

**Attorney Mental Health & Wellness – A Personal Essay on Why I Believe We
Have an Ethical Obligation to Act on it in the Workplace
By Taylor S. Poncz**

Daniel: "Hey, Taylor. You know it was my daughter's birthday last month and I took her to hibachi to celebrate. Look at this picture of her – isn't it cute?"

Me: "So cute. She's the best."

Daniel: "Yeah, I actually took her to a women's basketball game the other day, too. She loved it."

Me: "We should take our kids to go see the Emory women's soccer team play some time."

Daniel: "Yes, let's do it. Well, I'll see you at the birthday party this weekend."

We parted ways. Daniel went to lunch. I headed to a mediation. Less than 8 hours after this conversation, my friend/colleague/law school classmate, Daniel Cheek, took his own life after putting his daughter to bed.

It just took the breath out of me a little bit to type that sentence.

I met Daniel one of the first days of law school. He looked like your average southern frat boy with shaggy hair and a love for music and football. The way he would smile at you with his eyes told you that he knew he was good looking. Beyond his appearance and contagious laugh, he was an absolute intellect. While I would feverishly type notes throughout class so that I essentially had a professor's lecture written down verbatim, Daniel would sit back, fold his arms and just listen to the lecture. Then he had the audacity to do things like get the highest grade in our Constitutional Law class. Maybe even Con Law II, too.

January 31, 2021 was 2 years since the day Daniel took his life and I still think about it on an almost-daily basis. Weren't his parting words to me, "I'll see you at the birthday party this weekend!?" I've replayed the conversation, and many others prior to that, over and over in my head and it still doesn't make any sense. Not to me, at least.

I am someone who, by the grace of God? Genetics? Luck? does not struggle with depression. I think not having any personal experience with depression made processing Daniel's suicide so hard for me. Death is my greatest fear in life – making it very hard for me to reconcile the concept of choosing death. I cannot rationally explain an act that to me, is at its core, irrational. I've searched for that answer throughout my grieving process and have spoken with others who have been brave

enough to share with me their own experiences with thoughts of suicide in hopes of trying to understand, even if just a little bit.

I carry a heavy burden knowing I was one of the last people to see Daniel alive and that I had no idea what was to come. How can you have a conversation with someone, who you've known for over a decade, and yet not know that they are on the brink of suicide? Did I miss a sign? Was he lingering in my office that day because he wanted to tell me something, but I rushed him out to get to a mediation? Would he have told me even if I had asked? I know that he intentionally hid it from me. But still, those questions don't leave me when I close my eyes at night, or when I walk by the office down the hall from mine that used to be his, or when I see his wife and 2 beautiful children.

Unfortunately, I can't go back in time and change what happened. But after this experience, I feel compelled to act, and even more so, believe I have an obligation and responsibility to act and to give this issue a voice not only in my home, but also at my firm. Here are my takeaways:

First, can we all agree to remove from our vocabulary the sentence, "Please let me know if you need anything."? Hard Stop. Let's not task someone struggling with depression, anxiety, or other mental health issues to come to us. If you think someone is struggling, do something. How do you do this in practice? You set the coffee date. You schedule a walk. You offer to bring dinner. You follow up.

Next, and this is not a novel idea, but the legal profession needs to normalize therapy. I don't know who needs to hear this right now, BUT I MADE AN APPOINTMENT TO SEE A THERAPIST TO HELP ME WITH ANXIETY. According to the American Bar Association, "The legal profession collectively suffers from depression, suicide, and other mental health issues in significantly greater proportion than the general population. These issues can include anxiety; stress, burnout, and balance; anger management; compassion fatigue; alcohol or drug addiction; compulsive behaviors such as gambling; and grief and loss." (State Bar Lawyer Assistance Program, available at <https://www.americanbar.org/groups/litigation/committees/professional-liability/lawyer-assistance-programs/>) (emphasis added).

And finally, perhaps my biggest action item of all, is that when I noticed the need for greater awareness in my firm, I went to my managing partner, Joe Chancey, and told him that I wanted to see the firm do more to support employee mental health during the unprecedented pandemic times. And do you know what Joe said? He said, "thank you" and then right then and there he designated myself and a few of my colleagues as the firm's Advisory Committee on Employee Mental Health and Wellness. This was in October 2020 and since then, our Employee Mental Health and Wellness has taken an anonymous survey of all staff members and attorneys (associates and partners) for a pulse check, both professionally and personally. Based upon survey results, the firm has purchased and provided everyone with access to Cooleaf, an online tool that connects employees and engages them in activities like step challenges, holiday celebrations, act of kindness challenges, and various other contests and activities, and even allows employees to earn rewards that can be used to purchase gift cards to popular retailers. The firm has also approved our Committee's proposal to provide attorneys with access to apps that can be used to support at-home fitness, meditation and mental health and counseling.

Perhaps even more importantly is that my firm is having the conversations and addressing the issue head on. As 2021 progresses, we continue to innovate, improve remote working set-ups and

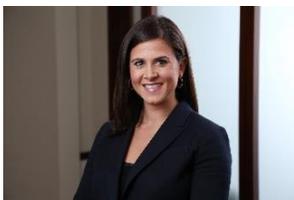
identify virtual social activities that are engaging and meaningful. I have also started an initiative within the firm to take advantage of the Georgia State Bar's "Use your Six Program." In addition to the Employee Assistance Program we have through our insurance, the State Bar of Georgia pays for 6 sessions per year with a mental health professional. These sessions are completely free, confidential and can be done virtually. All States have lawyer mental health assistance programs that are easily accessible and can be found at the following website:

<https://www.americanbar.org/groups/litigation/committees/professional-liability/lawyer-assistance-programs/>. Look at what your State Bar offers in terms of mental health and then disseminate that information to the attorneys in your firm. This is a no-cost option that can pay dividends.

If I've learned anything from Daniel's unexpected death and the pandemic, it's that while the state of the firm is certainly important during times of uncertainty, the state of our people is paramount. To that end, I challenge you, as leaders in your respective organizations, to consider what you are doing and what kind of culture you are creating as it relates to mental health. Do you have a committee at your firm dedicated to employee mental health? Why not? What message is that sending, or frankly, what message is it not sending? If you think a networking, marketing or business development committee will increase your billable hours and bottom line, imagine what happier, healthier attorneys can do for it.

As we put 2020 behind us and continue to innovate as firms and organizations to adapt to the times and allow for remote working, I hope that you will take the same approach on mental health awareness with yourself and your employees. In fact, I believe we now have an ethical obligation to create this culture in our workplace. I know that these types of initiatives do not gain momentum unless they are supported by firm leadership, which is why I am incredibly grateful that my firm, Drew Eckl & Farnham, believes in the power of its people. It is my hope that you will, too.

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