

Lifting the Stigma Surrounding Mental Health

By CHRISTOPHER A. KLEPPS

In 2019, Oregon passed the “Student Mental Health Bill” into law. The bill amended an existing statute to define an excused absence as “the pupil’s sickness, including the mental or behavioral health of the pupil.” Students are permitted to have five excused absences in a three-month period.

The bill was championed primarily by youth activists in an effort to change the stigma around mental health in a state that has some of the country’s highest suicide rates. In 2018, there were 129 suicide deaths in Oregon by people aged 24 and younger, making it the leading cause of death for ages 10-24.¹ In 2019, 20 percent of Oregon eighth graders reported “seriously considering” suicide in the past 12 months.² One of those activists, then 18-year-old Hailey Hardcastle, stated that she and her fellow students drafted the bill to combat the growing mental health crisis in schools and to “encourage kids to admit when they’re struggling.”

Prior to the passage of the “Student Mental Health Bill,” students suffering from depression or anxiety would have had to “suck it up” and attend class regardless of their illness or lie to the school (and likely their parents) and say that they were physically ill. The old system resulted in students hiding their mental health problems from those who could help them. The new system is designed to foster change. Hardcastle explained that the bill “will help identify the students who are already missing school for mental health reasons ... And then if they do miss too many days for mental health reasons, they can get referred to a school counselor or a therapist

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outside of school, someone to help them get back on track, rather than nobody knowing what’s actually going on.”³

Predictably, Hardcastle received pushback from some parents who believed the legislation was unnecessary. Critics argued that students could already take mental health days by lying or pretending to be sick, and that the bill would encourage students to find excuses to miss school. Hardcastle’s response was that students likely would miss the same amount of school days with or without the law, but that the law would encourage students to actually seek help and have a conversation about their mental health.⁴

Hardcastle is currently working to expand the law to other states and bring more comprehensive mental health resources to classrooms. The legal industry should take note and follow Hardcastle’s lead. As I noted in my first column for the *CT Lawyer*, it is well-publicized that the legal profession has a serious problem with depression, anxiety, and substance abuse. Conversations about mental health have historically been taboo

for lawyers. Mental illness does not always have physical manifestations, and so it is easy to mask. Mental illness is not contagious, and so it is easy for others to ignore and think: “not my problem.” However, the legal profession’s inability to adequately deal with this mental health crisis has tangible consequences.

Law firms are comprised of people, and law firms can only thrive (at least in the long term) when their attorneys and staff thrive on an individual level. Attorneys who struggle with depression or substance abuse are substantially more likely to underserve their clients, commit malpractice, and face disciplinary action.⁵ Substance abuse plays at least some role in 60 percent of all disciplinary cases and malpractice claims against lawyers, and 85 percent of all trust fund violation cases involve substance abuse.⁶

Furthermore, no attorney is on top of their game if they are struggling with depression or anxiety, particularly if they feel that they cannot seek help and speak openly about their illness without judgment or ostracization from their employer.

The “Student Mental Health Bill” is not designed to make schools primarily responsible for treating students with mental health issues. Instead, the bill simply recognizes that mental health is health, provides affirmation to students experiencing a permanent or temporary mental illness, and encourages students and teachers to take action. Similarly, law firms should not shoulder the burden of treating and healing mental illness. Law firms should, however, take similar steps to be part of the solution. The “Student Mental Health Bill” is evidence that small policy changes can have a large impact.

Dechert LLP has trained seven employees (including lawyers and non-lawyers) in its London office to become “mental health first-aiders,” who are now qualified to provide support for staff struggling with mental health issues.⁷ The CBA has organized wellness walks to encour-

age attorneys to exercise and take a short break during their workday. Some firms have made investments to include mental health resources as part of their health insurance plans. Firms can also allow (or even encourage) attorneys to take mental health days as needed.

None of these changes, by themselves, will solve the mental health and substance abuse problems that plague the legal profession. However, each of these changes have the ability to lift the stigma surrounding mental health.

Conversations regarding an attorney’s mental health often occur too late, after an attorney has been disciplined or has decided to change jobs or careers. We should all strive to make small but lasting policy changes to encourage having these conversations sooner and much more frequently. Law firms, lawyers, and clients would equally benefit. ■

NOTES

1 Oregon Health Authority, “Youth Suicide Intervention and Prevention Plan Annual Report,” available at shareddata.dhsosha.state.or.us/DHSForms/Served/1e8874_19.pdf.

2 *Id.*

3 “This Teen Activist Wants to See Schools in Every State Offer Mental Health Days,” by Kaylen Ralph, available at www.teenvogue.com/story/hailey-hardcastle-teen-activist-mental-health-days-schools.

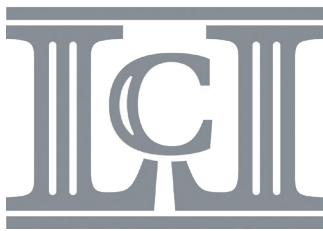
4 “New bill allows Oregon students to take ‘mental health days,’” Associated Press, available at www.nbcnews.com/news/us-news/new-bill-allows-oregon-students-take-mental-health-days-n1032141.

5 “If There Is One Bar a Lawyer Cannot Seem to Pass: Alcoholism in the Legal Profession,” by Patrick R. Krill, available at www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_krill_alcoholism_article_brf_fall14_v044n01.pdf.

6 *Id.*

7 “Law firms roll out new initiatives for World Mental Health Day,” by Hannah Roberts, available at www.law.com/international-edition/2018/10/10/law-firms-roll-out-new-initiatives-for-world-mental-health-day.

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