



The West Virginia Judicial & Lawyer Assistance Program

THE PATHWAY TO LAWYER WELL-BEING WEBINAR **May 6, 2021**

1:00 p.m. to 1:50 p.m.

Robyn Moraites, Esq.
Executive Director of the
North Carolina Lawyer
Assistance Program

“The Psychology of Transitions”

2:00 p.m. to 2:50 p.m.

Colleen Harshbarger, MS,
NBHWC
Wellbeing Solutions

“Transforming Stress”

3:00 p.m. to 3:50 p.m.

The Honorable William
S. Thompson, Circuit Judge
of the 25th Judicial Circuit

David Wandling, Esq.
Logan County Prosecuting
Attorney

Rachael Fletcher Cipoletti,
Chief Counsel of the WV
Office of Disciplinary
Counsel

“Compassion Fatigue in the Legal Profession”

The Pathway to Lawyer Well-Being Webinar



Robynn E. Moraites is the Executive Director of the NC LAP. She obtained her undergraduate degree in education from Florida State and her law degree from UNC at Chapel Hill. Prior to attending law school, she ran a

public health program at the University of Miami where she developed continuing medical education programs for healthcare professionals working in the field of geriatric medicine. Prior to joining the LAP, Robynn practiced law in North Carolina in large firm, small firm, and in-house settings. She has an extensive background and knowledge in helping lawyers in recovery.



Colleen Harshbarger is a National Board-Certified Health & Wellness Coach, and Experienced Registered Yoga Teacher with over 25 years of experience as a wellness professional. She is committed to guiding high-level

professionals to find balance and empowerment through holistic wellbeing, so that they can love their lives.

Colleen earned her Master's degree in Exercise Science and went on to establish and direct Reebok International's award winning employee wellness program from 1987 – 1993. Colleen also initiated and led the development of a comprehensive student wellbeing program, liveWELL for WELLWVU at West Virginia University. She is currently owner of Wellbeing Solutions and a lead trainer for BodyMindSpirit's Wellness Inventory Coach Training Program. Colleen has presented at numerous national and state conferences and participated in the world wellness project summit in Melbourne, Australia in February 2011.

A more detailed description of her work can be found here: <https://www.wellbeingwv.com/about-us->



Rachael L. Fletcher Cipoletti is Chief Lawyer Disciplinary Counsel for the West Virginia Office of Lawyer Disciplinary Counsel. She has been with the ODC since 2002 and became Chief Disciplinary Counsel in 2008. Rachael also serves as

Special Judicial Disciplinary Counsel for the West Virginia Judicial Investigation Commission. Rachael is a frequent lecturer on ethics and professionalism for the West Virginia University College of Law, the WV State Bar, and the American Bar Association. Rachael is admitted to practice before the Supreme Court of Appeals of West Virginia, United States Southern District of West Virginia, United States Northern District of West Virginia, United States Court of Appeals for the Fourth Circuit and the Supreme Court of the United States of America. Rachael was previously an attorney with Legal Aid of West Virginia. She graduated Magna Cum Laude with a Bachelor of Arts Degree in Psychology from West Virginia University and also earned her Juris Doctorate from West Virginia University.

She currently serves on the Future of the Law Committee for the WV State Bar, is the ODC liaison to the WV Judicial and Lawyer Assistance Program, serves on the Supreme Court of Appeals of West Virginia Task Force on Lawyer Well-Being, and serves on the ABA's standing committee for the Commission on Lawyer Assistance Programs Consortium on Professionalism Initiatives. She is a lifetime member of the West Virginia University Alumni Association, a member of the American Bar Association, a member of the Center for Professional Responsibility, and a member of the National Organization of Bar Counsel.

Outside of the office she focuses a lot of her energy spending time with her 4 children, her husband, and their very large dog, Charlie.

The Pathway to Lawyer Well-Being Webinar



Judge Thompson was born in Charleston and raised on Lick Creek near Danville. He graduated Salutatorian from Scott High School in 1988. He has a 1992 degree in civil engineering from West Virginia University and graduated from

West Virginia University College of Law in 1995.

