



NHLAP

NEW HAMPSHIRE

October 2020

Newsletter

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Students Since 2007**

603-491-0282

McLane Middleton and The ABA Lawyer Well-Being Pledge: Why It Matters to New Hampshire Lawyers

The lawyer well-being movement is taking a large leap forward in New Hampshire with the addition of McLane and Middleton as a signatory to the ABA Lawyer Well-Being Pledge. Currently, there are 196 pledge members who have signed the Well-Being Pledge since its inception in 2018. McLane Middleton is the only employer based in NH who has committed to it. The purpose of the Well-Being Pledge Campaign is to improve the substance use and mental health of lawyers, judges, and law students by emphasizing the importance of healthy work environments. The Well-Being Pledge Campaign transitioned leadership from the National Task Force on Lawyer Well-Being to the ABA Commission on Lawyer Assistance Programs in 2019. ABA-CoLAP kicked-started the transition with an anti-stigma campaign to move toward more, open, honest, and productive discussion of lawyer well-being throughout the legal profession.

Some of the biggest corporations in the U.S. and largest multi-national law firms were the first to sign on to the Well-Being Pledge in 2018. They immediately recognized the importance of establishing improved work environments for legal practitioners in the quest to maximize productivity, retention, and profitability. The best legal work takes place in an environment that recognizes the disproportionate effect of stress, substance abuse and burnout in the legal profession. In recognizing these issues among their employees these employers then seek to build a pathway to real, concrete solutions.

Of the 196 signatories to the Well-Being Pledge, 19 are Boston based law firms, including the Massachusetts Office of the Attorney General. This makes our sister state

to the south one of the leading states embracing both the importance lawyer well-being and taking public, practical steps working toward better overall health of MA lawyers. New York City leads the pledge signatories with 31 multi-national based law firms as well as smaller, local law firms signing on. California is third with 16 law firms and 6 law schools as current signatories. A total of 26 law schools, including the University of Maine School of Law, Suffolk University Law School, the University of Connecticut Law School have all signed the pledge recognizing that law schools can provide a healthier alternative to the traditional law school environment and to foster continued well-being as a priority for its law graduates.

Because the well-being movement has made much faster headway in Europe, it is no surprise that there are also 4 United Kingdom signatories who run house multi-national law firms within the US. There are several lawyer based services that have signed on to this pledge as well: the American Bar Association, the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois, the Mississippi Bar, the National Organization of Bar Counsel, and the D.C. based Washington Counsel of Lawyers have all signed on to the pledge. It is interesting to note that without the signatories in Massachusetts, New England has only 4 signatories- 2 in New Hampshire and 2 in Connecticut. There are no locally based legal employers in Maine, Vermont, or Rhode Island who have yet signed the Well-Being Pledge.

The decision to sign the Well-Being Pledge was a natural one for McLane Middleton. Cathleen Schmidt, Executive Director and CEO at McLane Middleton explains that in 2018 they were in the middle of working on a strategic plan. Because of the groundbreaking work done by the National Task Force on Lawyer Well-Being in publishing its findings and recommendations in August of 2017, it was natural for

McLane Middleton to embrace the message of lawyer well-being. Jennifer Parent and Charla Stevens took the lead in creating a dialogue with firm leadership on this issue as their participation in ABA leadership at this time fostered a need to champion lawyer well-being.

In a broad and vigorous discussion among McLane Middleton Board members, it became apparent that simply signing onto the ABA pledge was not enough. In order to feel that the pledge carried weight with the entirety of the firm, the Board created a Committee for Attorney Well-Being and set the goal of creating action steps coupled with measured accountability to create a healthier work environment for McLane lawyers. During this work, however, it became readily apparent that it was not enough to include the lawyers alone. To really create change, an atmosphere of collaboration and open, non-stigmatized discussion which rewarded help seeking rather than shame it, the entire legal team needed to be included. A new, expanded plan was created to commit to every colleague at the firm.

