

LAW WEEK COLORADO

The Therapist Down the Hall

A look into Hogan Lovells' on-site counseling program

BY DOUG CHARTIER
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Off in a corner of Hogan Lovells' Denver office, there's a small conference room reserved for Dr. Rob Rosenthal. During his weekly visits, attorneys and staff come talk to him about their concerns — and not just those related to work, but also their personal lives, from family or romantic relationship issues to bereavement.

Hogan Lovells initially contracted Rosenthal, a licensed psychologist, in September 2017 through its employee assistance program, shortened to EAP, to come in twice a month for a half-day each visit. His slots quickly filled up to the end of the year. The office then bumped up Rosenthal's engagement to weekly visits to meet demand.

"It seemed like a lot of people wanted a counselor on site to talk to," Rosenthal said. He added that more people in the office began setting appointments with him through word-of-mouth — it got around that he keeps discussions completely confidential and that he "gets" lawyers.

"I think the more that's gotten out, the more the staff here know that, the attorneys here know that, the more comfortable they are about coming in and talking to me about whatever is on

their mind," Rosenthal said. Today the clinical psychologist is a familiar face at the Hogan Lovells Denver location of around 100 attorneys — something that would have been unheard of for any BigLaw office years ago.

ASK ROB

It's common for law firms to offer an EAP program through which attorneys can see outside private therapists and even a counselor to come meet with attorneys for a stint after a tragic event or crisis.

But less common is what Hogan Lovells is doing. The 3,000-plus-attorney firm provides regularly scheduled on-site therapists in its Denver; Washington, D.C.; New York; Baltimore; and Louisville offices as part of its "Ask" program. For the Denver location's "Ask Rob" program, Rosenthal provides 45-minute individual counseling sessions. He also gives group presentations at the office on various topics, from stress management to psychological approaches for negotiation.

"It was just the right thing to do," said Alaiki Harris, Hogan Lovells' benefits director who is based in the firm's D.C. office. She said the firm is "probably on the forefront" in the U.S. for providing an in-house therapist at

a law firm office.

By rolling out an on-site therapy program, the firm wanted to reduce the stigma of needing mental health support — to send the message to employees that "it's O.K., and in fact it's preferable, for someone to ask for help prior to a crisis," Harris said.

Attorneys are especially at risk for mental health crises, according to a landmark 2016 study. Research from the American Bar Association and Hazelden Betty Ford Foundation found 28 percent of attorneys in the U.S. struggled with depression and one in five lawyers showed signs of "problem drinking."

The study also reported that while attorneys experience a higher rate of depression and problems with substance use than other highly educated professionals, they're unlikely to seek help for those problems.

Rosenthal, who is quite familiar with the ABA/Hazelden report, said attorneys' concerns with confidentiality and privacy, not to mention the inconvenience of having to go see a clinician outside of work, often dissuade them from seeking mental health support.

"And all of that is overcome by actually having somebody who's on-site that they know," he said.

Convenience is another barrier that can keep attorneys out of counselors' offices, and one that is addressed by having one down the hall where they work.

On-site counseling through an EAP goes a step beyond having professionals seek EAP-network help on their own. The American Psychological Association noted that while an estimated 97 percent of companies — law firms or otherwise — with more than 5,000 employees use an EAP, and 75 percent of companies between 250 and 1,000 employees have one, only 5 percent of employees actually use EAP services.

Investing in an on-site counselor makes good business sense for a law firm, according to Cole Finegan, Hogan Lovells' regional managing partner at its Denver office. He likens the on-site counseling benefit to how the office offers other amenities that support its employees in their work, like ergonomic furniture or updated technology. If anything, providing wellness services goes straight to the core of what makes a law firm function, he explained.

"In the end, really our only assets are all of us walking around and what skills we can bring — mentally, emotionally, physically — to any task or assignment

"We wanted to [tell attorneys and staff] we have a highly qualified individual on site that you can ask a question — any question — and that question is confidential.