He was an engineer for American Electric Power in Columbus, Ohio, in 1992; Vice President of Danville Lumber Company from 1992 to 2007; and President of Madison Health Care, Inc., from 1998-2007.

He was an attorney for Cook and Cook in Madison from 1995 to 2007 and a Mental Hygiene Commissioner for Boone County from 2003 to 2007.

Then-Governor Joe Manchin III appointed him to the bench in the Twenty-Fifth Judicial Circuit (Boone and Lincoln Counties) in 2007. Judge Thompson was elected in 2008 and re-elected in 2016.

Judge Thompson has been appointed to be a temporary Justice on the Supreme Court to hear cases in which as Justice was recused.

Judge Thompson has been recognized for his work with drug courts. His work has been profiled by the NBC Nightly News, HBO Vice, and several documentary films. Judge Thompson has received an Innovation Now Award from the Addiction Policy Forum and a Criminal Scholarship award from the West Virginia Public Defenders. Judge Thompson was also instrumental in getting Family Treatment Courts established in West Virginia.

Judge Thompson has handled numerous high profile cases, which included the civil litigation involving the Upper Big Branch Disaster and the West Virginia pharmaceutical litigation, which was featured in a Pulitzer Prize winning series of articles in the Charleston Gazette.

He is a member of the Madison United Methodist Church and is actively involved in coaching youth sports for both boys and girls. He and his wife, Keri Dawn, have four children.




David Wandling is the Prosecuting Attorney in Logan County, West Virginia. He was raised in Chapmanville, WV and graduated from Chapmanville High School in 1998. David graduated *Magna Cum Laude*

from West Virginia University with a B.A. in History in 2002. David then attended the West Virginia University College of Law and graduated in 2005. After completing law school, David went to work with his parents at Avis, Witten & Wandling and the Wandling Law Offices where he handled cases involving criminal defense, personal injury, worker's compensation, and social security.

In 2012, David became an assistant prosecuting attorney for Logan County. During his first 8 years, David handled virtually all cases involving children in Logan County. During his time as an assistant prosecuting attorney, David handled thousands of misdemeanors, countless felonies, several thousand abuse and neglect cases, civil forfeiture cases, juvenile petitions, and more.

In 2020, David Wandling was elected as the Logan County Prosecuting Attorney. David is passionate in taking a balanced approach to crimes involving substance use disorders by utilizing every available treatment option for first-time nonviolent offenders. David is an active participant in Logan County's Adult and Juvenile Drug Courts and helped implement Logan's new Family Treatment Court. David is a member of the Community Corrections Board. David Wandling believes addiction is the single biggest issue facing his community and is committed to working with law enforcement, first responders, the school system, and child protective services to combat the issue.




Mentally Preparing for Life's Transitions

AKA: The Psychology of Transition

Presented by:
Robynn Morales
Executive Director
NC Lawyer Assistance Program

nclap.org lapfoundationnc.org

1




It has become cliché

“The only thing constant in life is change.”

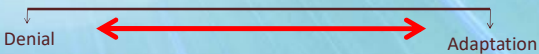
nclap.org

2



Self Preservation Instincts


- Denial vs. Adaptation
- A balancing act. We use a lot of energy for both, and sometimes we use more energy to stay on one side of the continuum.
- Common belief: “we resist change”



Denial ←————→ Adaptation

nclap.org

3




Definition of Change:

- to make the form, nature, content, future course, etc., of (something) different from what it is (or from what it would be if left alone)
- to transform or convert

nclap.org

4




Transition on the other hand...

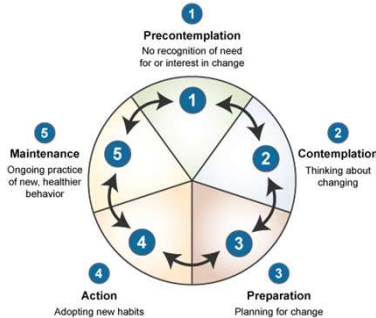
- Letting go of that piece of ourselves that we have to give up when and because the situation has changed.
- William Bridges – The Way of Transition
- This is actually what we resist because it is so deeply significant and personal.

