

Validation

BY ROBYNN MORAITES

Something interesting happened when the world screeched to a halt and the courts closed in mid-March. The lawyers the Lawyer Assistance Program (LAP) works with as volunteers and clients did not respond as everyone predicted lawyers would.¹ Were there—and are there still—fears of financial insecurity due to the decrease in new legal matters, reductions in salary, or the volatility of the stock market? Of course. Has there been intense frustration for lawyers who are homeschooling and trying to get some work done at the same time? Absolutely. Has there been a heightened sense of fear and anxiety around the virus? Certainly. Has there been terrifying dread when immediate or extended family members contracted the virus? Yes. And sadly, there has been grief in the loss of family and friends due to the virus. But another feeling arose in many of our volunteers and clients, one that had them scratching their heads. For many of our LAP participants, inexplicably, this feeling seemed to eclipse most everything else. The feeling was one of immense relief.

We spend a fair amount of time educating the bar about the effects of stress, including the fight or flight response. In a great video by Nat Geo entitled *Stress: Portrait of a Killer* (available on YouTube youtu.be/eYG0ZuTv5rs), the opening scene shows a lion chasing a zebra. It also shows a man holding a briefcase waiting to get on the subway. The narrator explains that for the zebra, the fight or flight response is over in about three minutes. Either the zebra has gotten away or it's over for the zebra. The narrator goes on to explain that the man on the subway is experiencing this heightened sense of fight or flight as well. But what is supposed to be a short-term, acute survival response is experienced by many of us as a chronic day-in-and-day-out condition.

We often do not recognize in the

moment that we are in “reactive mode,” a hyper-adrenalinized heightened state of stress, fear, or anger. It is only when the stimulus is removed that the highly reactive feeling dissipates. Only then can we recognize what was happening, because we have been restored to homeostasis, or a normal, responsive state. Hindsight is 20/20. But what happens if the stimulus is never removed? What if the feelings never have an opportunity to dissipate?

Tim Fall, a superior court judge in Northern California, documents in his short memoir, *Running for Judge*, his immediate fight or flight reaction to the phone call that alerted him he would have opposition in his reelection bid, and the emotional toll it took on his life and relationships during the campaign. Even though judges in California are first appointed and then reelected, it is unusual for them to have an opponent in a reelection year. He wrote the book specifically to document his “mental illness” and reduce the stigma associated with these conditions in the legal profession. One might question his use of the words “mental illness” to describe a totally normal fight or flight response to a threat. Personally, I would not put his reaction in the category of mental illness. Nevertheless, he does a great job of documenting how he experiences this prolonged fight or flight response in his emotional state and bodily response. It’s not a cliffhanger, so this technically doesn’t qualify as a spoiler alert. The moment he is reelected, he gets the first good night’s sleep since the fateful phone call that started the ball rolling. His symptoms magically vanish into thin air. Poof. Gone. He feels immense relief. He finally feels normal again, like his old self.

That’s essentially what happened to LAP participants. It was only when courts closed, and the day-to-day work demands vanished overnight, that many of our participants finally felt the deep relief they had been



seeking for years. This recognition of the curious feeling of relief permeated LAP support group meeting discussions across the state.

I think for many LAP participants, there was not only relief from the chronic fight-or-flight reactive state, but also relief in finally understanding and really getting that there is nothing fundamentally wrong with them. It really was the job—or their totally normal reaction to it. Nobody could have predicted that a worldwide pandemic would be the catalyst for this realization and validation. Many LAP participants felt “normal,” like their old selves, for the first time in years, despite all the additional COVID-19 pressures. And whatever COVID-19 pressures they were feeling, these were the same pressures being experienced by everybody else.

We often say, and we have published in our law school brochure, “You are having a normal reaction to an abnormal situation.” Law practice creates a super abnormal situation, right from the forced-curve get-go. With its winner-take-all adversarial nature, its unrelenting demands, and the inherently competitive people who are attracted to the profession, the practice creates a pronounced and prolonged abnormal work situation. It was only when the abnormal situation was suddenly, completely removed that LAP

participants went back to a baseline emotional state that, for many, pre-dated law school. We now have LAP participants who are seriously considering leaving the practice of law—or at least the version of practice that they are practicing today. They are realizing they have greater agency to choose circumstances that affect the way they feel and their attendant day-to-day quality of life.

Unfortunately, the prolonged stress, having to fight to accomplish everything (big and small), repeated exposure to other people's trauma, with no real break in the cycle, all can create PTSD-like symptoms in many lawyers. One need not be a personal trauma survivor to "catch" and display the hyper-adrenalinized reactivity found in the neurological dysregulation cycle of actual trauma survivors. When we are in this hyper-adrenalinized, PTSD-like reactive state, we are largely unconscious of it. It takes a lot of mindfulness and personal awareness to come back to ourselves. Hard exercise breaks the PTSD-symptom cycle because it releases the adrenaline and cortisol that has built up in our bodies. Sometimes, we just need a different job.

