

The Lawyer Well-Being Starter Kit: 10 Tools and Strategies for Legal Employers

by Anne Brafford



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The recent report from the National Task Force on Lawyer Well-Being¹ finds that too many lawyers struggle with mental-health conditions and alcohol abuse.² Even lawyers who do not have diagnosable disorders are not necessarily fully healthy, engaged, and thriving. Too many neglect their own needs, which harms not only their health but also their ability to be their best for their clients, colleagues, and families. If you are a leader in a law firm or another type of legal employer, I hope the report has prompted you to ask yourself: *What can I do to help?*

You can make a big difference in the health of lawyers you employ. Healthy, engaged workers will help make your organization successful. Research definitively shows that, for people to be their best at work, a supportive workplace is essential. The goal should be to build a structural support system that enables lawyers to grow and follow pathways to success while maintaining physical and psychological health. To help make progress toward this goal, below are recommended strategies and tools for your Lawyer Well-Being Starter Kit.

1) Launch a Lawyer Well-Being Committee

As a first step, launch a Well-Being Committee that is responsible for championing well-being. The committee should include a high-level leader who has the credibility and influence to make things happen. Your organization's Employee Assistance Program, if you have one, and health insurance carrier may be interested in participating and contributing resources.³ The South Carolina and Georgia bars both have attorney well-being committee websites that serve as great resources.⁴

2) Define Well-Being, Set Goals, and Create a Plan

Next, create a positive, concrete vision for your desired future. Start by defining well-being, which can be done either from scratch or by borrowing from the National Task Force's report,⁵ which takes a multi-dimensional approach. You then can create goals and plans for creating policies and practices needed to support the well-being vision. The following are just a few resources to help in this step:

- Tristan Jepson Memorial Foundation's "Best Practice Guidelines for the Legal Profession."⁶
- The World Health Organization's "Healthy Workplace Framework and Model."⁷
- Cary Cooper and colleagues' book: *Building Resilience for Success: A Resource for Managers and Organizations*.

3) Measure Indicators of Well-Being

You're likely familiar with the popular saying "What gets measured, gets done." Measuring things makes us pay attention to them — especially when consequences are attached to the outcome, such as including lawyer well-being metrics as part supervisors' performance reviews. Measuring also informs us when to celebrate a success and when a course change is needed due to a lack of progress. Several ideas for scales are provided below:

- *Subjective Well-Being* — Subjective well-being (SWB) is a widely used measure of "happiness," which has been used by Professor Larry Krieger (a contributor to this issue) and others in multiple studies of lawyer and law student well-being. SWB is an assessment of life satisfaction and the balance of negative and positive emotions.

Relevant scales can be freely used for noncommercial purposes.⁸

- *Burnout* — The Maslach Burnout Inventory (MBI),⁹ which is the most widely used burnout scale, is a proprietary measure with a fee attached. The Oldenburg Burnout Inventory (OBI) is an alternative burnout measure that can be used freely without permission for non-commercial purposes.

- *Depression* — The Patient Health Questionnaire-9¹⁰ is a free measure of depression.

- *Alcohol Abuse* — The Alcohol Use Disorder Identification Test (AUDIT)¹¹ is a free measure.

4) Provide Tools for Lawyers to Individually Track Their Own Well-Being

To encourage lawyers to prioritize their well-being, refer them to confidential self-tests to track their progress. A few options follow:

- The University of Pennsylvania's Authentic Happiness website, www.authentichappiness.sas.upenn.edu, has a questionnaire center that includes self-assessments of, for example, optimism, depression, gratitude, strengths, grit, and work-life satisfaction.

- The Florida Lawyers Assistance (FLA) program provides self-tests for alcohol abuse, depression, and cognitive decline.¹²

- The "Wheel of Life" is a popular exercise to assess whether a person is satisfied with the current balance among major parts of his or her life.¹³ The free wellness assessment found at www.funforwellness.com takes a similar approach.

5) Provide Education on Well-Being

Offer educational programs and create an information hub on your intranet for well-being resources. Education should cover how to identify, address, and support colleagues with mental-health and substance-abuse disorders. FLA can help with this. You'll also want to go beyond the detection and treatment of disorders and address causes and consequences of distress and strategies aimed at being fully healthy and

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thriving. Appendix B of the National Task Force's report provides many ideas for such educational content.¹⁴ Additionally, below are a few examples of the many great books and articles that also serve as resources:

- Jeena Cho and Karen Gifford, *The Anxious Lawyer: An 8-Week Guide to a Joyful and Satisfying Law Practice Through Mindfulness & Meditation*.