The work of the Well-Being Committee included attorneys at all levels, from senior partners to new associates. It also included paralegals and support staff. They asked for input as to what issues were impeding sustainable physical, mental and emotion health of all employees. They discussed the need for culture, inclusiveness, and connection. This is a current hot button issue fraught with the potential for discourse and disagreement, but vital to a healthy, inclusive workplace. These discussions broadened to include the need for reasonable and attainable expectations in communication and time management. Clients should not expect 24/7 access to attorneys nor should attorney expect 24/7 access to support staff. The discussion also included flexibility to provide time, resources, and support to foster physical and mental health through exercise, community engagement and supportive services. This led to a

renewed commitment to maintain robust health and mental health care resources through their insurance provider, employee assistance program and the firm itself. Finally, it was agreed that firm sponsored functions should no longer be alcohol centric. Day hikes, ice cream socials, and other outings are planned for team building and bonding rather than happy-hours and bar-based celebrations specifically with staff well-being in mind.

It was not until all these issues were identified with appropriate, codified solutions did the McLane Middleton partnership feel it was appropriate to sign the ABA Attorney Well-Being Pledge. Every partner agreed to the commitment of both the changes advocated by the Well-Being Committee and the signing of the pledge. There was robust discussion as to the specifics of supporting this ideal, but there was unity in the commitment that the firm needed to evolve to meet the changing needs of hard-working legal professionals. The Board and the Partnership all believe that in committing to lawyer well-being they are committing to their mission- the best legal services possible for their clients. Healthy lawyers are more productive and more resilient in dealing with the day-to-day challenges of the practice of law. Lawyers who take care of themselves are better equipped to deal with emerging short-term crises. The pledge was voted on by the Board and then signed in April of 2020 the Managing Director of McLane Middleton, Barry Needleman.

The pledge, in and of itself, is not a magic bullet in addressing the complicated and entrenched barriers to attorney well-being. It is in both the process of identifying those issues specific to a particular workplace and creating targeted action steps to address those issues that creates needed change. This is not easy work. It is likely the reason why so many legal employers have not signed the pledge or committed to looking at attorney well-being in a long-term, strategic

way. Make no mistake, ignoring the issue will not make it go away. Now that a pandemic has taken hold and shows no sign of dissipating anytime soon, this issue is even more pressing. The imposed isolation of working from home, the inability to socialize and travel freely along with the financial strain brought to bear by this pandemic is creating stress and substance misuse rates as high as ever has been measured. There will be no “going back to normal” with an American workforce returning with abnormally high rates of depression, anxiety, and substance misuse. It will fall to employers, legal and otherwise, to deal with those employees who are returning with less than optimal well-being.

I challenge all NH legal employers to look at the work McLane Middle undertook to honestly assess the well-being of legal professionals. The surest way to retain trained talent, to foster loyalty, boost productivity and maximize long-term sustainable profitability is through the education and support of lawyer well-being. This pledge is not about signing a piece of paper to create window dressing; it is about the recognition that lawyers, judges and law students have some of the highest rates of substance misuse, anxiety, depression, burnout and suicide than other licensed professionals. Creating change to sustain a healthier workplace for legal practitioners is the right thing to do. Even more practically speaking, it is also the tried and true path to a highly skilled and productive law practice.

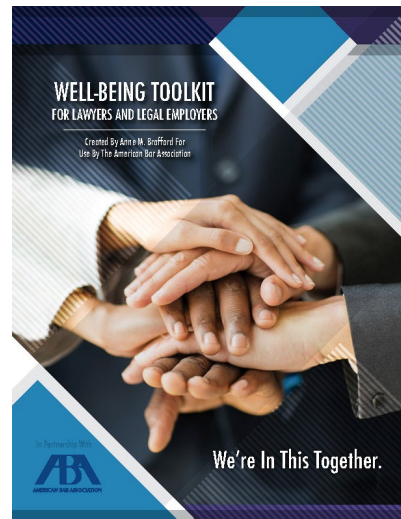
NHLAP is available to meet with any legal employer, large or small, public interest or private, educational, or in-house to move NH forward in this incredibly important movement taking place in the legal profession.

Terri M. Harrington, Esq.

