

**Supreme Court Rule 40 – Procedural Rules of Committee on Judicial Conduct - Deferred Discipline
December 10th Public Hearing Comment**

From: Kim Lamontagne <kim@kimlamontagne.net>
Sent: Wednesday, December 1, 2021 12:36 PM
To: Lorrie Platt <LPlatt@courts.state.nh.us>
Subject: December 10th Public Hearing Comments, Proposed Deferred Discipline Amendment to Rule 40.

Good afternoon,

I am contacting you to provide testimony and a recommendation that the "Proposed Deferred Discipline Amendment to Rule 40" **ought to pass**.

I am the President and CEO of Kim LaMontagne LLC and I teach leaders how to decrease stigma and normalize the conversation about mental health in the workplace.

For 25 years, I operated as a high performing executive in the workplace while living with undisclosed depression, anxiety, suicidal thoughts, and alcohol misuse. I was the leader, trailblazer, trainer, and the one many looked up to for guidance. I was also a chameleon in the workplace.

Outwardly, it appeared as if I was a star employee with a perfect life. Inwardly, I was filled with shame, fear, anxiety, self-loathing, and the imposter syndrome.

Although I never consumed alcohol during the day, I lived with shame because I could not control my evening drinking. I feared speaking openly about my mental health and alcohol misuse because of fear of judgment, retribution, or job loss. I was afraid to damage my professional integrity and lose my seat at the corporate table.

I remained silent because of this and never asked for help. I learned that silence is toxic and that silence, fear, shame, and stigma almost cost me my life in 2013.

At 12 years sober and healthy, I now teach leaders how to understand mental health, decrease stigma, shift the workplace culture, and encourage open dialog about mental health.

What I have learned is:

1. My story is not unique.
2. Employees living with a mental health condition rarely feel their work is a place of safety.
3. Employees are afraid to ask for help because of fear of judgment, retribution, or job loss.
4. Employees thrive when they are in a safe environment.
5. Stigma and discrimination thrive on lack of knowledge and understanding.
6. Leaders lead by example and have the power to transform the workplace culture.
7. Mental health and substance misuse do not discriminate.

Legal professionals are met with a large amount of stress, expectations, competition, and are

responsible for life changing decisions. The American Bar Association has acknowledged mental health and well being as a major concern and developed the ABA Well Being Pledge.

Lawyers and judges are not immune from experiencing a mental health episode or an issue with alcohol or substance misuse. Given the high profile nature of their jobs, many in the legal profession do not acknowledge a mental health issue and do not seek treatment. This only exacerbates the problem and never addresses the underlying conditions.

In the traditional workplace, most HR departments have clear policies that address return to work after a health episode. Does every workplace also have clear return to work policies for those who have experienced a mental health episode?

Roughly 75 % of medium to large organizations offer an Employee Assistance Program, yet the national EAP usage rate is 3.5-5% because of fear, shame, and stigma. Removing stigma, creating a pathway that encourages treatment, and providing actionable steps one can take to recover and reintegrate into the workplace is critical.

Recovery and reintegration is possible if people are given the chance. Once the shame, stigma, and fear of mental illness is removed and replaced with understanding, knowledge, support, and guidance, it will illustrate a clear commitment to normalizing mental health and creating pathways to recovery for all.

For those who are in the position and willing to seek treatment, it is imperative that the road to treatment is accessible, supportive, and without stigma. We must create and sustain a "culture of safety" within all workplaces (including legal) that encourages open dialog about mental health. We must acknowledge and celebrate every step of recovery, provide peer support, and a clearly defined step by step process for reintegration back into the workforce. When a person in recovery feels safe, seen, heard, and understood, they are more prone to succeed in their journey of recovery.

The NH Lawyer's Assistance Program plays a critical role in supporting legal professionals experiencing mental health and substance misuse issues. The program provides confidential access to peer support, resources, counseling and is a key component of addressing lawyer mental well being.

Thank you for taking the time to read this testimony.
Regards,
Kim LaMontagne