

# Now is the Time: Making New Rules for the Legal Culture

By Martha D. Burkett

## in\_ter\_ven\_tion

[in-ter-ven-shuh/n] –noun

1. the act or fact of intervening.
2. interposition or interference of one state in the affairs of another.

**Origin:** 1375–1425; late ME < LL *in-terventiōn-* (s. of *interventiō*) a coming between.<sup>1</sup>

*“Operating out of a sense of loyalty and love, they will unwittingly enable the disease to progress. Inevitably, the alcohol or other drug use becomes worse.”<sup>2</sup> —Jeff Jay*

Sometimes when we get calls for assistance through the Lawyers and Judges Assistance Program (LJAP) we wonder aloud, “Why did they wait so long to call?” Of course, there is not one answer to that question, but years of education and experience have led me to my own notions about this frequent phenomenon. As LJAP prepares to host a fundraising dinner featuring nationally known authors and interventionists Jeff and Debra Jay as keynote speakers, I think it’s a good time to broach the subject. At the April 16 event, Jeff and Debra will discuss different levels of intervention as well as how to facilitate a successful workplace intervention for a colleague who is suffering with substance use, mental health issues, or other impairment.

But I digress. Back to my hypothesis about why concerned parties sometimes wait so long to call.

First, even if attorneys who are struggling are able to glimpse the reality of their circumstances through thought distortions inherent in impairment, they may not want to acknowledge vulnerability. They may

think it’s not okay to need or ask for help. Not knowing what to do, they may do nothing, until things become so unbearable that they must act. Sometimes by then the damage seems irreparable.

Second, the people close to a struggling attorney are often conflicted and confused. They may believe it is disloyal and disrespectful to acknowledge and openly address a peer’s problems. They may try to “help” by covering for or making concessions to accommodate problems stemming from a peer’s struggle to function with an impairment. Or, not knowing what to do, they do nothing until the situation becomes such a liability that they must act. Sometimes by then the damage seems irreparable.

If you have ever heard me speak about the work that I do within LJAP, you have heard me talk about my fascination with professional culture—specifically, within the legal profession. I first became aware of the notion of professional culture when I was studying for my master’s degree in public administration (MPA). It wasn’t until I began to work exclusively with lawyers, judges, and law students that I understood how my fascination with professional culture would fit with my clinical training and experience. My employment within LJAP was a perfect vehicle for integrating the knowledge I had gained in my MPA program and the clinical knowledge, skill, and experience that I had gained in my years of employment before, during, and after completion of my education and licensure as a professional counselor.

Along the way I came to understand that, if I am to be optimally effective in the work that I do, it is essential for me to understand and be sensitive to the subtleties and nuances of not only the greater legal culture, but the organizational culture and environment in which an individual is living and working as

well as the family and social cultures in which he or she is immersed. Understanding these respective cultures gives me a comprehensive contextual framework from which I am able to build a bridge between that individual and the services that LJAP has to offer in the hopes of helping that person build a brighter outlook for the future.

Comprehending and appreciating the contextual framework on which a person’s life is built and functions makes it possible for me to learn the value systems from which he or she operates (the cultural rules, norms, and expectations) and the “language” he or she speaks, which emanates from this framework and represents those value systems in attitudes, ideas, and behaviors. Some of these attitudes, ideas, and behaviors are positive and affirming of personal and professional wellness, while others are less so. Ideally in this process, individuals become more self-aware of the ways in which they are influenced, guided, and affected by cultural rules, norms, and expectations. At times, they choose to question or challenge institutionalized assumptions. As a result of this process, they become better equipped to function within the aforementioned framework, and consciously develop a new operational platform for themselves that better supports personal integrity and wellness.

In my observation, professionalism in the law is predicated on knowledge and skills. Beyond those tools, professionalism is cultivated and supported by attitudes and behaviors that value honor and integrity; manifest respect for laws and man; strive for excellence in scholarship; demonstrate leadership, responsibility, and accountability; and express caring, compassion, meaningful communication, a strong work ethic, and above all, loyalty. It is this model of

professionalism that is the foundation from which an attorney builds his or her profession and life. He or she then strengthens that foundation by integrating personal values learned and ingrained within the confines of family and social cultural experience. Ideally, those values are congruent with the foundation that professionalism within the legal culture provides.