- Cal Newport, *Deep Work: Rules for Focused Success in a Distracted World*.

- Karen Reivich and Andrew Shatte, *The Resilience Factor: 7 Keys to Finding Your Inner Strength and Overcoming Life's Hurdles*.

- Tom Rath, *Are You Fully Charged?: The 3 Keys to Energizing Your Work and Life*.

- Tony Schwartz and Catherine McCarthy, "Manage Your Energy, Not Your Time," *Harvard Business Review* (Oct. 2007).

- My book, *Positive Professionals: Creating High-Performing, Profitable Firms through the Science of Engagement*, published by the American Bar Association.

- The website of Patrick Krill (a contributor to this issue), who led the 2016 study on lawyer mental health and substance abuse,¹⁵ provides helpful resources relating to those topics.¹⁶

6) Ask Lawyers to Include Well-Being Topics in Their Goal-Setting Practices

As part of professional development plans or other goal-setting practices, ask lawyers to set well-being goals. Goals might relate to, for example, physical activity, nutrition, sleep, relationship quality, work-life balance, or meditation — to name just a few. Supervisors should monitor these goals in the same manner as other professional development goals. Mentors might consider giving a gift to mentees of a fun goal-setting journal, such as the *Best Self Journal*, and make goal-progress a cornerstone of their mentoring relationship.

7) Embed Well-Being into Meetings

Embed well-being into regular meetings by, for example:

- Including well-being as an agenda item.

- Incorporating engagement-boosting strategies, such as gratitude activities and praise for good work.

- Encouraging "walking meetings" outside rather than sitting in conference rooms.

- Setting new norms for long meetings in which it is OK to stand in the back, walk around, or stretch.

8) Include Well-Being Topics in Organizational Transitions

Incorporate well-being topics into orientation programs to welcome new lawyers or to elevate them to new roles. For example, give a realistic preview of the new role, identify common stressors, and train them on well-being strategies to help them succeed while staying healthy.

9) Leverage Technology

You can leverage the growing field of well-being technology in a number of ways. For example, among the many factors that can hinder lawyers from seeking help for mental-health conditions are a preference for self-reliance and a perceived lack of time to fit treatment into busy schedules. To help address this, consider informing lawyers about electronic mental-

health tools or adding them to your organization's health plans. These include mental-health apps as well as therapy via smartphone. A number of studies have found that many of these tools can be effective.¹⁷ One computer-based option is Mood Gym (moodgym.com.au), which provides training on cognitive reframing — a key resilience capacity that helps combat negative self-talk that can lead to depression.

Other types of technology can be used to emphasize well-being as an organizational priority:

- Buy treadmill desks and place them in a conference room for everybody's use.
- For office giveaways, give health-related technology prizes, like a Fitbit; a Spire Mindfulness Tracker; Muse: The Brain Sensing Headband; Pip (gives feedback about stress level); or a Bellabeat Leaf Health Tracker (activity, sleep, and stress tracker).
- Create a review of well-being-related smartphone apps, such as for guided meditation, nutrition, physical exercise, gratitude journals, time management, etc.
- Try tech tools designed to boost employee engagement, such as Cel-pax, emooter, Morale.me, Glint, and Awesome Boss.

10) Develop Effective Leaders

Effective leaders are essential to lawyer well-being efforts. Leaders with the most contact with employees (often supervising partners) have the biggest impact on their work experience — driving almost 70 percent of workplace perceptions.¹⁸ Effective leaders contribute to better performance, work engagement, job satisfaction, and retention of valued people. Toxic leaders do just the opposite — contributing to depression, anxiety, and burnout. Because leaders so strongly influence whether lawyers have energizing or draining work experiences, ignoring leader development will doom lawyer well-being initiatives.

