

WELL-BEING TOOLKIT FOR LAWYERS AND LEGAL EMPLOYERS

Created By Anne M. Brafford For
Use By The American Bar Association

In Partnership With



We're In This Together.

WELL-BEING TOOLKIT

For Lawyers & Legal Employers

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ABOUT THE AUTHOR

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Why Do Law Professionals Need a Well-Being Toolkit?

Being a lawyer is an immense privilege. Our law degrees give us opportunities to contribute to the vitality of our government, business sector, community safety, and individual lives. Ideally, [lawyers design and create structures](#) as real and as important as architects, engineers, or builders that allow “human beings to live, interact, and prosper.” We help others navigate the law to enable them to build the world they want to live in. As John Williams Davis, an American politician and lawyer, said, “True, we [lawyers] build no bridges. We raise no towers.... [But] we take up other [people’s] burdens and by our efforts we make possible” a peaceful life in a peaceful state.

To serve these crucial functions, many lawyers work very hard and take on hefty responsibilities that often have major consequences for clients. The demands that flow from this privilege can mount and threaten our well-being. When we ignore signs of distress, the quality of our work and lives can plummet.

For too many lawyers, this is what already has occurred. [A 2016 study](#) of nearly 13,000 currently-practicing lawyers found that between 21 and 36 percent qualify as problem drinkers, approximately 28 percent experienced some level of depressive symptoms, and 18 percent experienced elevated anxiety. There also is [evidence](#) of suicide, work addiction, sleep deprivation, job dissatisfaction, a “diversity crisis” at the top of firms, work-life conflict, incivility, a narrowing of values so that profit predominates, and chronic [loneliness](#).

THE LAWYER WELL-BEING MOVEMENT

Because too many lawyers aren’t thriving, multiple initiatives have been launched to take action. For example, in 2015, former Chair of the American Bar Association’s (ABA) Law Practice Division Tom Bolt successfully advocated for the creation of a new Attorney Well-Being Committee. Next, the National Task Force on Lawyer Well-Being was formed and, in 2017, it [issued a comprehensive report](#)

called *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*. The report motivated ABA President Hilarie Bass to form a [Presidential Working Group to Advance Well-Being in the Legal Profession](#) focused on how legal employers can support healthy workplaces. This Toolkit is an extension of these and other efforts.

WE’RE IN THIS TOGETHER

We are happiest and healthiest when we adopt healthy work habits and lifestyle choices. Importantly, though, we won’t be successful on our own. Well-being is a *team sport*. For example, [research reflects](#) that, much more than individual employee traits and qualities, situational factors like workload, a sense of control and autonomy, adequate rewards, a sense of community, fairness, and alignment of values with our organizations influence whether people experience burnout or work engagement. [As one leading burnout scholar put it](#), “burnout is more of a social phenomenon than an individual one.” Leaders in the medical profession’s effort to combat wide-spread physical burnout agree, saying: “[Although burnout is a system issue](#), most institutions operate under the erroneous framework that burnout and professional





satisfaction are solely the responsibility of the individual.”

This means that, if we truly desire to improve well-being, we can't focus only on individual strategies like making lawyers more resilient to stress; it is equally important (if not more so) to focus on systemically improving our professional cultures to prevent problems from developing to begin with. We are interdependent in that our organizational and institutional cultures—to which we all contribute and which, in turn, shape us all—have a huge impact on our individual well-being. When our cultures support our well-being, we are better able to make good choices that allow us to thrive and be our best for our clients, colleagues, and organizations.

This Toolkit is designed to help lawyers and legal employers improve well-being holistically and systemically. This goal will require new choices, considerable effort, and changes that likely will upset the status quo. Positive change agents might meet with resistance—including complaints that there is no room, time, resources, or need for change. This Toolkit offers reasons for prioritizing lawyer well-being as well as information, strategies, and resources for implementing a plan for positive change.

ABOUT THIS TOOLKIT

Who should use this Toolkit? This Toolkit is primarily designed for use by lawyers and legal employers to



enhance individual and workplace well-being. It offers a variety of suggestions, keeping in mind that needs and resources vary widely.