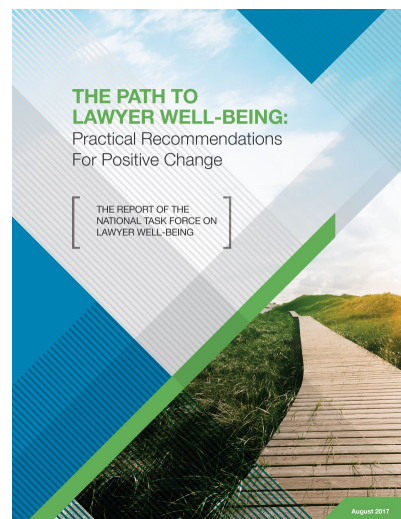
Executive Director
New Hampshire Lawyers Assistance Program

New Hampshire Lawyers Assistance Program would like to thank the members of the McLane Middleton Well-Being Committee for its hard work and commitment to the sustainable and practical changes necessary to foster attorney well-being in New Hampshire: Charla Stevens, Chair; Patrick Closson; Lexi Cote; Steve Dutton; Jennifer Finch; Linda Garey; Cam Shilling; and Jeremy Walker.

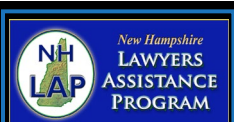
For more information on the **ABA Well-Being Pledge** including more information on the signatories to the ABA Well-being Pledge [See Here](#)



There is no need to reinvent the wheel. NHLAP has many resources and documents to use in determining what will best work for your legal environment. To review the **Well-Being Tool Kit for Lawyers and Legal Employers** [See Here](#)



To access the 2017 **Report by the National Task Force on Lawyer Well-Being** [See Here](#)



COVID-19 OCTOBER UPDATE

ITS FLU SEASON New Hampshire has received the rapid antigen COVID-19 tests or BINAX tests from the FDA. The current capacity is for 25,000 tests per week with results ready in 15 minutes. The state should receive enough BINAX tests to conduct 400,000 tests in the next 3 months, which is the height of the cold and flu season. The focus for these rapid response tests are for healthcare workers, first responders, schools, and the elderly. The tests are also available at the 20 state testing sites including drive-through locations that are established at the Concord and Londonderry National Guard locations.

GET YOUR FLU SHOT Different strains of influenza viruses circulate every year. The flu shot does not cover every possible strain, only those likely to circulate this flu season. The flu shot only covers influenza and not COVID-19. However, the coronavirus (SARS-CoV-2) and influenza have many similarities.

Both illnesses cause fever, cough, body aches and vomiting

Both illness can result in pneumonia

Both illnesses can be mild, severe, or even fatal

Both illnesses are spread through moisture droplets that can be inhaled by a non-infected person or by touching a surface which transmits the virus when the non-infected person touches their face

Both illnesses may incubate for several days whereby a person will unknowingly spread the virus

Neither illness is treatable with antibiotics

Both illnesses are treated by addressing symptoms only

Both illnesses may respond to antiviral medication to shorten the severity of the illness

Both illnesses can be prevented by wearing a face mask, frequently washing hands with soap and water, limiting physical contact with others, and staying home while sick

COVID-19, not influenza, causes an infected person to suddenly lose their sense of smell (anosmia) or taste (ageusia)

COVID-19 cannot currently be prevented by a vaccine

COVID-19 complications include long term damage to the lungs, heart, kidneys, and brain after a severe case

Influenza complications include inflammation of the heart (myocarditis), brain (encephalitis) or muscles

[More on Testing Site Locations Here](#) NH Health Commissioner Lori Shibinette is encouraging anyone who wants to be tested to get tested. The tests may be scheduled through the state's portal website. [Click Here for Testing Registration](#)

GOVERNOR'S RESPONSE The State of NH Stay at Home Order 2.0 remains in effect by order of Governor Sununu until **NOVEMBER 15, 2020**. (Executive Order #70 Pursuant to Executive Order 2020-04). This means that all NH residents are still asked to stay at home when at all possible.

[NH Governor Chris Sununu's Emergency Orders Related to Covid-19](#). All orders to date, chronological, with links to full written text. [Find Link Here](#)

THE JUDICIARY issued its Ninth Renewed Emergency Order on September 24, 2020 *extending and modifying existing restrictions to all courthouses until OCTOBER 19, 2020*.

In person proceedings at the NH Supreme Court resumed with oral arguments 9/09/20.

