

# Addressing Problematic Drinking In The Legal Profession

By **Anne Brafford**

Since April is National Alcohol Awareness Month, it's a good time for the legal profession to turn its attention to prevention and treatment of risky drinking and alcohol use disorders.

It's not news that lawyers may be prone to risky drinking. A 2016 study based on surveys of 12,825 practicing lawyers from across the U.S. found that 21% of participants qualified as problem drinkers.[1] Problematic drinking was particularly high for lawyers under age 30 — especially men — in junior and senior associate positions at private firms. Participants who were problematic drinkers were much more likely to have higher symptoms of depression, anxiety and stress.



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Further, a 2020 study of binge drinking by occupation found that the legal occupation had the second-highest prevalence of binge drinking — 23.9% — though, fortunately, it rated lower than average in frequency of binge drinking and the number of drinks consumed while binge drinking.[2] In other words, while many lawyers binge drink, they don't do it that often — at least comparatively.

Data from the National Health Interview Survey suggests that risky drinking among lawyers might not be as high as found in earlier studies.[3] But few doubt that too many lawyers engage in risky drinking that can potentially harm their professional performance and well-being. Given lawyers' special duty of competence and enormous level of responsibility, risky drinking should be taken seriously in the legal profession.

## Pandemic Drinking

Many reports have warned that drinking has been on the rise during the COVID-19 pandemic.[4]

Some people may have slipped into gray area drinking, which is a term that refers to a realm between nonproblematic levels of alcohol consumption and a diagnosed alcohol use disorder.[5] Gray area drinking is not a medical diagnosis, but it can affect people's work and health. Increasing alcohol use may indicate an unhealthy pattern of coping with stress, which is associated with problematic drinking.[6]

Pandemic drinking rose especially among women[7] — which continued a pre-pandemic pattern.[8] Similarly, a recent study of District of Columbia and California lawyers spotlighted problematic drinking for women during the pandemic.[9] It found that a significantly greater proportion of women compared to men engaged in risky drinking — 55.9% versus 46.4% — and high-risk or hazardous drinking — 34.0% versus 25.4%.

The District of Columbia and California — with their big metropolitan areas — may have been especially hard-hit by the pandemic, so it's not clear whether this pattern is consistent across the country. It's also unclear why the pandemic has had a bigger impact on women's drinking, but it's likely a combination of factors like their extra child care burden, home schooling[10] and the rise of so-called mommy wine culture that busy moms have fostered to create a sense of community around drinking wine to relieve stress.[11]

## **How Workplace Drinking Norms Are Formed**

The 2021 lawyer study in the District of Columbia and California provides some guidance on how drinking norms are formed in the workplace, and what the legal profession can do in response to problematic drinking.

The study found that a primary predictor of risky drinking was workplace permissiveness toward alcohol. Permissiveness was measured by questions asking, for example, how frequently you've gone drinking with colleagues off the job, how much people talk about drinking-related activities and how often you're expected to drink to celebrate something at work.

The study's finding is consistent with much other research finding that workplace drinking norms can powerfully influence whether and how much people drink,[12] and can predict problem drinking even more so than stress.[13]

Work-related norms are formed by watching what other firm members do and say — especially high-status members, like law firm partners. People continually scan for cues about what behaviors are expected, valued, discouraged or condemned, and are influenced — often outside their awareness — to act accordingly.

Studies have found, for example, that liberal peer-drinking norms are significantly related to employees' use of alcohol to unwind after work and problematic drinking. For example, where such norms prevail, employees' experience of work-life conflict is more strongly related to alcohol use.[14]

Drinking norms can apply to a whole firm, but also can apply at department, team and even interpersonal levels. Changing firms' drinking norms is a matter of changing entrenched workplace cultures at all of these levels — which is not easy. But it is something that firms actually have some control over. And it may be the most important determinant for the long-term success of alcohol use disorder prevention programs.[15]

## **Shaping Healthy Norms: Implementing a Responsible Drinking Policy**

To get some expert advice on what firms can do to reshape their drinking norms, I interviewed Michael E. Dunn, Ph.D., an associate professor at the University of Central Florida who leads the Health, Expectancies & Addiction Laboratory. In his view, an essential step in developing responsible drinking norms is to clearly state the firm's expectations about drinking alcohol in a well-communicated and enforced policy.