How do I use the Toolkit? The Toolkit contains information and resources to get started on the path to well-being, including:

- An Introduction to why lawyer well-being should be a priority.
- A definition of Lawyer Well-Being.
- A definition of a Healthy Workplace.
- An 8-Step Action Plan for Legal Employers.
- Guidance for a Policy & Practice Audit to evaluate what supports and harms well-being.
- Recommendations for Activities & Events and for Education & Development to include as part of your Action Plan.
- Ideas for Assessments to track progress on well-being goals.
- Online Resources & Technology to help start and develop well-being initiatives.
- Book Recommendations.
- A list of Partners, which are organizations that already focus on lawyer well-being and can assist legal employers in their efforts.
- A list of Speakers and Consultants to contribute to well-being initiatives.
- An Activity Workbook that contains Worksheets with hands-on activities and checklists for enhancing well-being that can be used individually or collectively as part of organization-level initiatives.

The Toolkit should not be used as a substitute for seeking appropriate healthcare advice for wellness issues or [legal advice](#) for implementing new wellness programs.



THE BUSINESS, PROFESSIONAL, AND MORAL CASE FOR IMPROVING LAWYER WELL-BEING.

There are [at least three reasons](#) why it's important for legal employers to focus on lawyer well-being:

1. GOOD FOR BUSINESS

Organizational success depends on lawyer well-being, which [is an important form of human capital](#). Worker [mental health](#) and [alcohol use](#) disorders cost businesses' billions.

Additionally, work-related well-being in the form of employee engagement is linked to organizational [success factors](#), including lower turnover, higher client satisfaction and loyalty, and higher productivity and profitability. But [most workers \(67%\)](#) are not engaged, which means that organizations are not getting the full benefit of their people's talent. Low engagement also is linked to turnover—which often is problematic for law firms. For example, a 2016 [survey by Law360](#) found that over 40 percent of lawyers said that they were likely or very likely to leave their firms in the next year. This high [turnover rate is expensive](#)—with estimated costs for larger firms of \$25 million every year.

Improving engagement and other aspects of the workplace culture also is likely to help retain Millennials. A [key driver of work engagement](#) and psychological health is the experience of meaningful work, which is what [Millennials say they want](#). Report after report about Millennial lawyers say things akin to, “Millennials want to work, they're happy working, but they [want to find meaning in work](#).”

2. GOOD FOR CLIENTS

Well-being also is good for clients and the integrity of the profession. All state professional codes of conduct require lawyers to provide competent representation, which suffers when lawyers' health declines.

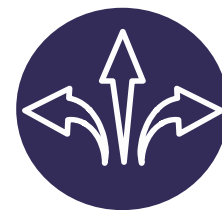
Troubled lawyers can struggle with even minimum

competence. This can be explained, in part, by [declining mental capacity](#) due to mental health conditions. For example, major depression and alcohol abuse is associated with impaired executive functioning, including diminished memory, attention, problem-solving, planning, and organizing—core features of competent lawyering.

Poor well-being also disables lawyers from living up to the vision conveyed in the [Preamble to the ABA's Model Rules](#) of Professional Conduct, which calls lawyers to “strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's ideals of public service.”

3. THE RIGHT THING TO DO

Promoting lawyer well-being also is the right thing to do. For most of us, over [50% of our waking daily lives](#) is spent working. Given the dominance of work, enhancing the quality of our work lives can have an enormous impact on the quality of our lives as a whole. Additionally, untreated mental health and substance use disorders ruin lives and careers. Though our profession prioritizes individualism and self-sufficiency, we all contribute to, and are affected by, the collective work culture. Whether that culture is toxic or sustaining is up to us. Our interdependence creates a joint responsibility for solutions.



Reasons to Improve Attorney Well-Being

- ✓ Good for business
- ✓ Good for clients
- ✓ The right thing to do

Also available as part of the eCourse

[eSupplement to the 31st Annual Conference on State and Federal Appeals](#)

First appeared as part of the conference materials for the
36th Annual School Law Conference session

"Making Work-From-Home Work for You: Strategies for Coping During COVID-19"