

CUNNING * BAFFLING * POWERFUL
AN ATTORNEY'S BIGGEST FOE IS NOT OPPOSING COUNSEL

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State Bar of Texas
WAL Law Symposium and Attorney Wellness Retreat
March 26-28, 2026

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BIOGRAPHICAL INFORMATION

Terry Bentley Hill is the founder and owner of TBH Criminal Defense, a Dallas-based firm focused on representing individuals navigating the intersection of criminal law and mental health. Practicing primarily in Dallas County, she is widely regarded as a go-to attorney for clients whose legal challenges are rooted in underlying mental health conditions.

Hill approaches each case by identifying the root cause of the alleged conduct, developing strategic pathways toward equitable resolutions—whether through dismissals, pretrial intervention programs, or case rejections. Her work is grounded in a core principle: individuals suffering from mental illness require treatment, not incarceration. To that end, she routinely collaborates with mental health clinicians and treatment providers to structure alternatives that prioritize recovery over punishment.

Her commitment to mental health extends beyond her client work and into the legal profession itself. For nearly three decades, Hill has been a leading advocate for attorney wellness. She has served on numerous boards and committees dedicated to improving mental health outcomes within the profession, including the Texas Lawyers Assistance Program (TLAP), the National Association for the Prevention of Attorney Suicide (NAPAS), McShane’s Mission: No Attorney Stands Alone, and the Dallas Bar Association Wellness Committee.

Hill’s contributions have been recognized statewide and locally. She is a recipient of the State Bar of Texas Presidential Citation and the Texas Bar Foundation’s Terry Lee Grantham Award, among other honors for her sustained commitment to lawyer well-being.

A sought-after speaker both locally and nationally, Hill is also the founder of #StopMindingYourOwnBusiness, a foundation dedicated to encouraging meaningful intervention, connection, and support for those struggling with mental health challenges.

TABLE OF CONTENTS

I. INTRODUCTION	1
II. BACKGROUND	1
A. Trigger Warning.....	1
III. THE LANGUAGE OF DEPRESSION AND SUBSTANCE USE DISORDERS.....	1
A. Verbal	1
B. Behavioral.....	2
C. Substance Use Disorders and Process Addictions.	2
IV. STOP MINDING YOUR OWN BUSINESS	2
V. TIPS FOR SELF-CARE	3
A. Sleep.....	3
B. Mindfulness	3
C. Gratitude	3
VI. CONCLUSION	4

CUNNING * BAFFLING * POWERFUL: AN ATTORNEY'S BIGGEST FOE IS NOT OPPOSING COUNSEL

I. INTRODUCTION

It is not easy being a lawyer. The competitive, pressurized, adversarial, combative, win-at-all-costs legal profession practiced by smart, type-A personalities is driving many attorneys to drink ... literally. Attorneys work in a pressure-filled profession that, for many, to cope, leads to substance use disorders, depression, and anxiety. The burn-out rate for lawyers is as high as any profession, and depression and anxiety in the legal community is higher than any other profession¹. And the results can be tragic.

By now most attorneys have heard the startling statistics regarding the *well-being* of lawyers,² so a message to the 21% of attorneys with drinking problems, the 61% experiencing anxiety, the 46% living with depression and the 11% who have had suicide ideation,³ you are not alone and there is help.

The purpose of this paper is to share my personal experience with this subject, to teach the language of depression, to explain why it is vital to stop minding your own business, tips for self-care and why everyone should know about the Texas Lawyers Assistance Program.

II. BACKGROUND

The State Bar of Texas has long addressed the impact substance use has on the profession. More recently, with the increase in suicides, the Bar's focus includes mental wellness education, mental health issues and suicide prevention. Alarming, suicide is the third leading cause of death for attorneys behind heart disease and cancer.⁴

A. Trigger Warning

Untreated substance use and mental health disorders can be fatal. As dramatic as that sounds, it is true. This is a truism I learned the hard way as the spouse of a struggling attorney who died by suicide. I experienced the devastating toll that untreated mental illness has on the sufferer, and the family, and how stigma keeps people trapped in the shadows of shame. Many attorneys silently deal with their issues for fear of reprisal. We invest so much in our law careers that the possibility of being labeled 'mentally ill' or 'alcoholic' or 'drug addict' is unthinkable. So, we keep our secrets to ourselves, and the unintentional result is that the secrets keep us sick.

III. THE LANGUAGE OF DEPRESSION AND SUBSTANCE USE DISORDERS

We don't know what we don't know. Often when a person has mental illness, they do not know they have mental illness until they don't, and those with substance use issues are often in denial. But there are tell-tale signs, for example, depression speaks its own language, it can be both verbal and behavioral. I missed verbal clues throughout my marriage. I believed the myths of suicide, for example, if a person talks about dying, they are less likely to take his/her life. Depression is like psychological nausea; it causes cognitive distortion and thinking errors and many people experiencing depression and suicide ideation telegraph their distress in several ways.

