Some Thoughts About Thoughts and Mental Health

Recently, I have had the distinct honor of being asked to speak at several continuing legal education seminars sponsored by the Cleveland Metropolitan Bar Association. While these talks were intended to assist attorneys in acquiring credits toward their substance abuse education requirement, these talks were focused much more on general emotional health and wellbeing for attorneys. Our culture, in general, is facing high levels of tension and stress. As a profession, attorneys distinguish themselves in their experience of emotional challenge and, in particular, depression.

Dating back to World War II, mental health disciplines largely studied mental illness. However, more recently, with the emergence of a field notice positive psychology these disciplines have started to address how we can truly be mentally healthy. The timing is certainly right given the economic downturn, the high rates of unemployment, and the escalating levels of stress in our country.

The American Psychological Association conducts a yearly survey on stress in America. Recent results show that 48% of Americans believe that their stress has increased over the past five years. Nearly one third of Americans feel like they are living with “extreme stress.” Money and work continue to be the leading cause of stress for three fourths of Americans. This rate was just 59% as recently as 2006. Nearly 50% of Americans report that stress has a negative impact on their personal and professional lives.

Studies suggest that, for attorneys, the rates of depression are 3.6 times the rate of depression in the general population. We cannot be sure if it is something about the profession that induces low mood states or if depressed people tend to become attorneys! Nevertheless, legal professionals are clearly in need of strategies to help them feel and function well. Ultimately, it is every individual’s responsibility to take up this challenge, to not neglect their well-being, and to have and implement a plan of action.

The following list describes some of the characteristics common to attorneys and other legal professionals:

- Long work hours
- Pressure for billable hours
- Over emphasis on productivity
- Work/life in balance
- Competitive (winners and losers)
- Perfectionists
- Compulsive
- Prone to fixing things
- Thinking too much

These characteristics may produce a rather dangerous formula that can challenge one’s well-being.

Mark Twain famously said, “I’ve been through some terrible things in life, some of which actually happened.” Strangely, Mark Twain suffered from depression himself. His words are profound. They suggest that what disturbs us most is what is going on in our own heads more than the world, per se. The old Greek slave Epictetus asserted that we are not disturbed by events, but by the view we take of them.

In looking for a formula, a plan that makes a difference in our lives, we may not have to go looking very far. Developing an awareness of how our relationship with our own thoughts can create our sense of disturbance seems crucial. A willingness to practice new skills aimed at...
addressing our thoughts can provide some protection from low mood states and put us back in touch with the world that we are all sampling. Too often, we accept our thoughts as an accurate representation of reality. At the same time, no one seems too interested in what we’re thinking! Indeed, it is when we crawl into our own heads that we experience our greatest sufferings. Being in contact with the external world, being “engaged” is what liberates us and produces our best acts.

The practice of mindfulness, a meditative act that has its roots in Eastern philosophies, is one simple strategy that can be cultivated in order to develop a new relationship with the 50,000 thoughts, images, and ideas that pass through our heads every day. Mindfulness involves noticing thoughts passing by, just as any other experience, and gently guiding awareness back to the present moment over and over again. Devoting just five minutes (once in the morning and once in the evening) to this practice can illustrate the value of changing one’s relationship to thoughts. Then, noticing when you’re drawn away from the present by your own thoughts, labeling the thought, then re-engaging in the now can be a discipline to introduce into your daily life.

A gratitude journal is another simple strategy that has been shown to improve wellbeing, improve quality of sleep, produce more pleasant dreams, and help us wake feeling more refreshed. This merely involves keeping a pad and pen near your bedside. Before you climb into bed, write down five occurrences from the previous day for which you are grateful. Some days, this might be quite a challenge! Stay with this practice. It causes you to look for positive events in your daily life so that you can journal them. Additionally, it also forces your brain to dwell on the “rightness” in your life — a task we often neglect.

Mindfulness and gratitude journals are examples of a small sample of behaviors that, with practice, can be part of an overall plan for mental health and contentment. It is wise to implement one strategy at a time so that one is not overwhelmed by the need to change. Remaining dedicated and active toward addressing the challenge of our own minds is the goal. Too often, we merely seek to self-medicate or temporarily remedy the discomforts in our minds and bodies. We use drugs, alcohol, or faulty means of reassurance to apply these “fixes.” The point is to become engaged in even our smallest acts and to “get out of our minds and into our real lives.”

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**Attorney Discipline**

On November 24, 2010, LAWRENCE FREDERICK PESKIN, Attorney Registration No. 0059391, last known address in Cleveland, Ohio, was reinstated to the practice of law in the state of Ohio. See the Supreme Court’s entry in *Ohio State Bar Assn. v. Peskin*, 2010-Ohio-5727, for additional information.

On November 30, 2010, STANLEY JACKSON JR., Attorney Registration No. 0077011, last known business address in Cleveland, Ohio, was suspended from the practice of law in the state of Ohio for two years, with six months stayed on conditions. See the Supreme Court’s entry in *Disciplinary Counsel v. Jackson*, 2010-Ohio-5806, for additional information.

On December 1, 2010, JOHN PATRICK HILDEBRAND JR., Attorney Registration No. 0068874, last known business address in Chagrin Falls, Ohio, was suspended from the practice of law in the state of Ohio for an interim period with the matter referred to the Disciplinary Counsel for investigation and commencement of disciplinary proceedings. See the Supreme Court’s entry in *Disciplinary Counsel v. Hildebrand*, 2010-Ohio-5762, for additional information.

On December 6, 2010, F. BENJAMIN RIEK III, Attorney Registration No. 0022703, last known business address in Westlake, Ohio, was permanently disbarred from the practice of law in the state of Ohio. See the Supreme Court’s entry in *Cleveland Metro. Bar Assn. v. Riek*, 2010-Ohio-5916, for additional information.

On December 8, 2010, PAUL NICKOLAS PETERSON, Attorney Registration No. 0075730, last known business address in Chagrin Falls, Ohio, was suspended from the practice of law in the state of Ohio for an interim period with the matter referred to the Disciplinary Counsel for investigation and commencement of disciplinary proceedings. See the Supreme Court’s entry in *In re Peterson*, 2010-Ohio-5974, for additional information.

On December 14, 2010, HOWARD MISHLER, Attorney Registration No. 0007281, last known business address in Westlake, Ohio, was permanently disbarred from the practice of law in the state of Ohio. See the Supreme Court’s entry in *Cleveland Metro. Bar Assn. v. Mishler*, 2010-Ohio-6085, for additional information.

On December 17, 2010, the Supreme Court of Ohio terminated the probation of JOHN WILLIAM VOGEL, Attorney Registration No. 0071169, last known business address in Cleveland, Ohio. See the Supreme Court’s entry in *Columbus Bar Assn. v. Vogel*, 2010-Ohio-6205, for additional information.