It is also my observation that, as a group, legal professionals see themselves (as does the general public) as experts, counselors, helpers, and problem solvers. Indeed, they are all of that and more. In clinical jargon that was coined some time ago, they are “pedestal professionals”—a characterization they share with clergy, law enforcement, counselors, physicians, nurses, pharmacists, and CEOs. As such, they sometimes subscribe to distorted notions about themselves that are based on *implicit* cultural, organizational, or personal rules, norms, and expectations that preclude vulnerability. These implicit and often subliminal rules send a powerful message: “*Don’t talk, don’t trust, and don’t need.*”

The obvious truth is that pedestal professionals as human beings are vulnerable to life’s ups and downs—a reality that sometimes escapes these professionals. Like all humans, they experience pain, are sometimes confused and may lose direction and focus, and sometimes need the help of others. In a professional culture that discourages vulnerability, it is easy to feel lost in the crowd or isolated. If a person believes that it is not safe to talk about what is real and to trust within a culture, he or she may experience a sense of powerlessness to effect change. This loss of power can lead to feelings of helplessness and hopelessness, and may render an individual more susceptible to physical and other health issues like anxiety, depression, or substance-use disorders. In such an environment, it becomes difficult to identify personal difficulties or to appropriately address the problems of others. If problems are not addressed, they grow, manifesting in work-performance issues, interpersonal problems, office morale/resentment of co-workers, and sometimes grievances, disciplinary actions, and loss of

licensure for those who are struggling. Like a stone dropped into a pond, the ripples of a spoken or unspoken decision not to act in a way that facilitates positive change travel injuriously outward.

My experience with members of the legal profession has led me to conclude that it is neither an inability to see the problem (though attorneys, as humans, are certainly susceptible to denial) nor a lack of concern that precludes appropriate problem identification and subsequent support for problem solving. In fact, it is quite the contrary. Lawyers are astute people with great heart, and they can be the most loyal and ardent advocates imaginable for a peer in distress. Rather, it is an unintentional distortion of that core value of *loyalty* to a peer who is in trouble—a well-intentioned, survival-based “pack mentality” that says, “*We take care of our own.*” While this view may be admirable, it can be misguided if the problems at hand are physiological in nature—especially, as is often the case, if those trying to help lack the knowledge, training, or expertise to properly identify or address the cause of the problem. By playing out the “don’t talk, don’t trust, and don’t need” mindset by covering, compensating, or making accommodations for a peer’s dysfunction, they are unwittingly pandering to the condition and allowing it to worsen, thereby exacerbating the problem.

So, what am I suggesting? Simply that you take a closer look at the contextual framework that supports your professional life and evaluate how it really fits with your personal values system. Does it allow for integrity? Do you feel free to act consistently in ways that are reflective of your core personal values with regard to your life and your relationships with your work, your organization, your community, family, and self? Does it support wellness? If it does, congratulations! You are very fortunate. If it does not, are there attitudinal and behavioral changes that you can institute on a personal level and perhaps influence healthy change? Can you find a place where you can talk, trust, feel, and ask for what you need? Are you willing to support others in doing so? It’s a lot to think about, I know.

The good news is that you don’t have to go it alone. LJAP is here to help you. We will respect your confidences as we consult with you by phone, e-mail, or in person to help you identify issues and problem solve responses, whether for you or a peer in need. We understand the professional culture that provides the contextual framework for the personal and professional lives you lead, and we know how to speak and hear your language. We can help you decide what level of intervention is most appropriate. It may be helping you prepare to speak with an individual you are concerned about and directing him or her to LJAP. It may be providing a referral for assessment or treatment or both. It may mean a referral to the State Bar Practice Management Resource Center.

Not all situations require a formalized intervention, but if it is deemed necessary, I am a level II board-registered interventionist. If I am unable to assist you personally, I can direct you to someone from our extensive list of trusted treatment and service providers who can. ■



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## FOOTNOTES

1. Dictionary.com Unabridged (v 1.1), based on the Random House Unabridged Dictionary, © Random House, Inc. 2006.
2. Jay & Jay, *Love First: A Family's Guide to Intervention*, 2d ed (Hazelden, 2008) excerpt available at <<http://www.lovefirst.net/xarticles/article2.htm>> (accessed January 28, 2009).