— Alaiki Harris, Hogan Lovells benefits director

BUSINESS OF LAW

Dr. Rob Rosenthal meets with attorneys and staff once a week in a conference room the Hogan Lovells Denver office sets aside for counseling sessions. /
DOUG CHARTIER, LAW WEEK

or goal that our clients have for us and for themselves," Finegan said. "And so when you think about it that way, you really do understand that investing in mental health and in wellness makes sense in every way possible."

Harris echoed the sentiment. "When you look at trying to remove barriers and stigmas, and making it okay to say, 'I'm struggling here a little bit, I need someone to talk to,' and adding that convenience so we don't hit the crisis point with that individual, you really can't put a price tag on it," she said.

Attorneys have other resources they can reach out to for mental health support, including the Colorado Lawyer Assistance Program. COLAP is a free, independent and confidential program that assists lawyers, judges and law students with emotional health, substance use and other issues. The program often provides referrals to therapists for mental health or addiction issues.

ADDRESSING THE STIGMA

An organization providing on-site counseling "sends a really powerful message" to its employees that it values their wellbeing, said COLAP executive director Sarah Myers. Even employees who don't sit down with the therapist can benefit from

the increased awareness of mental health in the workplace, she added. Employees are more likely to notice signs their colleagues might not be doing well and reach out to them to offer support.

But not everyone is comfortable with being seen walking into a session with a therapist, even by their own firm colleagues. Also, attorneys might prefer more separation between the counselor they divulge their troubles to and their employer, even if that counselor is technically employed by the EAP. Myers said she's gotten calls from attorneys who preferred to pay out-of-pocket for therapy, if they had the resources, rather than use programs offered through their employer such as their health care insurance.

Hogan Lovells was aware that it would have to present the program a certain way in order to encourage attorneys to meet with on-site therapists.

"When we marketed this program ... we didn't want to just say, 'The counselor's in,'" Harris said. "We wanted to say we have a highly qualified individual on site that you can ask a question — any question — and that question is confidential. And so by doing that, I think we removed some of the anxiety around approaching our counselors like Dr. Rob."

Finegan said Rosenthal doesn't

tell him or anyone else at the law firm which employees he's talking to or what they're talking about in their sessions. But Rosenthal can tell the office's leadership, when it's pertinent, what general trends he's observed throughout the office regarding how employees are feeling or coping, Finegan noted.

When the Denver office met with tragedy, it helped to have a familiar counselor to talk to, Finegan said. The firm brought Rosenthal in for extended hours to provide grief counseling after the unexpected death of one of its associates, Sierra Russell, last February.

Rosenthal, who got his master's degree and doctorate in clinical psychology from University of Denver, is also an assistant clinical professor at Anschutz Medical School. He currently spends half his time at An

schutz and the other half in private practice, which includes his hours at Hogan Lovells.

Another advantage to having a regular therapist at the firm is they're familiar with lawyers as a population, Rosenthal said. It helps for a clinician to understand the high pressure and "the incredible hour demands" that come with private legal practice and the hierarchical nature of law firms. A clinician can suggest more realistic solutions to help time-constrained

attorneys achieve some work-life balance, for example.

Rosenthal grew up with lawyers in his family and among his closest friends. He said he particularly likes working with attorneys, who can generally be "bright people who often know themselves quite well, but sometimes aren't able to utilize some of the things they know." Being analytical people by nature, attorneys tend to know how to help themselves through difficult times, "but they can get in their own way," Rosenthal said. He added that oftentimes it just helps to give them a space to talk things out.

Finegan said it's important for a law firm to address the stigma of seeking counseling.

"I mean, I think we try to be as open about this as possible," he said. "And if someone asked me, I'd say, Sure, I've seen a psychiatrist, I've talked to therapists. There's a lot of stress in modern life and a lot of strain, and I don't think anybody should be embarrassed about the fact that we all need help."

More and more firms will provide on-site counseling over time, he expects, "because the strain and stress of life is not letting up, and the strain and stress of practicing law is certainly not letting up." •

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