At every firm, there already are established, often unspoken norms that form its drinking culture. Because unspoken permissive drinking norms will contribute to firm members' problematic drinking and undesirable behaviors, firms should consider explicitly articulating acceptable drinking boundaries in a written policy and/or as part of well-being programming.

Policies should do more than ambiguously recommend responsible drinking and safety precautions — e.g., don't drive if drinking — that can be loosely interpreted as supporting existing social norms.[16] Policies should provide explicit expectations and recommendations for drinking alcohol at work-related events that align with well-being and professionalism goals.

Basic elements of such a policy include:

- The rationale for the policy, such as to encourage responsible choices to reduce harmful drinking;
- Well-being benefits of limiting alcohol consumption or not drinking at all;
- A definition of responsible drinking based, for example, on U.S. dietary guidelines, which define moderate drinking, high-risk drinking and binge drinking;[17]
- A clear description of expected behaviors for all organizational members, such as being a responsible drinker and a champion for responsible behaviors, avoiding drinking alcohol during working hours, avoiding excessive drinking at work events where alcohol is available, not driving after drinking, and considering alternative activities and beverages;
- A clear description of expected behaviors and special responsibilities of supervisors, including being a good role model, supporting the alcohol policy, and actions to take if problematic drinking is observed;
- Steps the firm will take to address alcohol use concerns;
- How to get help; and
- Where to go with questions.[18]

## **Other Strategies for Reshaping Drinking Norms**

Additional strategies to help reshape drinking norms include:

### ***Good Role Modeling***

Organizational support for healthy drinking guidelines should include visible support from firm leaders.[19] Firm members will look to partners and other leaders for cues about firm drinking norms. Firm efforts to encourage healthier habits will stall if high-status members model unhealthy drinking behaviors or mock drinking guidelines.

### ***Team Training***

Social influence plays a big role in establishing and maintaining drinking norms and work practices that can influence problematic drinking. As a result, training may be most effective that targets team culture of, for example, established work groups or departments, and encompasses subjects such as use of alcohol to socialize, stigmatization of alcohol use disorders and help-seeking, and attitudes toward long working hours, healthy lifestyles, asking for help with work and proactively checking in on coworkers who appear to be in need.[20]

### ***Alternative Social Activities***

Some people drink for enjoyment or because they think it helps them be more social. Creating alternative ways to serve these purposes may help change drinking norms. Many law firms already are using this strategy.[21]

Examples include:

- Diversifying when and where firm events are held;
- Limiting happy hour events and rebranding them as social hours;
- Holding breakfast and lunch meetings and events;
- Planning activity-based events, e.g., cooking classes, trivia nights, bowling, book clubs;
- Increasing service-based activities, such as volunteering at food banks, building homes with Habitat for Humanity, or partnering with a local charity; or
- Having events that make nonalcoholic options more attractive, such as offering specialty mocktails with firm-tailored names, focusing on food or healthy beverages — e.g., taco stands, ice cream socials, smoothie or juice bars — and providing gourmet coffee options.

### **Provide Training That Targets Drinking Motives and Expectations, and Coping Skills**

Training to support changes to individual behavior and culture norms also may be helpful. Targeting drinking motives and expectations as well as coping skills may be especially helpful.

How firm members think about alcohol plays a big role in why and how they use it. People have a variety of motives for drinking and corresponding expectations about alcohol's effects including, for example, to feel social, to reduce tension, to have fun or to fit in. The way we think about drinking is linked to alcohol use and alcohol-related problems.

For example, moderate or lighter drinkers are more likely to say that they drink for social reasons. Moderate drinkers consume alcohol occasionally to enhance positive emotional states, like celebrating a victory or attending a happy hour at the end of the week.

On the other hand, when people drink to relieve negative emotional states — e.g., drinking to cope with stress, to sleep, etc. — they are at the highest risk for problematic drinking.

Therefore, coping motives and expectations should be specially targeted in prevention programming.[22]

Such training could target:

- Raising awareness about why people drink and alternative options for achieving the same goals.
- Educating members on alternative ways to unwind after work.[23]
- Building coping skills. Some people drink to cope with stress.

Providing programs to develop more healthy ways to cope can help.[24] The most effective programs typically are based on cognitive-behavioral therapy principles, which teach people do have a healthier relationship with their thoughts and emotions.

## Conclusion

Legal employers are in a unique position to support workforce well-being, including curbing problematic drinking. It's important to be proactive to protect lawyers' professional competence and the well-being and functioning of all firm members so that firms and their members can thrive together.

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