A. Verbal

- Everyone will be better off without me.
- I am a burden to my family, friends, and colleagues.
- I have no friends.
- I wish I could die.
- Life is too hard.
- No one would miss me if I were gone.
- I am a complete failure.
- I have let everyone down; I might as well die.
- I can't go on anymore.

¹ See William Eaton et al., *Occupations and the Prevalence of Major Depressive Disorder*, 32 JOURNAL OF OCCUPATIONAL MEDICINE 11, Page 1079(1990).

² See Patrick Krill, Ryan Johnson, and Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, Journal of Addiction Medicine, Feb. 2016, Vol. 10, Issue 1, pp. 46-52.

³ See Lee Taft, *A Toll on Lawyers. Exploring how the medical error disclosure movement can apply to the legal profession*. Texas Bar Journal, June 2017, p. 360 texasbar.com.

⁴ Chris Ritter, MEd, JD, entitled *Why Lawyer's Must Talk About Suicide*, available online at www.texasbar.com/TLAP.

- I wish I could go to sleep and never wake up.

B. Behavioral

- Lack of interest in people, things or activities previously enjoyed.
- Increased fatigue or loss of energy.
- Declining performance and interest in work.
- Isolating. Withdrawing from friends, family, and society.
- Looking for ways to kill oneself by seeking access to firearms, available pills, or other means.⁵
- Feeling rage or uncontrolled anger or seeking revenge.
- Acting recklessly or engaging in risky activities.
- Feeling anxious, agitated, or unable to sleep or sleeping all the time.
- Experiencing dramatic mood changes.⁶

C. Substance Use Disorders and Process Addictions.

Approximately 20% of the lawyers in the United States are affected by substance use disorders.⁷ The substances used to excess include alcohol, amphetamines, methamphetamine, caffeine, cocaine, hallucinogens, heroin, marijuana, prescription drugs, nicotine, sedatives, steroids and a combination of all of the above.⁸

The following are the 11 different criteria for diagnosing a substance use disorder under the DSM-5⁹

- Taking the substance in larger amounts or for longer than meant to;
- Wanting to cut down or stop using the substance but not managing to;
- Spending a lot of time getting, using or recovering from use of the substance;
- Cravings and urges to use the substance;
- Not managing to do what should be done at work, home or school because of substance use;
- Using substances again and again, even when it puts one in danger;
- Continuing to use, even when known that there is a physical or psychological problem that could have been caused or made worse by the substance;
- Needing more of the substance to get the effect wanted; and/or
- Development of withdrawal symptoms, which can be relieved by taking more of the substance.

IV. STOP MINDING YOUR OWN BUSINESS

Often people struggling with mental illness and substance use disorders do not realize it. The onset can be slow and gradual effectively becoming a new normal as the condition worsens. For that reason, it takes us, the collective legal community, to willingly step out of our comfort zone when we spot the symptoms and compassionately approach the person in distress and ask one simple question: Are you ok? That question can save a life.

An insidious result of untreated mental health issues is the self-belief that we are alone in our struggle, and no one understands. Terminal uniqueness overwhelms the brain, and a crisis is born. In this scenario, a balloon represents the crisis. When a crisis grows it is like helium filling a balloon until it stretches to the point of popping. By connecting with the person, by validating their feelings/pain/loneliness/hopelessness/despair, it is like releasing air out of the balloon relieving the crisis and causing the person to pause. The pause is important because that's when help rushes in.

Struggling with mental health issues is isolating and lonely. Loneliness is an affliction that one person can cure. When preparing to 'ask' the question, be ready to listen and give yourself ample time for what might unfold. Remember that you won't have all the answers. It is ok. The power is in the listening. Choose a place that is private and informal,¹⁰ and be prepared to get help.¹¹

⁵ *Id.*

⁶ *Id.*

⁷ Chris Ritter, MEd, JD, entitled *Ten Tips for Lawyers Dealing with Stress, Mental Health, and Substance Use Issues*, available online at www.texasbar.com/TLAP.

⁸ *Id.*

⁹ The Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, abbreviated as DSM-5. See AM. PSYCHIATRIC ASS'N, DIAGNOSTIC & STATISTICAL MANUAL OF MENTAL DISORDERS (5th ed. Text rev. 2013).

¹⁰ See *RUOK? Conversation Tips (RUOK? Is an Australian legal initiative to talk to fellow attorneys about their mental health)* at www.lookdeeper.org.au/item/conversation-tips

¹¹ The National Suicide Prevention Lifeline (1-800-273-TALK (8255) or 9-8-8 for guidance and help.

V. TIPS FOR SELF-CARE

Anyone on an airplane has heard the directive from the Flight Attendant, “If the masks drop from overhead, first, place the mask over your nose and mouth before assisting those around you.” That message applies to attorneys. You cannot be the best attorney if you are not a well attorney. In other words, you cannot give what you do not have, and if your tank is empty because of work demands, personal demands or health concerns, it is virtually impossible to handle the problems our clients bring us. Best practices mean assessing personal needs daily and routinely following simple suggestions that will improve well-being.