We don't necessarily need to leave the practice of law altogether. I'm a big fan of what I affectionately call, "bushwhacking your way into a law practice that works for you." I want to give a quick shout-out to friends from law school who have done this. If high stakes litigation or family law is your thing, that's awesome. Seriously. I have had some lawyers ask, like a form of survivor's guilt, if something is wrong with them because they are happy practicing law. There is nothing wrong with you for liking what you do and succeeding at it. I knew immediately that litigation was not a good fit for me. One case was all it took, with both the facts and the law on our side! I finally ended up in a transactional and regulatory practice in both in-house and small-firm settings. I excelled. It was interesting, intellectually challenging, and complex work. I was happy, as were my clients. It was a good fit for my relationship-driven personality and business acumen. Had I remained in litigation, no amount of therapy or medication would have eased my hyper-adrenalinized, paranoid, anxiety-ridden, sleepless state.

LAP often interfaces with lawyers who have entered the discipline and grievance process. Some become LAP clients, but some

do not. A lawyer who did not work with us at the time recently emailed me. I have included this with his permission.

I shared with [a therapist I know] my personal search for a mental health diagnosis that fits the criteria for what I had experienced during that time in my life [when a grievance was filed against the lawyer]. The self-diagnosis was Prolonged Stress Disorder. The symptoms mirror PTSD, but instead of there being one major event causing the disorder, there is persistent stress over time. I did not research any further once I was satisfied that I had not just become a bad person. I realized I was always a good person, just one with clouded judgment from prolonged stress. And I had a lot of circumstances going on that demanded better judgment than I was able to exercise at that time in my life. So, I have a special appreciation for LAP, because you all see everyone as I was able to ultimately see myself.

It can be daunting to really admit to ourselves that we are in this chronic fight or flight state. First, it might be difficult to recognize because we have been living with it for so long. Also, admitting it means we probably have to do something about it. LAP has supported lawyers through the years as they have navigated this terrain. Whether it is transitioning to a new or different job in the law or learning and practicing mindfulness and meditation tools, the path is as unique as each person with whom we work. ■

Robynn Moraites is the director of the North Carolina Lawyer Assistance Program.

The North Carolina Lawyer Assistance Program is a confidential program of assistance for all North Carolina lawyers, judges, and law students, which helps address problems of stress, depression, alcoholism, addiction, or other problems that may impair a lawyer's ability to practice. For more information, go to nclap.org or call: Cathy Killian (Charlotte/areas west) at 704-910-2310, or Nicole Ellington (Raleigh/ down east) at 919-719-9267.

Endnote

1. This article represents observations only about trends we noticed with established LAP participants, not the bar at large or new clients who just began working with our program during the COVID-19 lockdown.

Disciplinary Department (cont.)

withdrew the impermissible release after he received the State Bar's letter of notice.

Paris Branch-Ramadan of Louisburg was reprimanded by the Grievance Committee. Branch-Ramadan was aware that a client she previously represented was contending on appeal that she rendered ineffective assistance of counsel. Approximately eight months after her client's guilty plea, Branch-Ramadan destroyed portions of the client's file in violation of N.C. Gen. Stat. § 15A-1415(f) and Rules of Professional Conduct 1.15-2(a) and 1.15-3(g). In post-conviction proceedings, Branch-Ramadan certified that she "made available for pick up each and every piece of discovery provided to me..." testified that she did not recall receiving letters from post-conviction counsel requesting the client's file, and testified that she did not inventory what she produced. Numerous items were missing from the discovery she produced in response to a court order. She also did not produce other documents from the client's file. In its order denying the client's MAR, the court found Branch-Ramadan's testimony concerning the loss or destruction of the file "at times incomplete and evasive."

James R. Levinson of Benson was reprimanded by the Grievance Committee. In the course of representing two clients in a bankruptcy case, Levinson did not maintain the original signed version of all electronically-filed documents; did not disclose all compensation he received for the bankruptcy case; filed conflicting documentation regarding his compensation; improperly collected additional legal fees from his clients while the bankruptcy case was pending and while the automatic stay was in effect; did not communicate to his clients the multiple reasons why they were not obligated to pay the additional legal fees he collected from them; made material omissions in documents filed with the court; did not promptly disclose to the court his receipt of funds for one client; did not promptly turn over to the bankruptcy trustee funds he received for one client and did not deposit those funds into a trust account; did not promptly inform his client that he had received funds for the client; and engaged in the representation involving a concurrent conflict of interest. ■