELPLINE

1-888-999-1941

Alcohol · Drugs · Depression · Anxiety · Stress — for you or a colleague

www.lclpa.org