In person proceedings at NH Superior Courts remain suspended with specific exemptions. (See order for list of exemptions)

In person proceedings at NH Circuit Courts remain suspended with specific exemptions. (See order for list of exemptions.)

[Full NH Judicial Branch Information and Links Here](#)

Sources for COVID-19 Update:

Governor Sununu's Emergency Order #70 pursuant to Executive Order 2020-04 as extended by Executive Order, 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, 2020-16, 2020-17 and 2020-18. An Order Extending Emergency Order #52, www.governor.nh.gov, 09/30/20

Health Update: The Patch, by Tony Schinella, www.patch.com 09/28/20.

John Hopkins Medicine: COVID-19 Update, Reviewed by Lisa Lockerd Maragakis, M.D., M.P.H., www.hopkinsmedicine.org, 9/30/20.

Ninth Renewed and Amended Emergency Order Governing New Hampshire Supreme Court Proceedings and Restricting Access to Supreme Court. Superior Court and Circuit Court Building(3) (3 Separate Orders) Effective September 29, 2020 www.courts.state.nh.us



FOCUS ON ADDICTION

The pandemic has nearly put an end to social drinking. People are now sitting home alone drinking. Historically, that is a red flag signaling possible high-risk behavior for addiction. Do you know the risk signs now that we are staying at home?

Centers for Disease Control and Prevention (CDC) defines heavy drinking as 15 or more drinks a week for a male and 8 or more drinks a week for a female. More important clues are changes in behavior. If parts of a person's life feels out of control or are not meeting necessary obligations, this is a signal that drinking is a problem. Other signs are a sudden increase in the amount of alcohol consumed, concern being expressed by friends and family, changes in sleep, changes in mood and changes in grooming. These are warning signs that drinking is a problem and that a person needs assistance in understanding their drinking habits and behavior.

If you think you need help with an alcohol or drug problem, please don't wait. Contact NHLAP for help. You are not alone.

603-491-0282

Lawyers Concerned for Lawyers Virtual Peer Support Meeting

October Virtual LCL Peer Support Meeting
Thursday, October 8 2020 06:00 PM

Topic: **Importance of Role Models**

Join Zoom Meeting

<https://zoom.us/j/95041531943?pwd=dzJoSE9LMmx4cjBLc3FzcUIMenB4Zz09>

Meeting ID: 950 4153 1943

Passcode: MeetLCL10 (Computer Link
Passcode)

One tap mobile

+1-646-558-8656 US (New York)

Dial by your location

+1 646 558 8656 US (New York)

Meeting ID: 950 4153 1943

Passcode: 572697837 (Dial In Passcode)

Find your local number: <https://zoom.us/u/acFvrIFMe>



FOCUS ON MENTAL HEALTH

It Work-Life Imbalance or Something Else?

In a recent study health insurer Bupa Global found that 8 out of 10 corporate executives have experienced poor mental health since the start of the pandemic. Because of this, many of these same executives have started to evaluate mental health needs in the workplace and implement changes for better work-life balance. Kathy Caprino, Senior Contributor to Forbes Magazine, and Career and Life Coach, asks whether this is truly a work-life balance issue.

Ms. Caprino is seeing a rise in the number of professionals who are struggling emotionally: fear, sadness, loss of control, social isolation, rage, division, and instability are recurrent themes from her clients since the start of the pandemic. The convergence of the pandemic, the resurgence of a divisive civil rights movement and an ugly presidential campaign have brought many to a breaking point.

The real issue is that this perfect storm of stressors is highlighting a reality that was often ignored prior to the pandemic: the choices in both our personal and professional lives has left no room for a life that achieves any kind of well-being. Emotional health has taken a back seat to every other priority to our detriment. We can no longer ignore well-being. We must:

- Speak Up About What We Need
- Set Clear Boundaries
- Address What We Fear the Most
- Get Help from Others
- Make Joy Fulfillment a Barometer
- Close Power Gaps

In short, there must be some personal responsibility for prioritizing well-being in way that allows for long term resilience in a short-term crisis. This requires a great deal of honest self-reflection regarding personal and professional choices. It will also require the input of a trained mental health professional to change course to maximize emotional well-being.