Conclusion

Legal employers that want to

build and keep high-performing, healthy lawyers and teams should take seriously their responsibility for contributing to an environment in which lawyers can thrive. The tools in this Well-Being Starter Kit provide a good start toward building energized organizations filled with lawyers able to be their best for their clients, their organization, and themselves. □

¹ ABA National Task Force on Lawyer Well-Being, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* (Aug. 2017), available at <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFINAL.pdf> (“The Task Force was conceptualized and initiated by the ABA Commission on Lawyer Assistance Programs (Co-LAP), the National Organization of Bar Counsel (NOBC), and the Association of Professional Responsibility Lawyers (APRL). It is a collection of entities within and outside the ABA that was created in August 2016. Its participating entities currently include the following: ABA CoLAP; ABA Standing Committee on Professionalism; ABA Center for Professional Responsibility; ABA Young Lawyers Division; ABA Law Practice Division Attorney Wellbeing Committee; The National Organization of Bar Counsel; Association of Professional Responsibility Lawyers; National Conference of Chief Justices; and National Conference of Bar Examiners.”).

² *Id.*

³ The Florida Bar Practice Resource Institute, *Increasing Happiness at a Small Firm* (Aug. 28, 2017), <https://pri.floridabar.org/increasing-happiness-at-a-small-firm>.

⁴ South Carolina Bar Attorney Wellness Committee, *Living Above the Bar*, <http://discussions.scb.org/public/wellness/>; State Bar of Georgia, *Georgia Lawyers Living Well*, <https://www.gabar.org/wellness/about.cfm>.

⁵ ABA National Task Force on Lawyer Well-Being, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* at 9-10 (Aug. 2017), available at <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFINAL.pdf>.

⁶ Tristan Jepson Memorial Foundation, *Best Practice Guidelines for the Legal Profession*, available at <http://www.tjmf.org.au/the-guidelines/>.

⁷ World Health Organization, *Healthy Workplace Framework and Model*, http://www.who.int/occupational_health/healthy_workplace_framework.pdf.

⁸ Ed Diener, Scales, <https://eddiener.com/scales>.

⁹ Mind Garden, *Maslach Burnout Inventory*, <http://www.mindgarden.com/117-maslach-burnout-inventory>.

¹⁰ Center for Quality Assessment & Improvement in Mental Health, *Patient Health Questionnaire-9*, available at http://www.cqaimh.org/pdf/tool_phq9.pdf.

¹¹ National Institute on Drug Abuse, *Alcohol Use Disorder Identification Test*, available at <https://www.drugabuse.gov/sites/default/files/files/AUDIT.pdf>.

¹² Florida Lawyers Assistance, <http://fla-lap.org>.

¹³ Mind Tools, *Wheel of Life*, https://www.mindtools.com/pages/article/newHTE_93.htm.

¹⁴ ABA National Task Force on Lawyer Well-Being, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*, Appendix B (Aug. 2017), available at <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFINAL.pdf>.

¹⁵ Patrick R. Krill, Ryan Johnson & Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. OF ADDICTION MEDICINE 46 (Feb. 2016), available at http://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx.

¹⁶ Krill Strategies, <https://www.prkrill.com/>.

¹⁷ Joseph Firth, John Torous, Jennifer Nicholas, Rebekah Carney, Abhishek Pratap, Simon Rosenbaum & Jerome Sarris, *The Efficacy of Smartphone-Based Mental Health Interventions for Depressive Symptoms: A Meta-Analysis of Randomized Controlled Trials*, 16 WORLD PSYCHIATRY 287-298 (2017); see also Science Daily, *Smartphone Apps Can Reduce Depression* (Sept. 22, 2017), <https://www.sciencedaily.com/releases/2017/09/170922090949.htm>.

¹⁸ D. J. Therkelsen & C. L. Fiebich, *The Supervisor: The Linchpin of Employee Relations*, 8 J. OF COMMUNICATION MANAGEMENT 120-129 (2003); P. R. Vidyarthi, B. Erdogan, S. Anand, R. C. Liden & A. Chaudhry, *One Member, Two Leaders: Extending Leader-Member Exchange Theory to a Dual Leadership Context*, 99 J. OF APPLIED PSYCHOLOGY 468-483 (2014); Randall Beck & Jim Harter, *Managers Account for 70% of Variance in Employee Engagement*, GALLUP NEWS, Apr. 21, 2015, available at <http://news.gallup.com/businessjournal/182792/managers-account-variance-employee-engagement.aspx>.

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