nclap.org

5




Psychological Stages of Change



nclap.org

6




Stage 1 – Precontemplation

- “Not ready” or avoidance - The change is not on the person's radar screen yet.
 - Not speaking circumstantially here, we're speaking psychologically
- If approached about a possible change, the person will typically (unconsciously) underestimate the pros and overestimate the cons with little to no actual information

nclap.org

7




Stage 2 – Contemplation

- “Getting Ready” or overcoming ambivalence
- On the radar screen, starting to gather information
- Pros and cons are about equal as they are weighed
- Ambivalence can lead to long delays of months or years before taking action

nclap.org

8




Stage 3 – Preparation

- “Ready”
- Begin with small steps
- Support from friends, family and colleagues is key
- Biggest concerns are usually if they take this action, will there be the payoff expected? Will it work out as hoped? What will happen?

nclap.org

9




Stage 4 - Action

- "All in"
- Change is made, new behavior underway
- This can be a very motivated time, new experiences, new ways of reacting or interacting...often excitement of a new chapter

nclap.org

10




Stage 5 - Maintenance

- "New Way of Life"
- Change is well established
- Old ways seem distant
- One may even question, "Why did it take me so long to come to this decision (action) (change)?"

nclap.org

11

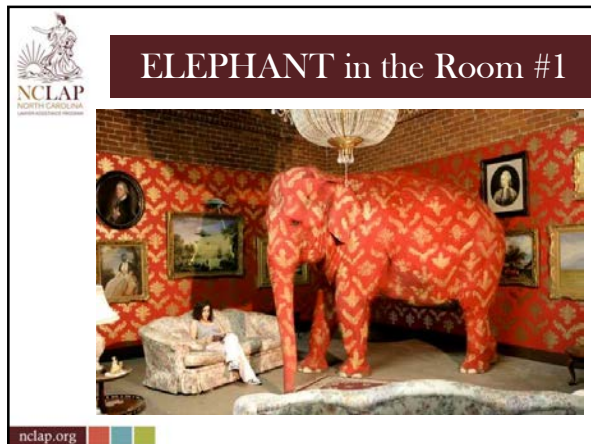


If only it were that simple...

- There are several compounding factors that influence a person's readiness to change and to progress through the 5 stages of change.
- These factors are the three largest factors for our talk today and yet remain mostly, if not completely, unacknowledged

nclap.org

12



13

14

15



16

Anxiety

- Venture into the unknown = uncertainty
- Instinctual drive to stay safe, self preserving – moving past those boundaries, by definition, creates anxiety
- Therefore, all change, big or small, is also accompanied by some form of anxiety
 - Might be insignificant or debilitating, but it is there

Diagram: Insignificant ←————→ Debilitating


17

Anxiety continued...

- Behaviors include:
 - Overthinking - identifying and planning for every possible contingency (A, B, C, and D) (then A1/A2, B1/B2, etc)
 - We invariably miss something anyway
 - Difficult to “trust the unfolding process”
 - Believe it is “all up to me” to create a result
 - Quite sure “other shoe will drop”
 - Catastrophising - forgetting to look back and see things that have worked out in the past
 - Lots of self-doubt and second guessing


Can look like good lawyering!

18




Common Example


- Staying in an unsatisfying job (practice area or practice setting) due to security fears ("Devil you know...")
 - "Fear" of financial insecurity vs financially secure reality (leaving big firm example)
- Missed opportunities (not work related)




19




ELEPHANT in the Room #3







20




Grief





21



5 Stages of Grief

- Denial
- Anger
- Bargaining
- Depression
- Acceptance

nclap.org

22




Let's talk about grief

- All change, no matter how big or small, whether we label it "good" or "bad" is accompanied by some form of grief
 - Might be insignificant or debilitating, but it is there

Insignificant ←————→ Debilitating

nclap.org

23




Grief continued...Stories

- Which vacuum to keep?
- Why can't I let myself sell this house?
- Switching practices – leaving in-house
- The Veterinarian's Observation

nclap.org

24




Resources

- Cultural mores about any form of grief today (excerpt from Joan Didion's book)
- The Grief Club by Melody Beattie
- The Way of Transition by William Bridges (one of many books)

nclap.org

25




Notice any correlations?