Source:

Poor Mental Health for Executives Isn't Just a Work-Life Balance Issue
By Kathy Caprino, Forbes, www.forbes.com 09/30/20

NHLAP October Mental Health Virtual Peer Support Meeting October 14, 2020 04:00 PM

NEW TIME! 4:00 P.M.!

Join Zoom Meeting:

<https://zoom.us/j/93133565739?pwd=aXRuZVhLWTUxWHFmOTgvVm5RYU85UT09>

Meeting ID: 931 3356 5739

Passcode: JoinIn10 (Computer)

Dial by your location

+1 646 558 8656 US (New York)

Meeting ID: 931 3356 5739

Passcode: 81406273 (Phone)

Or find your local number:

<https://zoom.us/u/acFyrIFMe>

Please contact Terri Harrington at NHLAP with any questions or concerns regarding the NHLAP Mental Health Peer Support virtual meeting. t.harrington@lapnh.org

Are You tired of prolonged social isolation?

Do you miss the casual social contact of a busy workplace?

**NHLAP is sponsoring the
“Check In for Well-Being Project”**

Simply sign up with NHLAP with your name, an email and telephone number. You will be paired with a NH attorney. You will take turns checking in with one another at an interval you mutually decide. It's that simple. This pandemic is taking a toll on many of us. Lets do something easy, quick and meaningful to help one another get through this. Contact t.harrington@lapnh.org and request a “Check In for Well-Being” form.

We really are all in this together



NEW HAMPSHIRE LAWYERS ASSISTANCE UPDATE

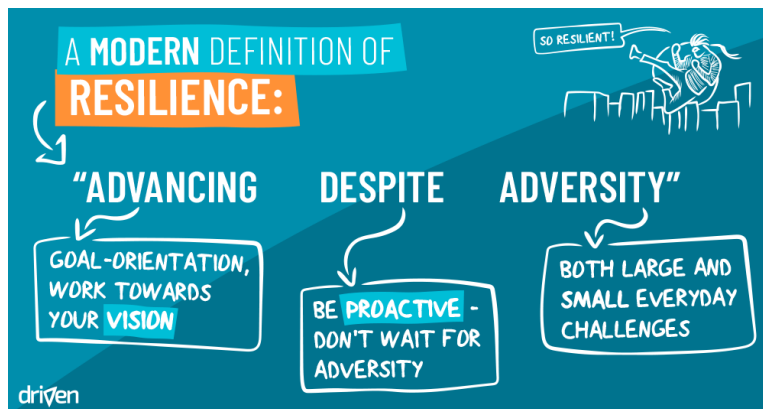
SAVE THE DATE!

2020 National Conference for Lawyer Assistance Programs
**Cultivating Agility and Resilience in
Times of Change** November 11-12, 2020

Inviting Lawyers, Judges, Lawyer Assistance Programs
Volunteers and Staff, Clinicians, Bar Leaders, Regulators and
Treatment Providers to join us virtually for two days of
substantive programming with subject matter experts covering
various topics relating to mental health, substance use,
recovery and well-being at the ABA 2020 National Conference
for Lawyer Assistance Programs, Cultivating Agility and
Resilience in Times of Change, on November 11-12, 2020.

Look for Registration details in the coming weeks!

Email t.harrington@lapnh.org to be added to a list for updates
directly from NHLAP. Limited scholarships are available to
cover registration costs on an as need basis.



NEW HAMPSHIRE LAWYERS ASSISTANCE PROGRAM IS NOW A RECOVERY FRIENDLY WORKPLACE PARTNER

Recovery Friendly Workplaces support their
communities by recognizing recovery from substance
abuse disorder as a strength and by being willing to
work intentionally with people in recovery. RFW's
encourage a healthy and safe environment where
employers, employees and communities can
collaborate to create positive change and eliminate
barriers for those impacted by addiction.

NHLAP completed training in addiction, behavior
health education and prevention as well as committed
to promote prevention and recovery in the legal
community to obtain this certification from Governor
Sununu. Our certification was obtained August 19,
2020.



To learn more about becoming a Recovery Friendly
Workplace visit www.recoveryfriendlyworkplace.com