A. Sleep

Attorneys, in general, are sleep deprived. The bad habit often starts in law school and remains a consistent problem during a lawyer’s career. The American Bar Association reports that attorneys are among the most sleep-deprived group of professionals. Over time, the effects of sleep deprivation compound, affecting an individual’s ability to concentrate, reason and make sound decisions—all skills that are essential when practicing law.¹² According to the National Sleep Foundation healthy adults need between 7 and 9 hours of sleep per night.¹³

If you have difficulty winding down at night and falling or staying asleep, the following tips can help:

- Turn off your screens—Turn off the television and your cellphone at least one hour before bed.
- Develop decompression rituals—Spend one hour before bed, unwinding from the day. Meditate, practice deep breathing or do some stretching or low-impact exercises.
- Go to bed earlier—Aim to get at least seven hours of sleep each night.
- Use the power of visualization to your advantage—Slow and deepen your breathing and visualize yourself in a deep sleep.
- Skip the nightcap—According to the National Sleep Foundation, alcohol interferes with your body’s normal chemical production and affects your ability to sleep soundly and stay asleep.
- Work through worries—Carve out 10 to 15 minutes earlier in the day to think about work and personal matters so you’re not lying awake thinking when you should be sleeping.¹⁴

B. Mindfulness

Much is written about mindfulness; it is the new version of *eat your vegetables*; however, the concept’s legitimacy is undisputed. The benefits of mindfulness are numerous, but of special interest to attorneys is the practice of quieting the mind. When the body’s engine is revved by stress and anxiety, chemicals flood the brain igniting the body’s sympathetic system – the system related to survival.¹⁵ The goal is to calm down the system, which allows the brain to shift back into cognitive command allowing clearer thoughts to form.

What is mindfulness? Mindfulness is paying attention to the present moment with intention and without judgment.¹⁶

- It is keeping your head where your feet are.
- It is focusing on deep abdominal breathing.
- It is physical activity.
- It is social support.

C. Gratitude

We are powerless over people, places, and things. We cannot control the life-quakes that disrupt our lives, but we can control how we think about them. Perspective is a choice.

Studies show that people who practice gratitude experience more positive emotions, lower stress, and healthier relationships.¹⁷ The studies also show that practicing gratitude leads to more energy, healthier bodies, better sleep,

¹² See *Why sleep is essential for attorneys’ well-being and performance*. Thompson Reuters, Feb. 6, 2020, available online at www.legal.thomsonreuters.com.

¹³ Eric Suni, entitled *How much sleep do we really need?* available online at www.sleepfoundation.com.

¹⁴ See *Why sleep is essential for attorneys’ well-being and performance*. Thompson Reuters, Feb. 6, 2020, available online at www.legal.thomsonreuters.com.

¹⁵ See Harvard Medical School, *Understanding the Stress Response*, Harvard Health Publishing, July 6, 2020, available online at www.health.harvard.edu.

¹⁶ Chris Ritter, MEd, JD, entitled *Tips to Lawyer Resilience: Five Evidence-Based Strategies*, available online at www.texasbar.com/TLAP.

¹⁷ Id.

and increased life span.¹⁸ An attitude of gratitude has profound effects on self-esteem, depression, and the prevention of suicide ideation.¹⁹

For me, writing a gratitude list every day and being thankful for all things, big and small, helps me focus on what I have and not on what I do not have. The day after my former husband died, a woman walked into my home and told me to write a gratitude list. I thought she was crazy, and I told her that I had nothing to be grateful for. She said, "Let's think about that. Do you have a roof over your head? Do you have food on your table? Do you have a bed you sleep in, and do you have legs that take you to your bathroom sink, and do you have a toothbrush you use every morning?" I said, "Yes, I do." She crossed her arms and replied, "Well, then it seems like to me you have a whole lot to be grateful for." The gratitude journal keeps life in perspective.

VI. CONCLUSION

Attorneys are trained and skilled at solving problems for clients, but, by all accounts, lawyers are terrible at solving their own problems especially their mental health problems. Studies show the most effective treatment for depression is like a three-legged stool: medication, cognitive behavioral therapy, and peer support. Often an attorney has no idea where to begin the recovery process and that is where the Texas Lawyers Assistance Program comes in. Attached to this paper are appendices explaining the services of TLAP and the Trust that can assist attorneys, judges, and law students on their road to recovery.

There is no better time than now to make the practice of law a little easier.

¹⁸ See Jane Taylor Wilson, Brightening the Mind: The Impact of Practicing Gratitude and Resilience in Learning, *Journal of the Scholarship of Teaching and Learning*, Vol. 16, No. 4, August 2016, pp 1-13.

¹⁹ See Chih-Che Lin, The Relationships Among Gratitude, Self-Esteem, Depression, and Suicidal Ideation Among Undergraduate Students. *Scandinavian Journal of Psychology*, 2015, 56, 700-707.