Stages of Grief/Traits of Anxiety	↔	Stages of Change
• Denial		• Pre-contemplation
• Anger/Angst		• Contemplation
• Bargaining/Planning		• Preparation
• Depression		• Action
• Acceptance		• Maintenance

Not always an exact correlation, but you can see the similarities and convergences of processes – how grief or anxiety can influence moving through stages of change.

nclap.org

26

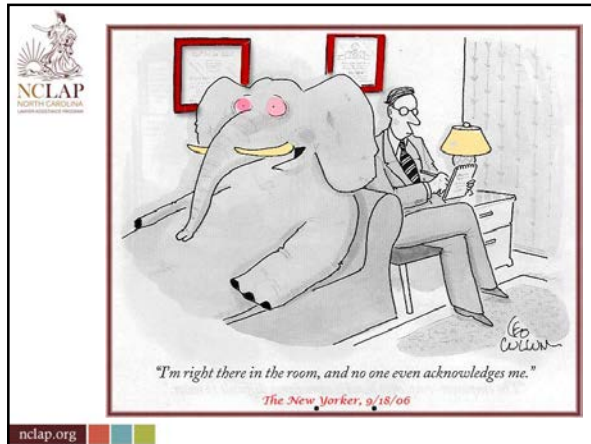


Now put it all together:

- Unconscious over identification with job
- Anxiety that comes with change
- Unspoken, unrecognized grief that comes with change
 - That we're culturally not allowed to recognize or speak of
- All reinforcing denial stage (pre-contemplation)

nclap.org

27



28

No Wonder...

- It is no wonder phasing out of law practice can be so difficult for us.
- Now that we know some of what is at play, what are some practical steps we can take to prepare?

29

Begin Simple Self-Reflection

- Look back on your own life.
 - Jot down 5 major changes or transitions you have been through in your life personally. Some common examples:
 - Going to undergrad or law school
 - Getting married or divorced
 - Having children (each child counts as an event)
 - Starting a job, leaving a job, switching practices
 - Moving to a new city

30



What can you identify?

Stages of Grief

- Denial
- Anger
- Bargaining
- Depression
- Acceptance

Stages of Change


- Precontemplation
- Contemplation
- Preparation
- Action
- Maintenance

Fears/Anxieties

- Overplanning
- Dreading
- Trying to control process or participants
- Being stuck due to uncertainty about change

nclap.org Where did you spend the most time before? during? after? the change.

31



Predictor

- We tend to be creatures of habit and conditioned emotional response
- We usually have a standard repertoire of emotional responses
 - Knowing how we dealt with something in the past will help us anticipate it in the future so that we can prepare adaptive strategies
- Looking at big picture trends that stand out

nclap.org

32



Assess Yourself

Job

Not identified ←————→ Totally identified

Anxiety


Insignificant ←————→ Debilitating

Grief

Insignificant ←————→ Debilitating

nclap.org
#1 - Typical #2 – Facing major changes

33




Looking Ahead – Proven Strategies

- When dealing with the emotional and psychological transition of retirement, identify for yourself:
 - Where do you currently overly identify with your job/role?
- Strategy for dis-identifying – true example
- Analogous “work” – i.e., serving on boards (two most recent foundation presidents) (Projects of passion, Rotary, tutoring, taxes, mentoring) that still gives us the ego-perks

nclap.org

34




Looking Ahead – Proven Strategies

- When dealing with the emotional and psychological transition of retirement, identify for yourself:
 - What outside interests have you maintained?
 - What outside interests can you start fostering now?

nclap.org


35



A Smart Guy Said It

“Life is like riding a bicycle. To keep your balance you must keep moving.”

~ Albert Einstein,
letter to his son Eduard, 1930



nclap.org

36



37



38



39



Thank you!

Cathy Killian Clinical Director/West 704-910-2310 cathy@nclap.org	Nicole Ellington Eastern Area 919-719-9267 nicole@nclap.org
Robynn Moraites Executive Director 704-503-9695 robynn@nclap.org	

nclap.org

WHAT'S ON YOUR PLATE?

